

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2016

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

C.S.No.111 of 2016
and O.A.No.126 of 2016

Unilink Pharma Private Limited,
No.23/11, Parthasarathypuram,
T.Nagar, Chennai – 600 017.

Rep. by its Chief Executive Officer and Director,
Mr.S.Karunakaran

... Petitioner

Vs

Unilink Drugs and Pharmaceuticals Private Limited,
No.37, Kala Flats,
No.172/94, Habibullah Road,
T.Nagar, Chennai – 600 017.

Rep. by its Director

Mr.Dona Venkatesan Sairam

... Respondent

Prayer : Complaint filed under Order VII Rule 1 CPC read with Order IV Rule 1 O.S. Rules read with Sections 27, 28, 29, 134 and 135 of the Trade Marks Act, 1999, praying to pass a judgment and decree (a) a permanent injunction restraining the defendant, its directors, men, agents, servants, assigns, successor-in-business, legal representatives or anyone claiming through or under it from in any manner infringing the plaintiff's registered trademark UNILINK by using the identical and offending trademark UNILINK or any other mark or marks which are in anyway identical, deceptively similar to or a colourable imitation of the same as a trade mark, trade name, trading style, corporate style, domain name or in any manner advertising the same in any manner whatsoever; (b) a permanent injunction restraining the defendant, its directors, men, agents, servants, assigns, successor-in-business, legal representatives or anyone claiming through or under it from in any manner passing off or enabling others to pass off the defendant's business, services, goods etc., by use of trade mark, trade name, corporate name UNILINK, which is identical or deceptively similar to the plaintiff's well established trade mark, trade name, corporate name and domain name

UNILINK or in any manner whatsoever; (c) the defendant be ordered and decreed to deliver up for destruction to the plaintiff all the products, documents, dies, blocks, labels, packaging either filled or empty, brochures, leaflets, pamphlets, hand bills, hoardings, wall posters, calendars, carry bags, stationery items and such other sales promotional materials bearing and/or containing the impugned trademark UNILINK; (d) a preliminary decree be passed in favour of the plaintiff directing the defendant to render accounts of profit made by use of trade mark/service mark UNILINK and a final decree be passed in favour of the plaintiff for the amount of profits thus found to have been made by the defendant after the latter have rendered accounts; (e) for costs of the suit; and (f) pass such further or other reliefs.

For Plaintiff	: Mr.Rajesh Ramanathan
For Respondent	: Mr.T.Murugamanickam

JUDGMENT

By consent, the suit itself is disposed of, in view of the memo dated 07.10.2016, filed on behalf of the defendant. The plaintiff also does not have any objection. Accordingly, the suit stands decreed in the following terms :

1. The defendant would henceforth adopt a new trade name "AADHI LINK DRUGS AND PHARMACEUTICALS PRIVATE LIMITED".
2. The defendant shall not use the trade name of the plaintiff namely, Unilink Pharma Private Limited.

3. The defendant shall withdraw the trade mark application No.3225672 pending before the Trade Mark Registrar, within a period of six weeks from the date of receipt of a decree.

No order as to costs. Consequently, connected application is closed.

ds

07.10.2016

M.M.SUNDRESH,J

ds

C.S.No.111 of 2016
and O.A.No.126 of 2016

07.10.2016