

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Thirtieth day of January Two Thousand Seventeen

PRESENT

THE HON`BLE MR.SANJAY KISHAN KAUL THE CHIEF JUSTICE

and

THE HON`BLE MR.JUSTICE M.SUNDAR

CMP Nos.649 to 652 of 2017

in OSA Nos.5 to 8 of 2017

1 M/S.STORE N MOVE P LTD [PETITIONERS IN ALL THE PETITIONS]
1/68, PLOT NO. 2&3, S.A.COMPLEX,
B LORE HIGH ROAD,
MAMBAKKAM VILLAGE, SRIPERUMPUDUR TALUK,
KANCHIPURAM DISTRICT,
REP BY ITS DIRECTOR, MR.YSP.BALRAJ

2 YSP BALRAJ
DIRECTOR,
M/S.STORE N. MOVE P LTD,
D.NO. 5/62, PANNUR THIRUPPANTHIUR,
THIRUVALLUR DISTRICT, TAMILNADU 602 108.

Vs

1 M/S OLOG LOGISTICS PVT LTD [RESPONDENTS IN ALL THE PETITIONS]
53, NO.HIG-1, MAIN ROAD,
NOLAMBUR, MOGAPAIR WEST,
CHENNAI - 37

2 DEVRAJ VASANTH IMMANUEL

3 PANNERSELVAM JAYENDRAN

Petitions praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(i)grant an order of interim injunction restraining the Respondents, their men, agents or anyone claiming under them or through them from in any manner infringing the First Appellants copyright over Computer Application OLOG for hiring trucks and logistics management by using the said computer programme or any

other computer programmes which is substantial reproduction of the First appellants computer programme in the Application OLOG (in CMP.649/2017 in OSA.5/2017);

(ii)To grant an order of interim injunction restraining the respondent herein their men, agents or servants or anyone claiming under them or through them from in any manner or anyone claiming under them or through them from in any manner passing off their services as that of the 1st appellant company by using the computer application OLOG or any other computer application which is similar or identical to that of the appellants computer application OLOG (in CMP.650/2017 in OSA.6/2017);

(iii)To grant an order of interim injunction restraining the respondents their men, agents or servants or any one claiming through them from in any manner passing off its services as that of the 1st respondent by using the trademark OLOG or any other mark or label which is similar or deceptively similar to that of the appellants trademark OLOG (in CMP.651/2017 in OSA.7/2017) and

(iv)To grant an order of interim injunction restraining the respondents herein their men, agents or servants or anyone claiming under them or through them from in any manner using OLOG or any other name word or mark which is identical or similar or deceptively similar to the 1st appellants trademark OLOG as part of the name of the 1st respondent company (in CMP.652/2017 in OSA.8/2017) respectively pending OSA Nos.5 to 8 of 2017.

Order :These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of MR.PRABHAKARA REDDY for M/S.APR ASSOCIATES, Advocate for the petitioner in all the petitions and of MR.V.LAKSHMI NARAYANAN for MR.T.SARAVANAN Advocate (Caveator)on behalf of the Respondents in all the petitions the court made the following order:-

We are not inclined to pass any interim order, as insofar as the issue of copyright infringement is concerned, the rights of the appellant are fully protected and the only issue now is whether the change of name permitted by the learned Single Judge in respect of the first respondent/company can also be disputed by the appellant.

These petitions stand dismissed.

-sd/-
30/01/2017

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SUB ASSISTANT REGISTRAR
ORIGINAL SIDE, HIGH COURT, CHENNAI-104.

C.C. to M/S.APR ASSOCIATES Advocate on payment of necessary
charges

C.C. to MR.T.SARAVANAN Advocate (Caveator) SR.NO.1133

Order

in
CMP.649 to 652/2017

in
OSA.5 to 8/2017

Date :30/01/2017

From 26.2.2001 the Registry is issuing certified
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VS 01.02.2017