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

+ CS(OS) 2797/2015 and IA No. 19331/2015

ESSENCE DIGITAL LIMITED

..... Plaintiff

Through :Mr. Sanjeev Sindhvani, Sr.
Advocate with Mr. Prashant Gupta,
Mr. Miloosha Sharma and Mr.
Kanishk Kumar, Advs.

versus

ESSENCE DIGITAL PVT LTD

..... Defendant

Through :Ms. Gurmeet Bindra, Adv. with Mr.
Pawan Kumar Sharma, Financial
Controller

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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19.11.2015

It is submitted that parties have settled their disputes amicably. Mr. Pawan Kumar Sharma, Financial Controller of the defendant, is present in Court today. His statement, on oath, has been recorded separately. Statement of Mr. Prashant Gupta, learned counsel for the plaintiff has also been recorded without oath. Defendant has undertaken that neither it or any of its sister concern shall use the mark “ESSENCE DIGITAL” or standalone “ESSENCE” or any other mark in combination with the word “ESSENCE” in any manner including, inter alia, as a trademark, corporate name, trading

name, domain name, social media handle or username etc. except the corporate names “M/s. Essence Communications Private Limited” and “M/s. Essence Ambrosia Communications Private Limited”. Defendant has also undertaken to file an application before the Registrar of Companies for change of its name; as also shall de-activate the website www.essencedigital.in. Defendant has further undertaken to provide ‘No Objection’, if required, for transferring the domain name “essencedigital.in” in favour of the plaintiff. Defendant has undertaken to take steps for compliance of the aforesaid undertakings within four weeks. Defendant has further undertaken that if in future the defendant or any of its sister concerns wish to use the word “ESSENCE” in combination with any other word, then they will seek prior written approval from the plaintiff. Further that any such mark would be written in the same style, size and font and that the said mark would be completely distinct and will not, in any manner, violate the trade mark rights of the plaintiff in the marks “ESSENCE” and/or “ESSENCE DIGITAL”.

Learned counsel for the plaintiff has made a statement that plaintiff has no objection for the use of corporate names, that is, “M/s. Essence Communications Private Limited” and “M/s. Essence Ambrosia

Communications Private Limited” by the sister concerns of the defendant. He has further made a statement that if any prior written approval is sought by the defendant or any of its sister concerns for the use of the word “ESSENCE” in combination with any other word, then such an approval will not be withheld by the plaintiff unreasonably; provided that the entire mark is written in the same style, size and font and that the said mark is completely distinct and does not in any manner violate the trade mark rights of the plaintiff in the marks “ESSENCE” and/or “ESSENCE DIGITAL”.

Parties shall remain bound by their statements. Suit is disposed of as settled in terms of the statements made by the defendant’s Financial Controller and learned counsel for the plaintiff. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

NOVEMBER 19, 2015

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