

substantial reputation in the well known “**FEMINA**” marks of the Plaintiffs, the Defendant has now acknowledged and accepted the Plaintiff’s proprietary rights/goodwill in the “**FEMINA**” marks as set out in the Plaint. The Defendant has further undertaken not to use the mark “**FEMINA**” in respect of its goods and services in any manner whatsoever. This undertaking is accepted.

3. Consequently, the Defendant submits to a decree on admission in terms of the prayer clauses 43 (a) & (b) of the Plaint which read as follows:

- a) *a decree of permanent injunction restraining the Defendant, its directors, assignees in business, licensees, franchisees, agents, distributors, dealers, stockists, clients, representatives or all persons claiming through it, from manufacturing, importing, exporting, selling, offering for sale, advertising, directly or indirectly dealing in its product under the impugned trade mark **ZINGLETTTE FEMINA** or any other trade mark as may be deceptively similar to the Plaintiffs’ trade mark **FEMINA** amounting to infringement of registered **FEMINA** trademarks under Nos. 459135, 658152, 986923, 1263184, 1461058, 1852351, 2315524, 2315527, 2315558, 2315561, 2315564, and/or 2315567;*

b) *a decree of permanent injunction restraining the Defendant, its directors, assignees in business, licensees, franchisees, agents, distributors, dealers, stockists, clients, representatives or all persons claiming through it, from manufacturing, importing, exporting, selling, offering for sale, advertising, directly or indirectly dealing in its product under the impugned trade mark **ZINGLETTE FEMINA** or any other trade mark as may be deceptively similar to the Plaintiffs' **FEMINA** marks amounting to passing off of the Defendant's goods and business for those of the Plaintiff;*

4. The Defendant also undertakes that (i) it will withdraw the trademark application numbers 2973221 in Class 16 and number 2973198 in Class 03 from the Trade Mark Registry and provide the **Plaintiffs** with the scanned copies and acknowledgement receipts of such withdrawal applications within 7 working days of this order and (ii) it will remove the mark "**FEMINA**" from their inventory of products and refrain from using the same in any of their product offerings as well as ensure that the brand name "**FEMINA**" is removed entirely from their packaging labels and deodorant can designs. The said undertaking is also accepted.

5) In view of the above, the Plaintiffs do not press for other reliefs in the suit. In the result, the suit is disposed of accordingly.

6) In view of disposal of the suit, nothing survives in the Notice of Motion and the same is disposed of accordingly.

7) Refund of court fees in accordance with the rules.

(B. P. COLABAWALLA J.)