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

+ **CS(COMM) 69/2015**

PUMA SE & ANR Plaintiffs

Through **Mr.Sanjeev Sindhwani, Sr. Adv. with
Mr.Manav Kumar, Adv.**

versus

PASCO SPORTS & ORS Defendants

Through **Mr.Amit Jain, Adv. with
Ms.Priyanka Anand, Adv.**

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

ORDER

% **20.02.2017**

CS (COMM) No.69/2015, I.A. No.26110/2015 (u/o XXXIX R.1 & 2 CPC, by plaintiffs), I.A. No.4248/2016 (u/o XXXIX R.4 CPC) and I.A. No.10564/2016 (u/o VII R.10 & 11 CPC), by defendants

Plaintiffs have filed the present suit for permanent injunction restraining infringement of trademark, passing off, unfair trade competition, damages, delivery up, etc. The plaintiffs claim to be registered proprietors dealing in the leading sports brands, designing, developing, selling and marketing footwear, apparel and accessories in various countries of the world. Since the defendants were using a deceptively similar trademark as that of the plaintiffs, being PAMA and the distinctive strip logo, the same led to the filing of the present suit.

The parties have arrived at an amicable settlement. It is agreed that the present suit be decreed in favour of the plaintiffs and against the defendants in terms of paragraphs 38 (a) & (b) of the plaint. It is agreed that the plaintiffs would give up the relief of damages as prayed in the prayer clause (d).

Additionally, the parties agreed that the plaintiffs would have no objection to the defendants' using the trademark "XAMA". It is also agreed that the defendants would be allowed two months time to sell the ready products as per the report of the Local Commissioner which are comprised of 350 pairs of shoes. The defendants also agree that all the unfurnished goods, labels and other printed materials including advertisement material and/or any other material containing the impugned mark PAMA and the strip logo would be destroyed within two months from today. The Authorized Representative on behalf of the defendants, who is present in person, also undertakes and agrees to give up the domain name www.pamasports.com. Necessary communication would be addressed within a period of two months. The defendants also agree and undertake to withdraw the applications which are pending for registration of the impugned trademark PAMA. It is pointed out that a rectification application has been filed against the trademark PAMA, which has already been registered. The defendants agree to appear in the matter and give no objection for rectification of the impugned trademark.

It is also agreed that the interim order be confirmed subject to the modifications as stated above. Ordered accordingly.

The suit of the plaintiffs is decreed in the above terms. No order as to costs. Pending applications also stand disposed of. Decree be drawn accordingly.

G.S.SISTANI, J.

FEBRUARY 20, 2017/ka