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C.S.(Comm.Div.).No.224 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.S.(Comm.Div.).No.224 of 2022

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O.A.Nos.710, 711 & of 2022

&

A.No.5034 of 2022

1. M/s. Medopharm,
A Partnership Firm,
Represented by its Senior Manager Legal (Group),
Mr. Shoban Babu,
Medo House, 25, Puliur 2nd Main Road,
Trustpuram, Kodambakkam,
Chennai.Tamil Nadu-600024.

2. Medopharm Private Limited
Represented by its Company Secretary.
Mr. Shoban Babu.
No 2 Puliur. 2nd Main Road.
Trustpuram, Chennai, Tamil Nadu-600024.

...Plaintiffs

Vs.

Leeford Healthcare Limited,
Represented by its Managing Director
Mr.Amit Gupta,
Leo House, Shaheed Bhagat Singh Nagar,
Dugri-Dhandra Rd, Near Joseph School,
Ludhiana, Punjab-141116.

...Defendant



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PRAYER: Civil Suit is filed under Under Order VII Rule 1 CPC read with Order IV Rule 1 of the Original Side Rules of the Madras High Court, Section 2 (1) (c)(xvii) read with Section 7 of the Commercial Courts Act, 2015 and Sections 11, 27, 29, 134, 135 Trademarks Act, 1999, praying for:-

a. A permanent injunction restraining the Defendant, their partners, directors, their employees, officers, servants, agents, and all others acting for and on their behalf from manufacturing, selling, distributing, exporting, advertising, offering for sale, any products and in any other manner, directly or indirectly, dealing with any products in the name of '**EMICOF**' or any other similar mark which is deceptively similar to the Plaintiffs' registered trademarks '**EMCOF**' amounting to an infringement of the Plaintiff No.1's registered trademarks Nos.4193418 in Class 5;

b. A permanent injunction restraining the Defendant, their partners, directors, their employees, officers, servants, agents and all others acting for and on their behalf from manufacturing, selling, distributing, exporting, advertising, offering for sale, and in any other manner, directly or indirectly, dealing with any products in the name of "**EMICOF**" amounting to passing off;



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c. A permanent injunction restraining the Defendants, their partners, directors, their employees, officers, servants, agents and all others acting for and on their behalf from using impugned mark '**EMICOF**' in any of the websites, domain names, social media platforms, mobile application and other intermediaries in any language;

d. The Defendants be ordered to pay the Plaintiffs a sum of Rs. Ten Lakhs (INR.10,00,000/-) as damages for having committing infringement of the plaintiff's registered trademark and passing off trademark, dilution and tarnishment trademark in respect of the mark "**EMCOF**";

e. A preliminary decree be passed in favour of the Plaintiff directing the Defendants to render true and proper accounts of the profits arising out of the amount of sales generated by the defendant in respect of their alleged activities especially sale and export of products bearing the mark '**EMICOF**' for their business, after the latter have rendered accounts;

f. To grant order of delivery up of any brochures/ printed material and/or any material which infringes Plaintiffs registered trademarks **EMCOF**;

g. Costs and such other relief as this Hon'ble Court may deem fit, in the circumstances of the case, in the interests of justice and equity.



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For Plaintiffs : Mr.M.S.Bharath

For Defendant : M/s.Ramesh Ganapathy

JUDGMENT

The plaintiffs and the defendant have entered into a compromise which has been reduced into writing in a Memorandum of Compromise dated 21.06.2023. The Memorandum of Compromise is signed by the plaintiffs and the defendant and also by their respective counsels. The said Memorandum of Compromise dated 21.06.2023 is taken on file.

2. Accordingly this Civil Suit is decreed in terms of the Memorandum of Compromise dated 21.06.2023. The terms of Memorandum of Compromise signed by the plaintiffs and the defendant shall form part and parcel of this judgment and decree. Consequently, the connected applications are closed. No Costs.

10.07.2023

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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P.T. ASHA, J,

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