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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 363/2021 & I.A. 9839/2021**

G6 HOSPITALITY IP LLC

.....Plaintiff

Through: Mr. Ranjan Narula, Mr. Shakti Priyan
Nair and Mr. Parth Bajaj, Advs.
M: 9711721913

versus

**FUTURE GAMING AND HOTEL SERVICES PRIVATE
LIMITED**

.....Defendant

Through: Ms. Rohini Musa and Mr. Nipun
Katyal, Advs.
M: 9654847982
Email: rohini.chambers1@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
13.11.2024

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1. The present suit has been filed by the plaintiff with respect to the intellectual property rights in the prior globally adopted/registered

trademarks 6,  ,  ,  , MOTEL 6, STUDIO 6,  and other trademarks containing numeral 6, since 1967.

2. The plaintiff further claims prior global use of the trademark MOTEL 6, since 1962 and STUDIO 6, since 1999.

3. As per the plaint, the present suit has been filed on account of the use



of a nearly identical mark Hash 6/  as a hotel name, use of trademark



with numeral 6 represented in a large size/prominent manner on hotel name boards by the defendant.

4. Further, the plaintiff is aggrieved by use of numeral 6/ 'six' as part of the domain names www.hashsixhotels.com and www.hash6hotels.com for



offering hotel services under a nearly identical mark Hash 6/ .

5. This Court notes that when the matter was listed for hearing on 4th October, 2024, the following order came to be passed:

“1. Learned counsel appearing for the defendants submits that the defendants are in the process of handing over the building in question, from where the hotel is running, to a new management.

2. She further submits that the new management shall be adopting a new mark altogether, and that the defendants shall cease the use of the infringing mark in question.

3. Let an affidavit be filed by the defendant in this regard within a period of two weeks, from today.

4. Learned counsel appearing for the plaintiff submits that if such an affidavit is filed by the defendant, then, the suit can be disposed of.”

6. In terms of the said order, a compliance affidavit dated 12th November, 2024 has been handed over by learned counsel appearing for the defendant, which is taken on record.

7. The said compliance affidavit filed on behalf of the defendant, reads as under:

“xxx xxx xxx

3. That I submit that the Defendant has entered into a Hotel



Operations Agreement with Sarovar Hotels Pvt. Ltd., Mumbai, on 29.08.2024. As a result of the said Agreement, the present building situated at 257, Metupalayam Road, Saibaba Colony, Coimbatore - 641 011, will be handed over to Sarovar Hotels, which will operate its Hotel under the name "Royal Sarovar Portico". In keeping with the understanding between the Parties, the said premises is to be renovated, refurbished and then launched as Hotel Royal Sarovar Portico by June 2025.

4. That admittedly, the Defendant has been operating its hotel, under its registered trademark "#6 UNIQUE AS YOU", only from the above described premises. That the Defendant is not running any other hotel / motel bearing its registered trademark "#6 UNIQUE AS YOU" except at the above described premises. That, as a result of the above mentioned Agreement, the Plaintiff's alleged cause for the filing of the present suit would cease to exist, and the same may be disposed of on the basis of this Affidavit.

5. That the Defendant will cease operations of its website www.hashsixhotels.com by June 2025 and shall take no bookings for its hotel beyond the said date through the website.

6. This Affidavit is being filed without prejudice to the Defendant's rights of ownership and use (and all other connected rights) over its registered trademark "#6 UNIQUE AS YOU". This Affidavit should not be construed in any manner, as an admission of any alleged violation / infringement of the Plaintiff's trademark(s) as referred to in its Complaint.

xxx xxx xxx”

8. Learned counsel appearing for the plaintiff submits that he is satisfied with the affidavit filed by the defendant, in terms of the directions issued vide order dated 4th October, 2024.

9. However, he submits that with respect to the mark of the defendant



, the plaintiff has filed a rectification petition. He submits that the rights of the plaintiff for agitating the said rectification proceedings, be protected.

10. Likewise, learned counsel appearing for the defendant submits that



rights and contentions of the defendant in the rectification proceedings initiated by the plaintiff herein, be protected.

11. Accordingly, considering the submissions made before this Court, the following directions are issued:

I. The suit is allowed in favour of the plaintiff, in terms of the affidavit filed by the defendant, reproduced hereinabove.

II. The defendant is bound by the compliance affidavit dated 12th November, 2024, filed before this Court, and reproduced hereinabove.

III. All the rights and contentions of both the parties are preserved and the order passed today, shall not affect the merits of the rectification proceedings.

12. With the aforesaid directions, the present suit is disposed of, along with the pending applications.

MINI PUSHKARNA, J

NOVEMBER 13, 2024

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