



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.03.2021**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S. (MD) .No.90 of 2016

and

C.M.P. (MD) .No.5857 of 2016

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Sony Kabushiki Kaisha,
also Trading as Sony Corporation,
Represented by its Power Agent,
Mrs.Radhika Sreenivasan

: Appellant / Plaintiff
Vs.

1.Sony Fireworks Private Limited, Sivakasi,
40 E.M.C. Street, Post Box No.395, Sivakasi-626 123.
Tamil Nadu.

2.The Registrar of Companies, Chennai,
Block 6, II Floor, Shastri Bhavan,
26, Haddows Road, Madras. : Respondents

Prayer : This Appeal filed under Section 96 of Code of Civil Procedure read with under Section 42 Rule 1 and 2 of C.P.C. against the decree and the judgment, dated, 29.04.2011 passed in O.S.No.90 of 2004, on the file of the learned Principal District Judge, Virudhunagar District at Srivilliputhur.

For Appellant : Mrs.Anuradha Sahotra
for Mr.K.Prabhakar

For R-1 : Mr.S.Raja Jeya Chandra Paul

For R-2 : Mr.P.Subbiah

Central Government Standing Counsel

J U D G M E N T

This Appeal has been filed challenging the judgment and decree of the trial Court in dismissing the suit filed for infringing Trademark of the appellant.

2. During the pendency of the Appeal, the appellant has entered into compromise with the first respondent and both of the parties have filed "Joint Memo", dated, 19.03.2021 which has also been duly signed by both the counsels of the appellant and the first respondent. A copy of the same has also been placed before this Court. The "Joint Memo" filed by both the parties is extracted hereunder:-

i. The first respondent has already changed its trade name from "Sony Fireworks Private Limited" to "Sonny Fireworks (P) Limited" and that the first respondent will now-onwards only use their revised



trade name "Sonny Fireworks (P) Limited" or "Sonny Fireworks (P) Limited";

ii. The first respondent will not use the mark "Sonny" as a Trademark and the same will be used only as part of its company name "M/s. Sonny Fireworks (P) Limited";

iii. The mark "Sonny" will always be used by the first respondent as a part of the composite trade name "M/s. Sonny Fireworks (P) Limited " or "Sonny Fireworks (P) Limited", and not in a standalone manner;

iv. The mark "Sonny" will always be used in the same font, font size, font colour and in the same uppercase or lowercase as Fireworks (P) Limited or Fireworks (P) Limited; and

v. The mark "sonny" will always be pronounced [s' ^ni].

vi. The 1st respondent shall start printing their new packaging as per the present settlement terms by July 01, 2021;

vii. The 1st respondent shall exhaust their finished products under their old packaging mentioning SONNY Fireworks (Private) Limited till the end of 2021 and from January 01, 2022 onwards- they will only use the new packaging in all their advertising, marketing, promotional and packaging material.

3. Both the parties have agreed to change the said name from "Sony Fireworks Private Limited" to "Sonny Fireworks (P) Limited (Sonny)".

4. The "Joint Memo" dated, 19.03.2021 filed by both the parties shall form part and parcel of the judgment and decree.

5. Accordingly, the judgment and decree of the trial Court in dismissing the original suit in O.S.No.90 of 2004, dated, 29.04.2011 is set aside and the suit is decreed in terms of the "Joint Memo" dated, 19.03.2021. Since the suit is also against the second defendant and now the first respondent has changed the name as "Sonny Fireworks (P) Limited (Sonny)", the prayer has become only an academic and infructuous as regards the second defendant.



6. In the result, the Appeal stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)

tsg

To

1.The Principal District Judge, Virudhunagar District,
Srivilliputhur.

2.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai. (2C)

+2 CC to M/s.S.RAJA JEYA CHANDRA PAUL, Advocate (SR-12562[F] dated
19/03/2021)

+1 CC to M/s.K.PRABHAKAR, Advocate (SR-12590[F] dated 19/03/2021)

+1 CC to M/s.P.SUBBIAH, Advocate (SR-12683[F] dated 22/03/2021)

A.S. (MD) .No.90 of 2016

Dated: 19.03.2021

KK(20.05.2021) 3P 8C