

10 21.09.2020
AN Ct. No. 13

W.P.A. 6588 of 2020
with
I.A. No.: CAN 1 of 2020 (Old No. CAN 5388 of 2020)

(Via Video Conference)

Dolphin Hosiery Pvt. Ltd. & Anr.
-vs.-
Union of India & Ors.

Mr. Ujjal Ray	... for the petitioner
Ms. Amrita Panja Moulick	... for the respondent
Mr. Jishnu Chowdhury	... for the respondent
Mr. Sunil Kumar Singhanian	... for the respondent

The petitioner has lodged a complaint under the Trade Marks Act, 1958 against the private respondents for infringement of his trade mark of forgery products under the brand “Diamond”. The investigation is on.

During the pendency of the investigation being conducted under F.I.R. No. 123/2020 dated 11.03.2020 by Barasat Police Station, North 24 Parganas, the private respondents have made an application being T.M. Application No. 4474960 for registering the said “Diamond” trade mark in Class 25 of clothing and footwear and headgear before respondent nos. 3, 4 & 5.

During the pendency of the civil and criminal proceedings, the private respondents are, according to the petitioner, continuing to manufacture and sell goods under the petitioner’s trade mark as indicated

hereinabove.

Despite service of notice, private respondents are not represented today.

The petitioner makes only innocuous prayer for expeditious disposal of the trade mark proceedings before the respondent nos. 3, 4 & 5.

In those circumstances, it is ordered that the respondent nos. 2, 3, 4 & 5 shall dispose of the T.M. Application No. 4474960 pending before them as expeditiously as possible within a period of four months from the date of communication of the copy of this order.

The petitioner shall be entitled to take out appropriate application for injunction before the authorities concerned, if so provided under the Trade Marks Act, 1958.

The respondents shall also maintain all accounts of sales conducted under the trade mark by them since after the registration of the F.I.R. and submit the same before the trade mark of respondent nos. 2, 3, 4 & 5.

With the above observations, the instant writ petition stands **disposed of**. Consequently the connected application also stands disposed of.

There will be no order as to costs.

All parties shall act on the Web copy of this Order accordingly.

(Rajasekhar Mantha, J.)

