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

+ **CS(OS) 1425/2013 & I.A.Nos.11361/2013, 12524/2013, 18613/2013**

**EMCOR GROUP INC** ..... Plaintiff

Through Ms.Kripa Pandit with Mr.Dhruv  
Nayar and Ms.Shreya Seth,  
Advocates.

versus

**EMCOR FACILITIES SERVICES GROUP LTD** ..... Defendants

Through Mr.Ankur Sangal with Ms.Pragya  
Mishra and Ms.Richa Bhargava,  
Advocates and Mr.Tariq Mohammed  
Chauhan, AR of defendant no.1 and  
Mr.Rohit Kapoor, AR of defendant  
no.2.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**ORDER**

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**06.11.2017**

1. Present suit has been filed for permanent injunction for infringement of copyright, passing off and unfair competition in the mark EMCOR (Diamond Logo).
2. Learned counsel for the defendants, on instructions of Mr.Tariq Mohammed Chauhan, authorised representative of defendant no.1, Group CEO, Board Member of EFS India and Mr.Rohit Kapoor, authorised representative of defendant no.2, Chief Operating Officer and Executive Director, South Asia, who are personally present today in Court, states that the defendants undertake and

agree on their own behalf and on behalf of their affiliates not to use the Diamond Logo  or any marks confusingly similar to such Logo, including but not limited to mirror images or otherwise rotated version of such logo whether alone or in combination with other terms or marks (collectively referred to as the 'Diamond Logo') throughout the world. As used herein, affiliates shall mean any person or entity who, directly or indirectly controls, is controlled by or is under common control of defendants. For purposes of this definition, 'control' means the power to direct or exercise a controlling influence over the management or policies of such person or entity, directly or indirectly, whether through ownership, by contract or otherwise.

3. Learned counsel for the defendants also undertake and agree to take steps to withdraw its trademark registration application of the trademark  from the Indian Trademark Registry within a period of four weeks from today.
4. Learned counsel for the defendants further undertake that the defendants will destroy the advertisement/promotional sales and other materials, including but not limited to, business cards, letterhead, signage and uniforms, whether in print, radio, television, electronic, point of sale or any other form pertaining to the Diamond Logo, packaging material/cartons or any other products that are lying with the defendants throughout the world under the Diamond Logo, and remove the Diamond Logo from all websites owned, operated or controlled by the defendants or their

affiliates, including but not limited to, [www.efsme.com](http://www.efsme.com) within a period of one month.

5. In view of the aforesaid undertakings, learned counsel for the plaintiff does not wish to press for relief of rendition of accounts, costs and damages.
6. The statements/undertakings given by learned counsel for the defendants is accepted by this Court and the present suit is decreed in accordance with the undertakings given by learned counsel for the defendants. Registry is directed to prepare a decree sheet accordingly.
7. As a token of acceptance of the order passed today, learned counsel for the defendants is directed to sign the order sheet.

**MANMOHAN, J**

**NOVEMBER 06, 2017**  
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