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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 702/2016 & I.A.No.1087/2013

M/S CALVIN KLEIN TRADEMARK TRUST Plaintiff

Through Mr.Pankaj Kumar with Vinay Kumar
Shukla, Advocates.

versus

AMRIK SINGH & ORS Defendants

Through Mr.Amit Jain, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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19.07.2017

Present suit has been filed for permanent injunction, restraining infringement, passing off, delivery up, rendition of accounts etc.

It is the plaintiff's case that the defendants have been selling identical goods under the mark/label 'Calvin' and/or 'Calvin Hillfiger' which is phonetically, visually, structurally, in its basic idea and in its essential features identical and/or deceptively similar to the plaintiff's mark 'Calvin Klein' and 'cK'.

In pursuance to the last order, defendants are personally present in Court.

Learned counsel for the defendants, on instructions of the defendants, states that the defendants are not carrying on any business now under the mark 'Calvin' and/or 'Calvin Hillfiger'. He states that the plaintiffs are now carrying on their business under the mark 'Amrik Brothers'.

The defendants render an unconditional apology for having used the mark 'Calvin' and/or 'Calvin Hillfiger'. They also undertake to pay costs of Rs.1,25,000/- to the plaintiff. However, as there is a dispute as to whether the amount should be paid in the name of constituted attorney of the plaintiff or the plaintiff, the defendants are directed to deposit the costs with the Registry of this Court in the name of Registrar General within one week. The plaintiff is given liberty to file an appropriate application thereafter.

The defendants are also directed to destroy the seized materials lying in their *superdari* in the presence of authorized representative of the plaintiff.

The statements, undertakings and assurances given by the defendants are accepted by this Court and the suit is decreed in terms thereof as well as para 34 (a) of the plaint in favour of the plaintiff and against the defendants.

Registry is directed to prepare a decree sheet accordingly.

MANMOHAN, J

JULY 19, 2017

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