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C.S.(Comm.Div.) No.122 of 2021

SENTHILKUMAR RAMAMOORTHY J.

The suit is filed for a permanent injunction restraining the defendant from infringing the plaintiff's registered trade mark JODI365 under No.1971072 in Class 99 and from passing off its services as that of the plaintiff. Consequential reliefs for the surrender of the infringing materials for destruction and a claim for damages of Rupees One Crore are also made.

2. Upon completion of pleadings, both the parties submitted draft issues. By examining the pleadings and the draft issues, the following issues are framed:-

“1. Whether the plaintiff is the registered proprietor of the trademark JODI365 label under No.1971072 in Class 99?

2. Whether the defendant's trademark JODII is deceptively similar to the plaintiff's trademark JODI365?

3. Whether the plaintiff can claim infringement of its registered trademark JODI365 by the defendant's use of the trademark Jodii?



4. Whether the plaintiff can claim passing off against the defendant by the use of the trademark Jodii?

5. Whether the plaintiff is entitled to the relief of damages against the defendant?

6. Whether the parties are entitled to any other relief?”

3. Both sides submitted that oral evidence is not necessary in the matter. The plaintiff and the defendant have submitted the statement of Admission and Denial of documents.

4. The plaintiff has filed 14 documents. These documents are either original or electronic records. These documents are marked as Exhibits P1 to P13 subject to objections, including as to relevance and proof. The defendant has also filed 14 documents. These documents are marked as Exhibits D1 to D14 subject to objections, including as to relevance and proof.

5. Both parties are directed to exchange and file written arguments. List on 25.02.2022.

11.02.2022

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