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

+ **CS(COMM) 75/2015**

VERIZON TRADEMARK SERVICES LLC AND ORS..... Plaintiffs

Through: Mr. Pravin Anand, Ms. Vaishali Mittal, Ms. Neha Reddy & Mr.Siddhant Chamola, Advocates.

versus

MR. VIKAS GUPTA AND ORS. Defendants

Through: Ms. Rajeshwari H., Advocate.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
24.02.2016

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Learned counsel for the plaintiffs submits that the name of defendant No.2 may be corrected/ amended to read as “S.K. Singh”. In this regard, he placed reliance on the download from the defendants’ website, wherein “S.K. Singh” has been shown as the member of the Board of Directors, who is in-charge of Financial Services and activities of the defendants. The said prayer is granted. The amended memo of parties be filed within a week.

Learned counsel for the defendants No.1 & 3 state that since “S.K. Singh” is a member of the Board of Directors, she puts in appearance on his behalf as well, and adopts the written statement filed on behalf of defendants No.1 & 3.

I.A. No. 26146/2015

Learned counsel for the defendants states that the written statement may be read as reply to this application.

During the course of arguments, the parties have arrived at a settlement, which shall dispose of the suit itself.

Learned counsel for the defendants has stated that the defendant is a start-up company started in the year 2011 and that the defendants were using “VERIZON GENESIS PRIVATE LIMITED” as its corporate name, apart from “VERIZON” as a part of its Logo and its domain name. Learned counsel for the defendants submits that the defendants admit the plaintiffs’ proprietary right in the mark “VERIZON”, and accordingly, the defendants have already discontinued the use of the said mark as a part of its corporate name, domain name and the Logo as well.

Learned counsel for the defendants further submits that the defendants undertake not to use the plaintiffs’ proprietary mark in any manner whatsoever. She further submits that the defendants have obtained several licenses and funding/ loans and in some of those documents, which are not in the public domain and pertained only to Government licenses and funding by public agencies, the mark “VERIZON” is presently in use. She submits that the defendants will take steps to transfer the statutory licenses/ loans in the name of another corporate entity, which does not use “VERIZON” as a part of its name or mark. She states that she requires four months time for the said purpose. Learned counsel for the defendants has also undertaken on behalf of the defendants that the defendants shall pay costs of Rs.50,000/-.

Mr. Anand submits that “VERIZON” is a well-known trade mark of the plaintiffs and that there is sufficient evidence to establish that the mark

of the plaintiffs is well-known.

Learned counsel for the plaintiffs further submits that if the defendants fulfil the aforesaid undertakings and conditions, the plaintiffs shall give up its claim for damages and shall accept the undertaking of the defendants. He further submits that the costs may be paid to the Rajiv Gandhi Cancer Institute & Research Centre.

Accordingly, the present suit is decreed in terms of paragraphs a, b, c & d of paragraph 48(i) of the plaint. Let the costs be deposited by the defendants with the Rajiv Gandhi Cancer Institute & Research Centre within two weeks and receipt of payment of costs be filed in the Court with advance copy to learned counsel for the plaintiffs.

The plaintiffs are entitled to refund of 50% of the Court Fees.

The suit stands disposed of in the aforesaid terms.

The matter need not be listed before the Joint Registrar any further.

VIPIN SANGHI, J

FEBRUARY 24, 2016

B.S. Rohella