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

+ CS(COMM) 798/2017

COBB APPARELS PVT. LTD. Plaintiff
Through Mr.Umesh Mishra, Adv.

versus

SHABANA BEGUM Defendant
Through Mr. Vishesh Kr.Raghav and Ms.Pooja
Chadha, Advs.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
28.11.2018

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1. This suit has been filed by the plaintiff seeking a decree of injunction to restrain the defendant from manufacturing, selling or offering for sale the impugned goods included in Class 25 bearing the impugned mark FOBB or using any other mark which is identical or deceptively similar to the plaintiff's trade mark/label COBB. Other connected reliefs are also sought.
2. The case of the plaintiff is that the plaintiff is the registered proprietor of the trade mark COBB which is reregistered under Class 25 in favour of the plaintiff. The trade mark is registered since 2007.
3. It is further pleaded that in the last week of September 2017, the plaintiff came to know through market sources regarding the use of the trade mark FOBB by the defendant, which is identical/deceptively similar to the trademark of the plaintiff. It is also stated that the defendant has sought to

file an application for registration of the said trade mark FOBB on 12.03.2015 which has also been opposed by the plaintiff.

4. After some arguments, learned counsel for the defendant submits that in case some time is given to the defendant, they would change the trade mark and the logo being using and they would not use the mark FOBB or any other mark which is deceptively similar to the plaintiff's registered trademark COBB.

5. In view of the above, a decree is passed in favour of the plaintiff and against the defendant in terms of Para 27 (a), (b), (c) and (d) of the plaint. However, the defendant is granted four months' time to take steps for carrying out the necessary change. The above order shall apply after four months from today.

6. The suit stands disposed.

7. Pending applications, if any, also stand disposed of.

8. The plaintiff would be entitled to refund of 50% of the court fees.

JAYANT NATH, J

NOVEMBER 28, 2018

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