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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 342/2017 & I.A.Nos.5719/2017, 10760-10761/2017
OZONE SPA PRIVATE LIMITED Plaintiff

Through Ms.Archana Sahadeva, Advocate.

versus

MR. VIKAS KUMAR AND ORS Defendants
Through Mr.Manoj Arora, Advocate for D-1 &
2.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
% **18.09.2017**

Present suit has been filed for permanent injunction restraining the infringement of trade mark, copyright, unfair competition, dilution, misrepresentation and damages/rendition of accounts of profits.

The plaintiff essentially seeks to restrain the defendants from using the marks **OZONE**, **O3** and **Ozo3ne**.

In their written statement, the defendant nos.1 & 2 have stated that they have changed the name of their SPA and Salon to **JAMAC SPA and Salon**.

Learned counsel for defendant nos.1 & 2 assures and undertakes to this Court that the said defendants shall not use the marks **OZONE**, **O3** and **Ozo3ne** in future. He further assures and undertakes to this Court that all the three marks shall be

removed/deleted from the defendant nos.1 & 2's accounts, Credit Card receipts, Just Dial Page and at their website within a period of two weeks.

Learned counsel for defendant nos.1 & 2 lastly assures and undertakes to this Court that the said defendants shall apply for transfer of domain name www.ozonesparanchi.com in plaintiff's favour within a further period of four weeks.

In view of the aforesaid statements learned counsel for the plaintiff does not wish to press the present suit any further.

Consequently, the statements, assurances and undertaking made by learned counsel for the defendant nos. 1 and 2 are accepted by this Court and the said defendants are held bound by the same. Accordingly, the present suit is decreed in terms thereof. The inventory seized by the Local Commissioner is also directed to be destroyed in the presence of an authorised representative of the plaintiff.

Registry is directed to issue to an authorised representative of the plaintiff a certificate authorizing him/her to receive back from the Collector the half amount of the Court fee paid by it in the present suit.

With the aforesaid observations and directions, present suit and pending applications stand disposed of.

MANMOHAN, J

SEPTEMBER 18, 2017
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