



C.S.No.54 of 2021
and O.A.Nos.84 to 86 of 2021
and A.No.543 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.S(Comm.Div.).No.54 of 2021

and

O.A.Nos.84 to 86 of 2021

and A.No.543 of 2021

Mr.A.Rajasekar,
Trading as “The Sandwich Shop 0.1”,
No.1, Subba Reddy Street,
West Mambalam,
Chennai-600 033.

... Plaintiff

Vs.

Mr.V.Hari,
Trading as “The Sandwich 2.0”
127/61, Lakeview Road,
West Mambalam,
Chennai-600 033.

... Defendant

Prayer: The Civil Suit has been filed under Order VII Rule 1 C.P.C., read with order IV Rule 1 of High Court O.S. Rules and Section 27, 134 and 135 of the Trade Marks Act 1999 and Sections 51, 55 and 62 of the Copyright Act 1957 and Sections 2(1)(c)(xvii) and 7 of the Commercial Courts Act, 2015, praying for:-



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(A). For a permanent injunction restraining the Defendant, their men, agents, servants, or any one claiming through them from in any manner passing off their goods as that of the plaintiff's by using the offending trademark "The Sandwich Shop 2.0" or any other device or label or logo or trade dress which is identical or deceptively similar to that of the plaintiff's trademark logo and trade dress "The Sandwich Shop 0.1", either by manufacturing or offering for sale of the products under the offending trademark logo or in any manner advertising the products under the offending trademark and artistic work;

(B). For a permanent injunction restraining the Defendant, their men, agents, servants, or any one claiming through them from in any manner infringing the plaintiff's copyright over the artistic work in the trade mark logo as shown in the Annexure-P1 by using the defendant's offending trade mark logo as shown in Annexure-D1 or any other trade mark logo or any other mark, which is identical or substantial reproduction of the plaintiff's artistic work in the trademark logo "The Sandwich Shop 0.1";

(C). For a permanent injunction restraining the Defendant, their men, agents, servants, or any one claiming through them from in any manner infringing the plaintiff's copyright over the artistic work in the trade mark logo as shown in the Annexure-P1 by using the defendant's offending trade mark logo as shown in Annexure-D2 or any other trade mark logo or any other mark, which is identical or substantial reproduction of the plaintiff's artistic work in the trademark logo "The Sandwich Shop 0.1";



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WEB COPY (D). Directing the Defendant to surrender to the Plaintiff the entire stocks, cartons, display board with the infringing artistic work and the unused Trademark logo for destruction;

(E). Directing the Defendant to render true and faithful accounts of the profits earned by them through the sale of offending trademark logo “The Sandwich Shop 2.0” and directing payment of such profits to the plaintiff;

(F). Directing the Defendant to pay the costs of the suit to the plaintiff.

For Plaintiff : Mr.Avinesh.V

For Defendant : Mr.A.Ram Kumar for
M/s.Varam legal

J U D G M E N T

(Case has been heard through video conference)

The suit is filed for injunction restraining the defendant from infringing the registered trademark of the plaintiff.

2. Pending suit, the parties have entered into a compromise and a Joint Memo of Settlement signed by both the parties on 20.10.2021 is filed.



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3. Considering the settlement and the terms of compromise, the suit is disposed of. The terms found in paragraphs 3, 4, 5 and 6 of the Joint Memo of Settlement,v dated 21.10.2021, shall form part of the decree. Consequently, all connected applications are closed. No order as to costs.

21.10.2021

Index : Yes/No.
Internet :Yes/No.
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DR.G.JAYACHANDRAN, J.
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