

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE **K.K.SASIDHARAN**

C.S.No.726 of 2015

1. Spalon India Pvt., Ltd.,
12, Aarti Arcade,
No.114, Radhakrishna Salai,
Mylapore, Chennai – 600 004
represented by its managing Director,
Ms.Latha C.Mohan

2. Ms.Latha C.Mohan

.. Plaintiffs

Vs.

1. Meraj Sultana,
Partner,
B Bounce Hair Beauty and Makeup Studio
Plot No.17/1, Vahini Nagar,
Opposite to Oriental Bank of Commerce,
Diamond Point, Sikh Road, Secundrabad,
Hyderabad – 500 009
2. K.Anand Kumar
Partner,
B Bounce Hair Beauty and Makeup Studio
Plot No.17/1, Vahini Nagar,
Opposite to Oriental Bank of Commerce,
Diamond Point, Sikh Road, Secundrabad,
Hyderabad – 500 009

3. B Bounce Hair Beauty and Makeup Studio
 Plot No.17/1, Vahini Nagar,
 Opposite to Oriental Bank of Commerce,
 Diamond Point, Sikh Road, Secundrabad,
 Hyderabad – 500 009

4. B Bounce Hair Beauty and Makeup Studio
 P.No.788S S Arcade, 1st Floor,
 Defence Colony – Sainikpuri,
 Hyderabad – 500 094

... Defendants

PRAYER: Complaint filed under Order VII Rule 1 CPC read with order IV Rule 1 of the OS Rules of the Madras High Court and Sections 11, 29 and 135 of Trade Marks Act, 1999

(a) To grant permanent injunction restraining the defendants, their directors, employees, officers, servants, agents and all others acting for and on their behalf from using the trademark, trade name and trading style featuring the mark BOUNCE or any other name/mark deceptively similar to plaintiffs' mark BOUNCE in any manner whatsoever, including in relation to its salon/spa/beauty care services or any other business, including all use as part of its signage, business cards, labels, promotional materials, advertisements, domain name/s, company name/s, URLs, e-mail addresses, screen names, user names, website contents [whether or not visible], staff uniforms, transportation vehicles, documents, reports, data, invoices, receipts, stationery, and on any other materials and things on which they are using mark BOUNCE or anything similar to plaintiff's mark BOUNCE, amounting to infringement of plaintiff's trademark BOUNCE under Registration No.1278997 in class 42 that amounts to infringement thereof;

- b. To grant permanent injunction restraining the defendants, their directors, employees, officers, servants, agents and all others acting for or on their behalf from using the trademark, trade name and trading style featuring the mark BOUNCE or any other name/mark deceptively similar to plaintiffs' mark BOUNCE in any manner whatsoever, including in relation to its salon/spa/beauty care services or any other business, including all use as part of its signage, business cards, labels, promotional materials, advertisements, domain name/s, company name/s, URLs, e-mail addresses, screen names, user names, website contents [whether or not visible], staff uniforms, transportation vehicles, documents, reports, data, invoices, receipts, stationery, and on any other materials and things on which they are using mark BOUNCE or anything similar to plaintiff's mark BOUNCE, that amounts to passing off the Defendant's goods or business or services as those of plaintiff;
- c. To grant damages for a sum of Rs.10,00,000/- in favour of the plaintiffs and against the defendant and such other damages as may be quantified by appropriate evaluation of the defendants books of account during the course of present proceedings;
- d. To grant order of delivery up of any brochures / printed material and / or any material which contributes ultimately to the infringement of plaintiffs trademark for destruction thereof;
- e. To direct the defendants for rendition of accounts;
- f. Costs and such other relief.

For Plaintiffs : Mr.M.S.Bharath
For Defendants : Mr.R.Sathish Kumar

J U D G M E N T

The plaintiffs have filed a suit against the defendants praying for a decree of permanent injunction restraining them from using the trade mark and trading style featuring the mark BOUNCE in any manner.

2. The defendants on receipt of summons appeared before the Court and thereafter, the matter was compromised.

3.The parties have entered into memorandum of compromise on 06.01.2016. The said Memorandum of Compromise contains the terms and conditions of settlement.

4.Mrs.Latha Mohan, 2nd plaintiff is present in Court. Mrs.Meerja Sultana and Mr.Anandkumar, defendants 1 and 2 are also present in Court today. The parties have confirmed the execution of Memorandum of Compromise.

5.The suit in C.S.No.726 of 2015 is decreed in terms of the memorandum of compromise. The Memorandum of compromise shall form part of the decree. No costs.

07.01.2016

Index:Yes/No
Internet:Yes/No

ssd

K.K.SASIDHARAN. J.

ssd

To

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