

A.Nos.6449 of 2016 and O.A.Nos.975 & 976 of 2016
in
C.S.No.824 of 2016

K.KALYANASUNDARAM, J.

Original Application Nos.975 & 976 of 2016 have been filed seeking for ad interim injunction on the ground of infringement of trademark, copy right and passing off. This Court, by order dated 04.11.2016 granted an order of ad interim injunction for a period of four (4) weeks.

2. The respondent/defendant in the suit has filed an application in A.No.6449 of 2016 seeking to vacate the interim order passed by this Court in O.A.Nos.975 & 976 of 2016 dated 04.11.2016.

3. When the matter is taken up for hearing today, the learned counsel for the respondent/defendant filed an affidavit dated 30.11.2016 which is extracted as follows -

3. I further submit that I am not manufacturing any of the plaintiff's products or infringed the Trademark of Gedore and Gedore Device or Gedore Dealer Board which is similar or identical with the Gedore Corporate Trademark. I

further submit that since the plaintiffs and their other sister concern have terminated their authorisation, I have no intention to claim myself as the authorised dealer of the plaintiff or the Gedore U.K. I declare that I have not infringed the plaintiff's trademark at any given point of time and I shall maintain the same. Further, I undertake to deal with genuine Gedore products as a trader.

4. The above undertaking given by the learned counsel for the respondent is recorded and the applications in A.Nos.6449 of 2016 and O.A.Nos.975 & 976 394 of 2016 stands closed.

06.01.2017

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