



WEB COPY



C.S. No.657 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.08.2022**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

C.S. No.657 of 2008

Vellore Institute of Technology,
A Trust registered under the
Indian Trust Act, represented
by its Managing Trustee
Mr.G.Viswanathan
Deemed University
Vellore-632 014
Also having their Branch
at Old No.W-73, new No.6,
W.Block 2nd Street,
Anna Nagar, Chennai-600 040

... Plaintiff

VS.

1. M/s.Victorian Institute of Technology,
Level 14, 123, Queen Street,
Melbourne, VIC 3000,
Australia.
2. Madras Community College,
No.2, Rosary Church Road,
Santhome, Chennai-600 004.
3. The Promenade,
Goubert Avenue,
Near Gandhi Statue

1/5



Pondicherry.



C.S. No.657 of 2008

... Defendants

WEB C

PRAYER: Plaintiff filed under and Order IV Rule 1 of the Original Side Rules and under Order VII Rule 1 of the C.P.C. read with Sections 134 & 135 of the Trade Marks Act, 1999 prayed for Judgment and Decree against the Defendant :-

(a) Granting permanent injunction restraining the 1st defendant, by itself, or through 2nd and 3rd defendants or through any other agencies in India or by its servants or agents or anyone claiming through it from in any manner infringing the plaintiff's well established and Registered trade mark VIT by using the offending trade mark VIT in India either as a trade mark or as a part of its trading style or any other mark or marks which are in any way deceptively similar to the Plaintiff's well established and Registered trade mark VIT; (b) granting permanent injunction restraining the 1st defendant by itself, or through 2nd and 3rd defendants or through any other agencies in India or by its servants or agents or anyone claiming through it from in any manner passing off its educational services in India by using the offending trade mark VIT as and for the celebrated educational services of the plaintiff bearing the well established and Registered trade mark VIT either by using the same for its educational institution or in any manner advertising the same; (c) directing the 1st defendant to render a true and faithful account of the profits earned by it by using the trade mark VIT for its educational institution; (d) directing the defendant to surrender all the



C.S. No.657 of 2008

unused letter heads and other materials containing the trade mark “VIT” together with its dyes, blocks etc.; (e) directing the defendant to pay the plaintiff the costs of the suit; and (f) further or other orders as may be deemed fit and proper in the circumstances of the case.

For Plaintiff : M/s.A.Saravanan

For Defendants : M/s.A.Ramesh kumar
S.Dhanraj for D1
No appearance for D2 & D3

J U D G M E N T

The suit was filed seeking relief in relation to the use of the mark VIT by the defendants in India.

2. The first defendant, which is the principal contesting party, filed an affidavit dated 19.08.2022. In the said affidavit, the defendant has undertaken as under:

“It is Humbly submitted that we undertake
not to use the logo or design registered by the
plaintiff”



C.S. No.657 of 2008

3. In effect, the first defendant has submitted itself to a judgment and decree in terms of clauses (a) and (b) of paragraph 12 of the plaint. On instructions, learned counsel for the plaintiff submits that the plaintiff relinquishes the reliefs prayed for in clauses © to (e) of paragraph 12 of the plaint. As regards the second and third defendants, it is stated that they were joined as proper but not necessary parties, and that the suit may be decreed against the first defendant.

4. In the result, C.S.No.657 of 2008 is partly decreed against the first defendant in terms of clauses (a) and (b) of paragraph 12 of the plaint by also recording that the plaintiff has no objection to the use of the logo depicted at paragraph 4 of the affidavit dated 19.08.2022 by the first defendant. The said affidavit shall form an integral part of the decree. In view of the resolution of the dispute in the manner aforesaid, there will be no order as to costs.

25.08.2022

Index : Yes / No

Internet : Yes / No



WEB COPY



C.S. No.657 of 2008

SENTHILKUMAR RAMAMOORTHY,J

kal

C.S. No.657 of 2008

25.08.2022