

8

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CS(COMM) 1264/2018 & I.A. 16475/2018

APEEJAY STYA KNOWLEDGE LLP & ORS. Plaintiffs

Through: Ms. Shubhi Sharma, Advocate with
Mr. Bharat Bhushan Sharma, General
Manager of plaintiff No.2,

versus

SHREE OM SHIKSHA EVAM

KALYAN SAMITI & ANR. Defendants

Through: Ms. Shobhana Takiar, Advocate with
Ms. Indrani Gupta and Mr. R.S. Garg,
Advocates with Mr. Praveen Garg in
person.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

18.03.2019

%

Present suit has been filed for permanent injunction restraining infringement of trade mark, passing off, dilution and damages etc. The prayer clause in the suit is reproduced hereinbelow:-

“46. Plaintiffs, therefore pray:

- a) For a decree of permanent injunction restraining the Defendants, their members, office bearers, servants, agents, representatives, and all others acting for and on their behalf from rendering or offering and/or otherwise directly or indirectly rendering any services by using the mark APG or any other mark which is identical or deceptively similar mark to the Plaintiff trade mark APJ / Apeejay in any*

manner or using the same as a part of their school name or on business papers or advertising constituting infringement of Plaintiffs registered trade marks.

- b) For a decree of permanent injunction restraining the Defendant, their servants, agents, representatives, and all others acting for and on their behalf from using the mark APG or any other identical or deceptively similar mark or any other deceptive variant to the trade mark APJ / Apeejay of the Plaintiffs in any manner whatsoever as a trade mark, house mark, or service mark in respect of and/or in relation to any of their activities in the field of education or from doing any act which is likely to cause confusion or deception or as may result in dilution of the distinctive character of the Plaintiff's trademarks amounting to passing off of the services of the Defendant as and for the services of the Plaintiffs.*
- c) For a decree of Rs.2 Crore 50 Thousand as damages caused by Defendants to the Plaintiffs by the misuse of the mark APJ/Apeejay by using infringing mark APG.*
- d) For an order for destruction of all material bearing the impugned mark along with dies, blocks, stencils thereof.*
- e) For the order of costs of the proceedings.”*

Today, learned counsel for defendants states that the defendants are willing to change the name of the school from ‘APG’ to ‘A P GARG PUBLIC SCHOOL’.

In view of the aforesaid statement, learned counsel for plaintiff, on instructions of Mr. Bharat Bhushan Sharma, General Manager of plaintiff No.2, who is personally present in Court, states that she does not wish to press for any other or further relief.

The statement/undertaking given by learned counsel for defendants is accepted by this Court and defendants are held bound by the same.

The relevant departments are directed to carry out the change of name of the defendants within ten weeks in accordance with law. Registry is directed to prepare a decree sheet accordingly.

With the aforesaid observations, present suit and pending application stand disposed of.

MANMOHAN, J

MARCH 18, 2019

js