

A.No.2766 of 2021
in C.S.(Comm. Div.) No.832 of 2009

DR.G.JAYACHANDRAN, J.

Heard the learned counsel for the applicant who is the 5th defendant in this case.

2. It is the suit filed between two business entities claiming exclusiveness for the domain word “Matrimony” and other allied names which has been used for their website to commercialise their service. This 5th defendant is only a service provider, his platform is used by the rival traders for marketing their products. This application is filed to frame an issue regarding the validity of all the trademarks which are the subject matter of the suit and form part and parcel of the schedule plaint.

3. However, from the records, this Court finds that the real contesting defendants have challenged only three trademarks pertaining to Assamese Matrimony, Bengali Matrimony and Gujarati Matrimony before the Intellectual Property Appellate Board. In so far as these three domain are concerned, this Court after hearing the contesting defendants had *suo motu* framed an additional issue on 27.07.2021.

4. Today, in this application the 5th defendant, who is the service provider wants to include all the 22 websites is the subject matter of the suit, but not disputed barring three. In the view of this Court, it is not necessary to decide the validity of the domain names, which are not challenged. However, the 5th defendant has pointed out the error crept in the trademark numbers mentioned in the additional issue, hence the same needs to be rectified.

5. Hence to that effect the request of the 5th defendant is taken note and the error in mentioning the registration number is rectified and the additional issue is recasted as below:

Plaintiff's trademark No.1306407 class 16 for
Assamese Matrimony, Trademark No.1306408, class
42 for Bangali Matrimony and Trademark
No.1306409 for Gujarati Matrimony.

6. Accordingly, this application No.2766 of 2021 is disposed of.

13.08.2021

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