



WEB COPY

OP(TM) No.3 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2024

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

OP(TM) No.3 of 2023

M/s.R.K.Gnapathi Chettiar,
Rep. By its Partner S.Bhasker,
138, Muthur Road, Kangayam,
Tirupur District – 638 701,
Tamil Nadu, India.

.... Petitioner

Vs

1. G.Saravanan

2. The Registrar of Trade Marks
The Office of Trademarks Registry,
Intellectual Property Building,
GST Road, Guindy,
Chennai 600 032

.... Respondents

Prayer: Petition filed under Section 47 read with Section 57 of the Trade Marks Act, 1999 to rectify the Trademarks Register by removing, expunging and / or cancelling the Trade Mark of the 1st Respondent that registered under Application No. 3814752 in Class 29.

For Petitioner : Mr.Ramesh Ganapathy
For Respondents : Mr.S.Diwakar, for R1
Mr.N.Ramesh,
Senior Panel Counsel for R2



WEB COPY

ORDER

A joint memo of compromise dated 25.04.2024 duly executed by both the parties as well as their respective learned counsel is filed and is made part of the records.

2. The memo of compromise reads as follows:

JOINT COMPROMISE MEMO FILED BY THE PARTIES

The Petitioner and 1st Respondent herein respectfully submits as follows:

- A. The Petitioner herein had already filed a suit for Infringement of Copyright and passing off in respect of the impugned mark vide C.O.S.No.17 of 2021 before the Hon'ble Principal District Court, at Tirupur.*
- B. The above mentioned suit is decreed in favour of the Petitioner herein vide an Judgement and Decree dated 18.10.2022, granting a Permanent Injunction restraining the 1st Respondent herein from using the impugned trade mark application.*
- C. The Petitioner herein has also filed this instant petition to remove the impugned trade mark from the Register of the Trade Mark Registry.*
- D. The 1st Respondent herein, aggrieved by the Permanent Injunction by way Decree, has filed an Appeal vide A.S (CAD)No.3 of 2022 before the Hon'ble High Court of Madras, and the same is pending for final adjudication.*
- E. In these circumstances The Petitioner and the 1st Respondent respectfully submit that with a view to give quietus to the matter, they have agreed to settle their disputes amicably on the following*



terms:-

TERMS OF THE MEMORANDUM OF COMPROMISE:-

1. The 1st Respondent herein agrees to stop and not to use the trade mark, that is challenged in this instant petition having Registration No.3814752 in Class 29 as annexed along with this memo as Annexure-A.
2. The 1st Respondent herein has changed his trade mark, “GVG” as annexed along with this memo as Annexure-B, in respect of his ghee products.
3. The 1st Respondent herein agrees that he will take steps within 30 days of signing this Agreement, to withdraw/ cancel the impugned trade mark having Registration No.3814752 in Class 29 with the Trade Mark Registry.
4. The 1st Respondent agrees that he will not use any trade mark/ label/ logo/ device which is deceptively similar or identical as that of the Petitioner’s domestic



trade mark/label, “ ”as
well as the International Trade mark/label, “





OP(TM) No.3 of 2023

days from date of execution of the agreement to withdraw/cancel the impugned trademark bearing registration No.3814752 in class 29 with the Trademark Registry.

6. Once the Form is filed within the time as stipulated, the Trademark Registry will ensure that needful is done in terms of cancellation of the impugned trademark within a period of six (6) weeks from date of receipt of the document.

29.04.2024

Sl

Index: Yes/No

Speaking order

Neutral Citation: Yes

To

The Registrar of Trade Marks
The Office of Trademarks Registry,
Intellectual Property Building,
GST Road, Guindy,
Chennai 600 032



WEB COPY



OP(TM) No.3 of 2023

Dr.ANITA SUMANTH,J.

Sl

OP(TM) No.3 of 2023

29.04.2024