

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.01.2019

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.755 of 2017
and O.A.No.949 of 2017

1.M/s.Zoho Corporation Private Limited,
Plot No.140, No.151, GST Road,
Estancia IT Park, Vallanchery,
Guduvanchery (Post) Kancheepuram,
Tamil Nadu - 603 202
Represented by its Director D.Rajendran

2.M/s.T & V Holdings Inc.
4141 Hacienda Drive,
Pleasanton,
California 94588, USA Rep. by its director N.Jai Anand .. Plaintiffs

Vs.

1.M/s.Interestship Career Solutions Private Limited
Plot No.200, Jay Ambe Society
TalukaDwarka Arambhda
Jamnagar, Gujarat - 361647.

2.M/s.Zybra Private Limited,
71, Chandreshwar Nagar, Near Ray Kanagar,
Chandlodia, Ahmedabad
Gujarat - 382481. .. Defendants

This Civil Suit is preferred, under Order VII Rule 1 and 2 of CPC Read with Section 134 and 135 of the Trademarks Act, 1999, praying to;

i) For granting permanent injunction restraining the defendants, their men, servants, agents or anyone claiming through or under them, from

in any manner, infringing the plaintiff's registered trade mark 'ZOHO' by using the domain name www.zohobooks.in in any manner, so as to deceive potential customers/clients and soliciting them to use any product other than the software offerings of the first Plaintiff.

ii) For granting permanent injunction, restraining the Defendants, their men, servants, agents or anyone claiming through or under them, from, registering or otherwise using any domain name incorporating the plaintiffs' trademark 'ZOHO' or any other similar sounding domain name or using or attempting to use, such domain name or other deceptive means to acquire customers/clients for any software other than those marketed by the Plaintiffs.

iii) For granting permanent injunction, restraining the Defendants, their men, servants, agents or anyone claiming through or under them, from, passing off their software offerings or those of any other persons as those of the first Plaintiff.

iv) To directing the Defendants to render true and faithful account of the profits earned by each of them through their act of registering the domain name www.zohobooks.in and using the same to lure and solicit customer/clients.

v) To directing the defendants to pay the costs of the suit to the Plaintiffs.

vi) and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

For Plaintiff : Mr. Joseph George Mayiladumpara

For Defendants : Ms. Rohini Ravikumar

JUDGMENT

Mr. Joseph George Mayiladumpara, learned counsel on record for both the plaintiffs and M/s. Rohini Ravikumar, learned counsel on record for both the defendants are before this Commercial Division.

2. Learned counsel for both the plaintiffs submit that there are instructions from plaintiffs to withdraw the suit. Saying so, learned counsel has made an endorsement in the suit file which reads as follows:

'The suit may be treated as withdrawn, in view of settlement out of court.'

Sd/-
(04.01.2019)

Counsel for plaintiff'

3. Reiterating the aforesaid endorsement, learned counsel for plaintiffs submit that plaintiffs are not insisting on refund of court fee.

4. In the light of narrative supra, this suit is dismissed as withdrawn. Consequently, connected application is closed. No order as to costs.

सत्यमेव जयते

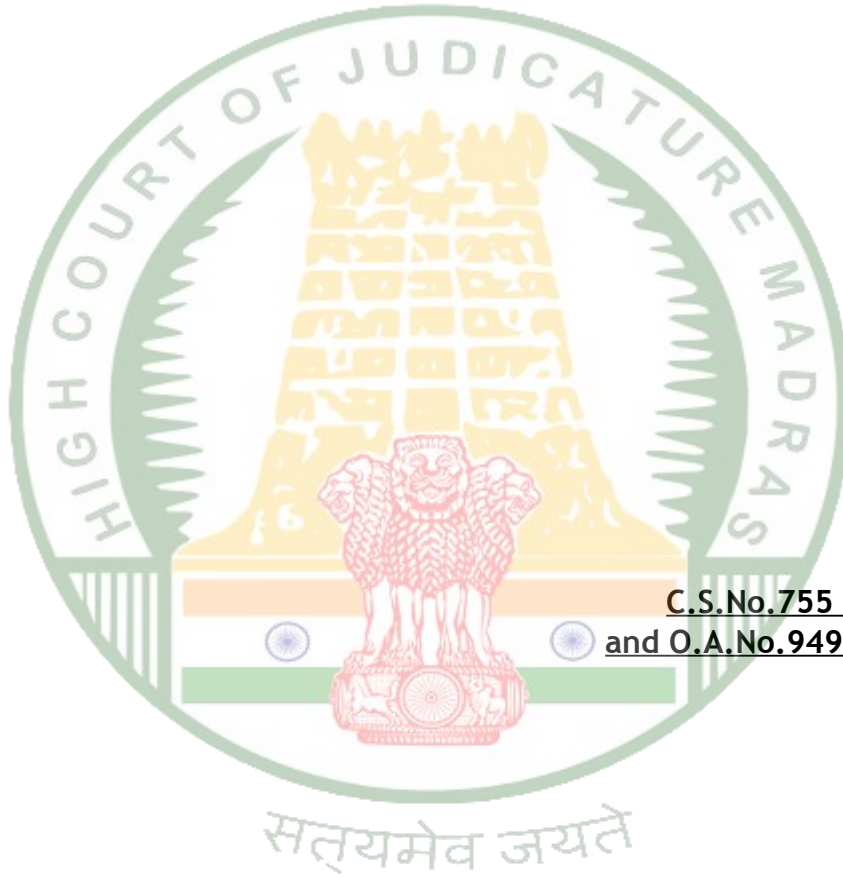
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Index : Yes/No

gpa/mp

M.SUNDAR, J.

gpa/mp



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