



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2024

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.(Comm.Div.) No.30 of 2024
and O.A.Nos.101, 102 & 103 of 2024
and A.No.2286 of 2024
and OP(TM)/21, 22, 23, 32, 33 & 34/2024
and OP(CR)/3, 4, 5, 6 & 7/2024

C.S.(Comm.Div.) No.30 of 2024:

1.Japtej Singh Ahluwalia

2.Nikesh Lamba

3.Pricol Gourmet Private Limited,

Represented by Mr.Japtej Singh Ahluwalia,
Shareholder / Authorized Representative

40, 3rd Floor, 2nd Main Road,

RA Puram, Chennai 600 028.

... Plaintiffs in C.S.(Comm.Div.) No.30 of 2024

-VS-

1.Infusion Hospitality Private Limited

Represented by one of its Director Mr.Natarajan Subramanian

57, Thiruvalluvar Rd, Baruva Nagar,

Seethammal Extension, Alwarpet, Chennai,

Tamil Nadu 600 018.



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Also at
109, Race Course Coimbatore,
Tamil Nadu 641 018.

2.Pricol Holdings Limited
Represented by one of its Director
Ms.Suguna Jayakumar
CPM Towers 109 Race Course NA
Coimbatore 641 018.

... Defendants in C.S.(Comm.Div.) No.30 of 2024

OP(TM)/21, 22, 23, 32, 33, 34/2024:

1.Japtej Singh Ahluwalia
2.Nikesh Lamba
3.Pricol Gourmet Private Limited,
Represented by Mr.Japtej Singh Ahluwalia,
Shareholder / Authorized Representative
40, 3rd Floor, 2nd Main Road,
RA Puram, Chennai 600 028.

... Petitioners in OP(TM)/21, 22, 23, 32, 33, 34/2024

-vs-

1.Pricol Holdings Limited
Represented by one of its Director
Ms.Suguna Jayakumar
CPM Towers 109 Race Course NA
Coimbatore 641 018.

2.The Registrar of Trade Marks,
Anna Salai, Guindy Industrial Estate,
SIDCO Industrial Estate,
Guindy, Chennai, Tamil Nadu 600 032.

... Respondents in OP(TM)/21, 22, 23, 32, 33, 34/2024



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OP(CR)/3 to 7/2024:

- 1.Japtej Singh Ahluwalia
- 2.Nikesh Lamba
- 3.Pricol Gourmet Private Limited,
Represented by Mr.Japtej Singh Ahluwalia,
Shareholder / Authorized Representative
40, 3rd Floor, 2nd Main Road,
RA Puram, Chennai 600 028.

... Petitioners in OP(CR)/3 to 7/2024

-VS-

- 1.Pricol Holdings Limited
Represented by one of its Director
Ms.Suguna Jayakumar
CPM Towers 109 Race Course NA
Coimbatore 641 018.
- 2.Fiverr International Limited
Eliezer Kaplan St. 8, Tel Aviv – Yafo,
6473409, Israel.
- 3.The Registrar of Copyright
Copyright Office
Boudhik Sampada Bhawan,
Plot No.32, Sector 14, Dwarka,
New Delhi – 110 078.

... Respondents in OP(CR)/3 to 7/2024

PRAYER in C.S.(Comm.Div.) No.30 of 2024: Civil Suit (Commercial

Division) filed under Order VII Rule 1 CPC Read With Order IV Rule



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1 of 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 27 of the Trade Marks Act, 1999 and Sections 14, 51, 55 & 62 of the Copyright Act, 1957, praying to grant a judgment and decree on the following terms:-

(a) A permanent injunction restraining Defendant No.2, its partners, directors, proprietors, subsidiaries, affiliates, franchisees, officers, servants, agents, distributors, stockists, representatives, licensees and anyone acting for or on their behalf directly or indirectly, as the case may be from using the artistic works in the labels SOY SOI - ASIAN EATSTREET, BAYROOT, CRUST AND CHEESE, DOUBLE ROTI, LITTLE SOI, ORIGIN, BANGKOK BAE, BURGER BROS, CHINESE WOX, MADURAI MILITARY HOTEL, MEX BOWL INC or as the case may be from performing any actions which amount to the infringement of copyright in original artistic works belonging to the plaintiff No.3.



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(b) A permanent injunction restraining Defendant No.2, their partners, 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 and indirectly, dealing with any products, services in the name of DOUBLE ROTI, SOY SOI - ASIAN EATSTEET, ORIGIN, DELISH - THE DESSERT STUDIO, BAYROOT, LITTLE SOI, CRUST AND CHEESE BY DOUBLE ROTI, EPICURE - BEPOKE BANQUETING & EVENTS, SOWL - BREW ROOM AND BAKEHOUSE, BURGER BROS, BANGKOK BAE, CHINESE WOX, MEX BOWN INC., PIZZERIA BY THE BAY, MEX BOWL INC., BANGARUSWAMY NAIDU BIRIYANI, MADURAI MILITARY HOTEL or any other mark and / or label which is identical / similar to the plaintiff no.3's trade marks and such other marks and passing off the goods / services of the defendant as and for those of the plaintiff no.3 in any manner whatsoever.



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(c) A permanent injunction restraining the defendants, their partners, their employees, officers, servants, agents and all others acting for and on their behalf from transferring all the domain names, websites, social media platforms, mobile application in relation to the brands Double Roti, Soy Soi – Asian Eatstreet, Origin, Delish – The Dessert Studio, Bayroot, Little Soi, Crust and Cheese by Double Roti, Epicure – Bepoke Banqueting & Events, Sowl – Brew Room and Bakehouse, Burger Bros, Bangkok Bae, Chinese Wox, Mex Bowl Inc., Pizzeria by the Bay, Mex Bowl Inc., Bangaruswmy Naidu Biriyani and Madurai Military Hotel to any party in any manner whatsoever.

(d) A mandatory injunction directing the Defendant No.2 to assign all the Trade Mark Applications under Nos.5679336, 5679335, 5679334, 6115275, 6115274, 6115273, 5679340, 5679338, 5679337, 5679343, 5679342, 5679341, 5679346, 5679345, 5679344, 6115260, 6115259, 6115258, 6115316, 6115315, 6115314, 6115272, 6115262,



6115261, 6115308, 6113507, 6115306, 6115319, 6115318, 6115317 filed for the trade marks SOY SOI - ASIAN EATSTREET, BAYROOT, CRUST AND CHEESE, DOUBLE ROTI, LITTLE SOI, ORIGIN, BANGKOK BAE, BURGER BROS, CHINESE WOX, MADURAI MILITARY HOTEL, MEX BOWL INC and trade mark registration under No.3951684 obtained for the trade mark SOY SOI - ASIAN EATSTREET in the name of the plaintiff no.3.

(e) A mandatory injunction directing to Defendant No.2 to transfer the Copyright Registrations obtained for the artistic works titled Bangkok Bae, BOWL SHAPED DEVICE AS ART WORK WITH STICKS ON TOP AND THE WORD Chinese Wox Bring Home The Taste of China IN STYLE ALTOGETHER IN RED COLOUR and ART WORK OF SPHERE WITH C AND TRIANGLE SHAPED DEVICE AND PUNCH HOLES, CRUST & CHEESE BY DOUBLE ROTI ALTOGETHER IN COLOUR of Defendant No.2 to Plaintiff No.3.



(f) A mandatory injunction directing to Defendant No.1 to assign the Trade Mark Registration under NO.2888013 for the mark DOUBLE ROTI in the name of the Plaintiff No.3.

(g) A declaration that Plaintiff No.3 is the original, sole proprietor and the owner of the Plaintiff's trade marks being, Double Roti, Soy Soi – Asian Eatstreet, Origin, Delish – The Dessert Studio, Bayroot, Little Soi, Crust and Cheese by Double Roti, Epicure – Bepoke Banqueting & Events, Sowl – Brew Room and Bakehouse, Burger Bros, Bangkok Bae, Chinese Wox, Mex Bowl Inc., Pizzeria by the Bay, Mex Bowl Inc., Bangaruswmy Naidu Biriyanis, Madurai Military Hotel.

(h) A declaration that Plaintiff No.3 is the original, sole proprietor and the owner of the copyright in the artistic works in SOY SOI – ASIAN EATSTREET, BAYROOT, CRUST AND CHEESE, DOUBLE ROTI, LITTLE SOI, ORIGIN, BANGKOK BAE, BURGER



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BROS, CHINESE WOX, MADURAI MILITARY HOTEL, MEX BOWL

(i) A declaration that all or any license, assignment, permission, consent, authorisation or no objection, provided by the Defendant No.1 and Defendant No.2 in respect of the Plaintiff's trade marks being SOY SOI - ASIAN EATSTREET, BAYROOT, CRUST AND CHEESE, DOUBLE ROTI, LITTLE SOI, ORIGIN, BANGKOK BAE, BURGER BROS, CHINESE WOX, MADURAI MILITARY HOTEL, MEX BOWL INC to any party as null and void.

(j) A declaration that all or any license, assignment, permission, consent, authorisation or no objection, provided by the Defendant No.1 and Defendant No.2 in respect of the Plaintiff's artistic works being Double Roti, Soy Soi - Asian Eatstreet, Origin, Delish - The Dessert Studio, Bayroot, Little Soi, Crust and Cheese by Double Roti, Epicure - Bepoke Banqueting & Events, Sowl - Brew Room and



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Bakehouse, Burger Bros, Bangkok Bae, Chinese Wox, Mex Bowl Inc.,
Pizzeria by the Bay, Mex Bowl Inc., Bangaruswmy Naidu Biriyani,
Madurai Military Hotel to any party as null and void.

(k) The Defendants be ordered to pay the Plaintiff No.1 & 2 a sum of INR 10,00,000/- (Rupees Ten Lakhs Only) as damages for having attempting to usurp the ownership of the Plaintiff No.3's trade marks, pass off their goods and services as and that of the Plaintiff No.3 and for infringement of copyright in Plaintiff No.3's artistic works.

(l) Costs of such other relief.

PRAYER in OP(TM)/21/2024: Original Petition (Trade Marks) filed under Section 57 of the Trade Marks Act, 1999, pleased to allow the present petition and direct the Respondent No.1 to assign and transfer the Trade Mark under Registration No.3951684 in class 43 to

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Petitioner No.3 and direct the Respondent No.2 to rectify the register in relation to the Trade Mark under Registration No.3951684 in class 43 by changing / amending the name of the Registered Proprietor from Respondent No.1 to Petitioner No.3 and cost of the proceedings be awarded in favour of the petitioners.

PRAYER in OP(TM)/22/2024: Original Petition (Trade Marks) filed under Section 57 of the Trade Marks Act, 1999, pleased to allow the present petition and direct the Respondent No.1 to assign and transfer the Trade Mark bayroot under Application No.5679336 in class 30 that deemed to be registered to Petitioner No.3 and direct the Respondent No.2 to rectify the register in relation to the Trade Mark bayroot under Application No.5679336 in class 30 that is deemed to be registered by changing / amending the name of the Registered Proprietor from Respondent No.1 to Petitioner No.3 and cost of the proceedings be awarded in favour of the petitioners.



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PRAYER in OP(TM)/23/2024: Original Petition (Trade Marks) filed under Section 57 of the Trade Marks Act, 1999, pleaded to allow the present petition and direct the Respondent No.1 to assign and transfer the Trade Mark Double Roti under Registration No.2888013 in class 43 to Petitioner No.3 and direct the Respondent No.2 to rectify the register in relation to the Trade Mark under Registration No.2888013 in class 43 by changing / amending the name of the Registered Proprietor from Respondent No.1 to Petitioner No.3 and cost of the proceedings be awarded in favour of the petitioners.

PRAYER in OP(TM)/32/2024: Original Petition (Trade Marks) filed under Section 57 of the Trade Marks Act, 1999, pleaded to allow the present petition and direct the Respondent No.1 to assign and transfer the Trade Mark ORIGIN under Registration No.5679345 in class 35 to Petitioner No.3 and direct the Respondent No.2 to rectify the register in relation to the Trade Mark ORIGIN under Registration No.5679345 in class 35 by changing / amending the name of the



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Registered Proprietor from Respondent No.1 to Petitioner No.3 and cost of the proceedings be awarded in favour of the petitioners.

PRAYER in OP(TM)/33/2024: Original Petition (Trade Marks) filed under Section 57 of the Trade Marks Act, 1999, pleaded to allow the present petition and direct the Respondent No.1 to assign and transfer the Trade Mark little SOI under Registration No.5679343 in class 30 to Petitioner No.3 and direct the Respondent No.2 to rectify the register in relation to the Trade Mark little SOI under Registration No.5679343 in class 30 by changing / amending the name of the Registered Proprietor from Respondent No.1 to Petitioner No.3 and cost of the proceedings be awarded in favour of the petitioners.

PRAYER in OP(TM)/34/2024: Original Petition (Trade Marks) filed under Section 57 of the Trade Marks Act, 1999, pleaded to allow the present petition and direct the Respondent No.1 to assign and transfer the Trade Mark little SOI under Registration No.5679342 in



class 35 to Petitioner No.3 and direct the Respondent No.2 to rectify the register in relation to the Trade Mark little SOI under Registration No.5679343 in class 35 by changing / amending the name of the Registered Proprietor from Respondent No.1 to Petitioner No.3 and cost of the proceedings be awarded in favour of the petitioners.

PRAYER in OP(CR)/3/2024: Original Petition (Copyrights) filed under Section 50 of the Copyright Act, 1957, pleaded to allow the present petition and direct Respondent No.1 to assign and transfer the artistic work “Flower like are word with dots around and the word The New Punjab Club altogether in color” under Copyright Registration No.A-152027/2023 to Petitioner No.3 and direct Respondent No.3 to rectify the register in relation to the artistic work “Flower like are word with dots around and the word The New Punjab Club altogether in color” under Copyright Registration No.A-152027/2023 by changing / amending the name of the Registered



Proprietor from Respondent No.1 to Petitioner No.3 and cost of proceedings be awarded in favour of the petitioners.

PRAYER in OP(CR)/4/2024: Original Petition (Copyrights) filed under Section 50 of the Copyright Act, 1957, pleaded to allow the present petition and direct Respondent No.1 to assign and transfer the artistic work “Bangkok Bae” under Copyright Registration No.A-150472/2023 to Petitioner No.3 and direct Respondent No.3 to rectify the register in relation to the artistic work “Bangkok Bae” under Copyright Registration No.A-150472/2023 by changing / amending the name of the Registered Proprietor from Respondent No.1 to Petitioner No.3 and cost of proceedings be awarded in favour of the petitioners.

PRAYER in OP(CR)/5/2024: Original Petition (Copyrights) filed under Section 50 of the Copyright Act, 1957, pleaded to allow the present petition and direct Respondent No.1 to assign and transfer



the artistic work “bowl shaped device as art work with sticks on top and the word chinese vox bring home the taste of china in style altogether in red color” under Copyright Registration No.A-150481/2023 to Petitioner No.3 and direct Respondent No.3 to rectify the register in relation to the artistic work “bowl shaped device as art work with sticks on top and the word chinese vox bring home the taste of china in style altogether in red color” under Copyright Registration No.A-150481/2023 by changing / amending the name of the Registered Proprietor from Respondent No.1 to Petitioner No.3 and cost of proceedings be awarded in favour of the petitioners.

PRAYER in OP(CR)/6/2024: Original Petition (Copyrights) filed under Section 50 of the Copyright Act, 1957, pleaded to allow the present petition and direct Respondent No.1 to assign and transfer the artistic work “square shape device as artwork with letters b at the centre and the words burger bros in style all in red color” under



Copyright Registration No.A-151320/2024 to Petitioner No.3 and direct Respondent No.3 to rectify the register in relation to the artistic work “square shape device as artwork with letters b at the centre and the words burger bros in style all in red color” under Copyright Registration No.A-151320/2024 by changing / amending the name of the Registered Proprietor from Respondent No.1 to Petitioner No.3 and cost of proceedings be awarded in favour of the petitioners.

PRAYER in OP(CR)/7/2024: Original Petition (Copyrights) filed under Section 50 of the Copyright Act, 1957, pleaded to allow the present petition and direct Respondent No.1 to assign and transfer the artistic work “art work of sphere with c and triangle shaped device and punch holes, crust and cheese by double roti altogether in colour” under copyright Registration No.A-150474/2023 to Petitioner No.3 and direct Respondent No.3 to rectify the register in relation to the artistic work “art work of sphere with c and triangle shaped device and punch holes, crust and cheese by double roti altogether in



colour” under Copyright Registration No.A-150474/2023 by
changing / amending the name of the Registered Proprietor from
Respondent No.1 to Petitioner No.3 and cost of proceedings be
awarded in favour of the petitioners.

For Plaintiffs in C.S.(Comm.Div.).30/2024	: Mr.M.S.Bharath
For Defendants in C.S.(Comm.Div.).30/2024	: Mr.Pranav V.Shankar for M/s.R.Vidhyashankar
For Petitioners in OP(CR)/3 to 7/2024	: Mr.M.S.Bharath
For Respondent 1 in OP(CR)/3 to 7/2024	: Mr.Pranav V.Shankar for M/s.R.Vidhyashankar
For Respondent 2 in OP(CR)/3 to 7/2024	: No Appearance
For Respondent 3 in OP(CR)/3, 4/2024	: Mr.S.Janarthanam, Senior Panel Counsel
For Respondent 3 in OP(CR)/5, 7/2024	: Mr.A.R.Sakthivel, Senior Panel Counsel
For Respondent 3 in OP(CR)/6/2024	: Mr.M.Karthikeyan, Senior Panel Counsel



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For Petitioners
in OP(TM)/21 to 23,
32 to 34/2024

: Mr.M.S.Bharath

For Respondent 1
in OP(TM)/21 to 23,
32 to 34/2024

: Mr.Pranav V.Shankar
for M/s.R.Vidhyashankar

For Respondent 2
in OP(TM)/21 to 23,
32 to 34/2024

: Mr.J.Madhanagopal Rao,
Senior Panel Counsel

**JUDGMENT in C.S.(Comm.Div.) No.30 of 2024 and COMMON
ORDER in OP(TM)/21, 22, 23, 32, 33 & 34/2024
and OP(CR)/4, 5, 6 & 7/2024**

One suit and multiple rectification petitions, both in respect of registered trade marks and registered copyrights, were filed before this Court. Pursuant to negotiations, a joint memorandum of compromise dated 14.09.2024 was executed. The said joint memorandum of compromise has been executed by seven parties, who are described as party 1 to party 7 therein. Out of those parties, party 3 is the second defendant in the suit. It is stated that the second

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defendant, which was originally a public limited company was converted into a private limited company. Parties 1 and 2, who are third parties to these proceedings, are said to be the shareholders and directors of party 3. Party 4 therein is the third plaintiff in the suit and also a party to the rectification petitions. Parties 5 and 6 therein are the first and second plaintiffs in the suit and petitioners in the rectification petitions. Party 7 is a third party to these proceedings and a limited liability partnership represented by party 6 / second plaintiff in these proceedings. Although Infusion Hospitality Private Limited has been arrayed as the first defendant in the suit, it is submitted that the said entity merged with Pricol Gourmet Private Limited under a scheme of amalgamation and was dissolved without being wound up. The order sanctioning the scheme of amalgamation is on record and corroborates the above submission.

2. Broadly, the joint memorandum of compromise envisages the transfer of the entire shareholding of Mr.Japtej Singh Ahluwalia



and Mr.Nikesh Lamba in Pricol Gourmet Private Limited to Mr.Vikram Mohan for an aggregate consideration of Rs.4,06,10,000/-.

The joint memorandum of compromise also records the confirmation and acknowledgment by parties 5, 6 and 7 that the trade marks and copyrights enumerated in Part-I of schedule – IV belongs to and are vested absolutely in the second defendant. Clause 5 of the joint memorandum of compromise records that the parties would present the compromise before this Court and before the NCLT and that all legal proceedings listed in schedule – II thereof would be disposed of in terms thereof. Clause 5 and schedule – II are set out below:

“5. Parties 1 to 6 will forthwith record this MOC before Honorable Madras High Court and NCLT in all legal proceedings listed in Schedule II hereto initiated by them, as compromised in terms hereof and either secure a Decree to be passed in all such legal proceedings in- terms hereof or have the proceedings closed in view of this MOC, without any order as to costs.”

SCHEDULE II
Pending Legal Proceedings between the Parties



<i>Sl.No.</i>	<i>Particulars</i>	<i>Forum</i>
1	C.S.(Comm.Div.) No.30 of 2024	Honourable High Court of Madras
2	OP(TM) Nos.21 to 23 of 2024 OP(TM) Nos.32 to 34 of 2024	Honourable High Court of Madras
3	OP(CR) Nos.3 to 7 of 2024	Honourable High Court of Madras
4	CP/74/CHE/2024	National Company Law Tribunal, Chennai Bench
5	CSR No.32/2024 dated 22.01.2024	E4 Abhiramapuram Police Station, Crime Branch, Chennai 600 028.

3. The joint memorandum of compromise also provides for the transfer and assignment of the trade marks and copyrights set out in part A of schedule - VI in terms of an assignment deed which is schedule - XI to such memorandum of compromise. It also provides for the treatment of other assets. Upon examining the terms of such joint memorandum of compromise, I see no legal impediment to the disposal of these proceedings in terms thereof.



4. Accordingly, the following orders are issued:

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(i) C.S.(Comm.Div.) No.30 of 2024 is decreed in terms of joint memorandum of compromise dated 14.09.2024, which shall form an integral part thereof. In view of the compromise, the parties shall bear their respective costs. Consequently, O.A.Nos.101, 102 and 103 of 2024 and A.No.2286 of 2024 are closed.

(ii) OP(TM) Nos.21 to 23 and 32 to 34 of 2024 are disposed of in terms of the joint memorandum of compromise dated 14.09.2024. No costs.

(iii) OP(CR) Nos.3 to 7 of 2024 are disposed of in terms of joint memorandum of compromise dated 14.09.2024. No costs.

24.09.2024

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Index : Yes / No

Internet : Yes / No

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and O.A.Nos.101, 102 & 103 of 2024
and A.No.2286 of 2024
and OP(TM)/21, 22, 23, 32, 33 & 34/2024
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24.09.2024