

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2016

CORAM

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

C.S.No.475 of 2016

and

O.A.Nos.587 and 588 of 2016

and

A.No.3606 of 2016

1.Legrand France rep. By its
Constituted Attorney Ranjeet Kaur
2.Novateur Electrical and Digital
Systems Pvt. Ltd., rep. By its
Company Secretary Ranjeet Kaur ... Plaintiffs

Vs

M/s.Sree Sastha Enterprises,
No.9, Lenin Street,
Kuyavarpalayam,
Puducherry - 605 013. ... Defendant

Plaint filed under Order IV Rule 1 of the Original
Side Rules and Order VII Rule 1 C.P.C. R/w Sections 27, 28,
29, 134 and 135 of the Trade Marks Act, 1999.

For Plaintiffs : Mr.Arun C.Mohan

For Defendant : Mr.J.Arun Prasad

JUDGMENT

The suit has been laid for the following reliefs:

(a) permanent injunction restraining the defendant themselves, their directors/partners/proprietors as the case may be, their respective heirs, legal representatives, successors in business, assigns, servants, agents, distributors, stockists, wholesalers, retailers, transporters, representatives or any one claiming through or under them from in any manner infringing the plaintiffs' registered trademark LEGRAND along with the distinctive logo by manufacturing, distributing, marketing, selling, offering for sale, advertising or in any other manner dealing in metal boxes or any other product bearing the identical trademark LEGRAND along with the distinctive logo and/or package, wrapper, container, carton, label with colour scheme, getup, layout which are similar to plaintiffs' registered trademark LEGRAND along with the distinctive logo;

(b) permanent injunction restraining the defendant by themselves, their directors, partners/proprietors as the case may be, their respective heirs, legal representatives, successors in business, assigns, servants, agents, distributors, stockists, wholesalers, retailers, transporters, representatives or any one claiming through or under them from in any manner passing off or enabling others to pass off their products as and for the plaintiffs' goods

by use of the trademark LEGRAND along with the distinctive logo, which is identical to and/or deceptively similar to plaintiffs' trademark LEGRAND along with the distinctive logo or in any other manner whatsoever;

(c) the defendant be ordered to deliver up for destruction all the offending LEGRAND products in offending LEGRAND products in offending LEGRAND labels, packings, dies, bills, blocks, screen prints, pamphlets, brochures and such other materials which are identical with and/or deceptively similar to the trademark LEGRAND along with the distinctive logo;

(d) preliminary decree be passed in favour of the plaintiffs to render true and faithful accounts of profits earned by the defendant by sale of goods using identical trademark LEGRAND along with the distinctive logo and a final decree be passed in favour of the plaintiffs for the amount of profits, thus found to have been made by the defendant after the latter have rendered accounts;

(e) the defendant be ordered to pay a sum of Rs.10,00,000/- as liquidated damages for committing acts of trade mark infringement and passing off;

(f) for costs of the suit

2. When the matter is taken up for hearing, a memo of undertaking has been filed by the defendant. On a perusal of the said memo, learned counsel for the plaintiffs submits that the memo of undertaking can be recorded as part and parcel of the suit. The memo of undertaking filed by the defendant reads as under:

1. The defendant undertakes not to infringe the plaintiffs' registered trademark *LEGRAND* along with the distinctive logo by manufacturing, distributing, marketing, selling, offering for sale, advertising or in any other manner dealing in metal boxes or any other product bearing the identical trademark *LEGRAND* along with the distinctive logo and/or package, wrapper, container, carton, label with colour scheme, getup, layout which are similar to plaintiffs' registered trademark *LEGRAND* along with the distinctive logo;

2. The defendant undertakes not to

commit acts of passing off or enabling others to pass off their products as and for the plaintiffs' goods by use of the trademark LEGRAND along with the distinctive logo, which is identical to and/or deceptively similar to plaintiffs' trademark LEGRAND along with the distinctive logo or in any other manner whatsoever.

3.The defendant undertakes to ensure that no counterfeit products bearing the mark LEGRAND will be manufactured or marketed by them.

3.Accordingly, the suit stands decreed in terms of the memo of undertaking filed by the defendant. The memo of undertaking shall form part of the decree. No costs. Consequently, connected applications are closed.

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sd/.M.M.S.J

25.10.2016

//Certified to be a true copy//

Dated this the day of 2017

R.s/18.01.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.