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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RFA(OS)(COMM) 2/2021**

ROLAND CORPORATION

..... Appellant

Through Mr.Pravin Anand with Mr.Shrawan
Chopra, Mr.Vibhav Midhal and
Mr.Achyut Tewari, Advocates.

versus

HI TONE ELECTRONICS

..... Respondent

Through Mr.Neel Mason with Mr.Vihan Dang
and Mr.Shivang Sharma, Advocates.

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Date of Decision: 23th December, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVING CHAWLA

J U D G M E N T

MANMOHAN, J (Oral):

C.M.Nos.20748/2021 & 20750/2021

Exemption allowed, subject to all just exceptions.

Accordingly, the applications stand disposed of.

RFA(OS)(COMM) 2/2021 & C.M.Nos.20747/2021, 20749/2021

1. The present matter was referred to the Delhi High Court Mediation and Conciliation Centre vide order dated 28th July, 2021.
2. Learned counsel for the parties state that the matter has been amicably resolved in the mediation proceedings. The Terms of Settlement are reproduced hereinbelow:-

" ROLAND vs HITONE ELECTRONICS – Mediation Terms

- 1) HiTone shall withdraw its cancellation petition, bearing no. ORA/198/2007/TM/DEL, to Roland's "BOSS" word mark, TM No. 1294072.
- 2) Roland shall withdraw its cancellation petition, bearing no. ORA/194/2008/TM/DEL to HiTone's  mark, TM. No. 441779.
- 3) HiTone shall change  mark to " within a period of two (2) years.
- 4) HiTone shall always use the new  mark in combination with  mark, and not use  or  alone.
- 5) HiTone can use  only for those products shown on their catalogue in 2019
- 6) HiTone shall not oppose Roland's applications, registrations or use in India of Roland's "BOSS" trademark.
- 7) Roland shall withdraw its opposition proceeding to HiTone's  mark, if Hi-Tone takes steps to amend its application TM No. 1584958 for  as per clause 9.
- 8) Roland has no objection to use of the Hi-Tone's mark  being used in any colour.



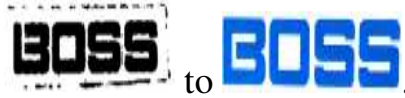
NEW PROPOSED HITONE TRADEMARK

(9) The Parties shall move a joint application before the Division Bench in RFA (OS) (COMM) 2 of 2021 for an appropriately worded order from the Court directed towards the Trademarks Registrar for amendment of Registration No. 441779 for the trademark  and for Application No. 1584958 for the trademark .

3. Learned counsel for the parties assure and undertake to this Court that they shall comply with the Settlement Terms agreed upon before the Mediator. The Statements/undertakings given by learned counsel for the parties are accepted by this Court and the parties are held bound by the same.

4. Consequently, this Court directs the Registrar of Trademarks to permit amendment of:-

(a) Trademark registration number 441779 in class 9 from



(b) Trademark application number 1584958 for



5. Accordingly, the present appeal is decreed in terms of the Settlement Terms agreed before the Mediator and the decree passed by the learned Single Judge is modified accordingly.

MANMOHAN, J

NAVIN CHAWLA, J

**DECEMBER 23, 2021
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