

O.A.Nos.1079 and 1080 of 2016
in
C.S.No.907 of 2016

M.M.SUNDRESH, J.

The applicant, who is the prior user apart from registered mark holder for the mark 'COTTON HOUSE', has come up with these applications, seeking an order of interim injunction, pending the suit for permanent injunction.

2.Learned counsel appearing for the applicant submits that there is no dispute that the applicant is the registered mark holder apart from being a prior user of the registered mark 'COTTON HOUSE'. He further submits that the respondent is also doing the same business under the name 'NEW COTTON HOUSE' and the word 'New' has been printed in small letters.

3.Considering the submission made by the learned counsel for the applicant and taking into consideration the similarity and identity between both names, this Court is of the view that a prima facie case of infringement and passing off is made out. Hence there shall be an order of interim injunction as prayed for, for a period of four weeks.

M.M.SUNDRESH, J.

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The applicant/plaintiff shall comply with Order 39 Rule 3(a) C.P.C., within a period of one week from the date of receipt of a copy of this order.

Notice returnable in four weeks. Private notice is also permitted.

29.11.2016

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