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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(COMM) 595/2016

YAHOO! INC.

..... Plaintiff

Through Mr. Pravin Anand, Ms. Udit Patro and
Mr. Shamim Nooreydzan, Advocates

versus

MR. RAMESH PAUL MARWAH & ORS.

..... Defendants

Through Mr. Peeyush Bhatia, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

ORDER

% **25.10.2016**

Plaintiff has filed the present suit for permanent injunction restraining infringement of trade marks, passing off, unfair competition, dilution and tarnishment, damages and delivery up etc.

Counsel for the defendants submits that the defendant is willing to suffer a decree provided the plaintiff gives up the relief of actual damages. He submits that the defendant is willing to pay damages to the tune of Rs.3.0 lakhs. Mr. Anand reluctantly agrees to the same.

Accordingly, as agreed the present suit is decreed in terms of para 57(1) (2) of the plaint in favour of the plaintiff. The defendant undertakes that all the impugned material of the defendant that infringed the trade mark of the plaintiff have been destroyed or shall be destroyed within a period of two weeks from today. The defendant also undertakes that the third party would not publicise or advertise on the website the goods of the plaintiff with the trade mark Yahoo. The defendant shall pay the damages to the plaintiff within one month from today.

Since the matter has been resolved through mediation and Court, the plaintiff will be entitled to refund of court fee.

The Court appreciates the efforts put in by the counsel and the parties for early resolution of the matter.

OCTOBER 25, 2016
pst

G.S.SISTANI, J