

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL APPEAL NO.275 OF 2019

IN

COMMERCIAL NOTICE OF MOTION NO.669 OF 2017

WITH

NOTICE OF MOTION NO.492 OF 2019

IN

COMMERCIAL APPEAL NO.275 OF 2019

Awaaj Foundation & Ors.

..Appellants

Versus

Awaaz Foundation & Anr.

..Respondents

Mr. Amogh Singh i/by D. P. Singh, Advocate for the Appellants.

Mr. Vinod Bhagat a/w Ms. Ruchi Agarwal i/by Mr. G. S. Hegde & V.
A. Bhagat, Advocate for the Respondents.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.

DATE : 8th NOVEMBER, 2019

P.C.

1] Learned counsel for the Appellants who have suffered the
impugned order dated 15th December 2017 states that he has been

instructed not to press the Appeal but make request to the Court to grant Appellants a week's time to apply to the Charity Commissioner for change in the name of the Appellant No.1 in view of the impugned order with a direction to the Charity Commissioner to expedite the request made by the Appellants to change its name in compliance with the impugned order.

2] The impugned order injuncts the Appellants from using the word 'Awaaj' or any other word deceptively similar to the word 'Awaaz' on account of the reason the first Plaintiff's name is 'Awaaz Foundation' and it is the registered proprietor of the trademark 'Awaaz Foundation' registered under Class 42 of the Trade Marks Act with user from 1st November 2005. The learned Single Judge has found phonetic identity in the words 'Awaaj' and 'Awaaz'.

3] Since the Appellant No.1 is a registered Public Charitable Trust, it would have to move an application before the Charity Commissioner for its name to be changed with removal of the word 'Awaaj' to be replaced by another word not being phonetically similar to the word 'Awaaz'.

4] Thus, we dispose of the Appeal directing the Appellants to file necessary application before the Charity Commissioner for change of its name within a week from today. We direct the Charity Commissioner to effect change in the name of the Appellant No.1 upon an application filed within three months of the receipt of the

(2) -COMAP-275-19.doc.

application and to that extent we extend time granted by the learned Single Judge to the Appellants as per paragraph (B) of the operative part of the impugned order.

5] No costs.

6] In view of disposal of the Appeal, Notice of Motion does not survive and is accordingly disposed of.

**Balaji G.
Panchal**

Digitally signed by
Balaji G. Panchal
Date: 2019.11.08
17:39:58 +0530

SMT. BHARATI DANGRE, J

CHIEF JUSTICE