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

+ **CS(COMM) 630/2017 & I.A.No.11028/2017**

CL EDUCATE LTD.

..... Plaintiff

Through Mr.Pravin Anand with Mr.Nischal
Anand and Mr.Sanchith Shivakumar,
Advocates.

versus

AMARENDRA KUMAR SHRIVASTAVA & ANR Defendants

Through Mr.Peeyoosh Kalra with Mr.Udayvir
Rana, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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05.12.2017

Present suit has been filed for permanent injunction restraining infringement of trademark, passing off, unfair competition, misrepresentation, commercial misappropriation, damages etc.

The plaintiff who is the registered proprietor of the mark CAREER LAUNCHER has filed the present suit for infringement and passing off on the ground that the defendants had used the identical trademark "Career Launcher" as a part of their mark "Asia Pacific

Career Launcher" , the prominent part of it being "Career Launcher".

This Court on 20th September, 2017 vide a detailed order had passed an injunction order restraining the defendants from using the mark CAREER LAUNCHER and CL in any manner whatsoever.

Notice was issued to the defendants, returnable before the Joint Registrar on 20th November, 2017.

On 30th November, 2017, Mr.Peeyoosh Kalra, learned counsel for the defendants appeared and stated that the defendants are willing to suffer a decree of permanent injunction. However, on that date, Mr.Pravin Anand, learned counsel for the plaintiff had stated that he would like to file an affidavit with regard to the costs.

Mr.Anand has filed an affidavit dated 04th December, 2017 indicating the costs incurred by the plaintiff.

However today Mr.Anand states that he leaves the issue of costs entirely to the Court.

In the opinion of this Court, since the defendants on 30th November, 2017 had stated that they are willing to suffer a decree of permanent injunction, the plaintiff is entitled to only reasonable costs and refund of court fees.

Consequently, the present suit is decreed in accordance with paragraph 44 (a) and (b) of the plaint as well as costs assessed at Rs.1 lakh. The defendants are given eight weeks time to change their corporate name(s) and names with other statutory authorities.

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

MANMOHAN, J

**DECEMBER 05, 2017
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