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

+ CS(COMM) 955/2016 & CCP(O)95/2008, 13125/2010, 12148/2017

PFIZER PRODUCTS, INC.

..... Plaintiff

Through: Mr.C.M. Lall, Senior Advocate with
Mr.Raghav Malik, Mr.Karan Bajaj,
Ms.Shreya Sethi, Ms.Kangan Roda,
Mr.Dhruv Nayar, Mr.Anirudh Bhatia,
Advocates.

versus

RAJESH CHOPRA & ORS.

..... Defendants

Through: Mr.Mohan vidhani, Advocate along
with Mr.Rajesh Chopra, defendant
No.1 in person.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

29.11.2018

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1. Mr.Rajesh Chopra, defendant No.1, who is the director of defendant No.2 and proprietor of defendant No.3 and 4 present in Court along with his counsel has no objection to the suit being decreed in respect of prayer A(i), (ii) and (iii) of the plaint. The suit is decreed in respect of prayer A(i), (ii) and (iii). Defendant No.1 further agrees not to use these two words GEDON and ZOLOT. In that view of the matter, the decree shall extend these terms as well.

2. Defendant No.1, present in Court, undertakes to withdraw two trademark applications bearing No.1165376 or any other similar application and 1165372 from the Trademark Registry within a period of two weeks from today. The copy of the application for withdrawal along with the order passed in respect thereof be sent to the plaintiff's counsel within four weeks

thereafter.

3. With respect to prayer B, defendant No.1 submits that he shall destroy all impugned products, labels, signs, prints, packages, moulds, plates, dies, wrappers, receptacles and advertisements in its possession or under its control, bearing the GEODON, GEDON, ZOLOFT and/or ZOLOT marks in the presence of plaintiff's representatives within four weeks. Defendant No.1 agrees to remove the reference to the above mentioned marks on the website(s) of the defendants within four weeks from today.

4. With respect to prayers C and D, this Court is of the view that the plaintiff would be sufficiently compensated by awarding suitable cost of litigation instead of directing the defendants to render the accounts of profits. The plaintiff is awarded cost of litigation of Rs.25 lakhs to be paid by the defendants to the plaintiff. Defendant No.1, present in Court, undertakes to pay Rs.25 lakhs in three monthly instalments of Rs.10 lakh, Rs.10 lakh and Rs.5 lakh respectively. The undertaking of defendant No.1 is hereby accepted. The cost be paid in the name of the entity to be intimated by the plaintiff's counsel and the same be delivered to the plaintiff's counsel.

5. Notice issued in CCP(O) 95/2008 is discharged. CCP(O) 95/2018 is disposed of. All the pending applications are disposed of.

6. This Court appreciates the assistance rendered by learned counsel for both the parties in resolving this matter.

7. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

NOVEMBER 29, 2018

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