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

+ CS(OS) 1588/2015 and IA No. 11504/2015

CROSSFIT INC.

..... Plaintiff

Through :Mr. Pravin Anand and Ms. Tanvi
Misra, Advs.

versus

CROSSFIT UNISEX GYM & ANR

..... Defendants

Through : Defendant no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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04.11.2015

On the last date of hearing, defendant no. 2, who is the sole proprietor of defendant no. 1, had appeared in person and had stated that he had adopted the trade mark “Crossfit” of the plaintiff by mistake. He further stated that immediately on coming to know about the plaintiff’s mark, he stopped using the said mark. He further stated that he had no intention to do so in future. He further stated that he was using “New Life Style Unisex Gym” for his business. Today, he has reiterated his above statement. His statement has been recorded on oath separately. Defendant no. 2 shall remain bound by the statement made in Court. In view of the statement of defendant no. 2, a decree is passed in terms of prayers (a) and (b). As

regards prayers (c), (d) and (e) are concerned, same are not being pressed.

Suit is disposed of. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

NOVEMBER 04, 2015

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Item No. 37

CS(OS) 1588/2015

Statement of Shri Prateek Taneja S/o Shri Tilak Raj Taneja, aged 19 years R/o A-7, Paryvaran Complex, I.G.N.O.U. Road, New Delhi – 110030.

On S.A.

I am the sole proprietor of defendant no. 1. I had started a gym under the name and style of “M/s. Crossfit Unisex Gym”. I was not aware about the trade mark of plaintiff “CrossFit” before I adopted the mark “Crossfit” for my gym. On service of summons in this suit, I immediately realized the mistake and changed the name of defendant no. 1 to “New Life Style Unisex Gym” from “M/s. Crossfit Unisex Gym”. Now, I am not using the trade mark “M/s. Crossfit Unisex Gym” since June, 2015 for my business. I undertake not to use the trade mark “Crossfit” for my business in future, in any manner. I also acknowledge the well-known trade mark, i.e., “CrossFit” of the plaintiff. I have made this statement voluntarily and without any coercion or pressure.

RO & AC

A.K. PATHAK, J.

NOVEMBER 04, 2015

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