



WEB COPY



CS.(Comm. Div)No. 356 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: **15.04.2024**

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

C.S.(Comm.Div)No. 356 of 2020

V.K.R. Venkatesan

.. Plaintiff

Versus

S.Athiappan

Proprietor of Chitra Enterprises

.. Defendant

Prayer : Civil Suit is filed under Order IV Rule 1 of O.S. Rules r/w Order VII Rule 1 of CPC., and r/w Sections 27, 28, 29, 134 and 135 of Trade Mark Act, 1999 r/w Section 51, 55, 62 of CopyRight Act, r/w Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, No.4 of 2016, prays

(a) A perpetual injunction restraining the defendant by himself/themselves or their men, partners, proprietors, stockiest, dealers, servants, agents, franchisees, successors in interest, licensees, assignees, representatives or any of them claiming through them from in any manner infringing the plaintiff's registered trademark "SIVAJI" and V.K.R. SIVAJI BRAND by use of trade mark label SIVAJI GOLD or any other identical or similar trademark having identical or deceptively similar trade dress, color scheme, artistic work, get-up and placement of expression/or in any other manner whatsoever;

(b) A perpetual injunction restraining the defendant by himself/themselves or their men, partners, proprietors, stockiest, dealers, servants, agents, franchisees, successors in interest, licensees, assignees, representatives or any of them claiming through them from in any manner infringing the plaintiff's Copy Right over the artistic work, identical color



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scheme, layout, get-up and lettering style, by use of identical or deceptively similar trade dress, color scheme artistic work, get-up and placement of expression or in any other manner whatsoever;

(c) A perpetual injunction restraining the defendant by himself/themselves or their men, partners, proprietors, stockiest, dealers, servants, agents, franchisees, successors in interest, licensees, assignees, representatives or any of them claiming through them from in any manner Passing off or enabling passing-off of the defendant's goods and services under the trade mark label SIVAJI GOLD or any other deceptively similar Trade Mark/Trade dress as and for the goods of the plaintiff under the Registered Trade Mark SIVAJI BRAND, or in any other manner whatsoever;

(d) The defendant be ordered to surrender to the plaintiff for destruction all name boards, packing materials, printer bills, cartons, sachets, labels and other materials bearing the impugned mark along with artwork and trade dress which is identical with and/or deceptively similar to that of the Plaintiff's registered trade mark/label/package;

(e) The defendant be ordered to prepare and submit an account of profits made by them by the unlawful use of the Trade Mark label of the plaintiff and thereafter, to pass a final decree upon ascertaining the accounts, in favour of the plaintiff and against the defendant; and

(f) and for costs of the suit.

For Plaintiff : Mr.G.Jeyaraj Israel
For Mr.A.Swaminathan

For Defendant : Set Ex-parte on 18.02.2024

JUDGMENT

The learned counsel appearing for the plaintiff seeks permission of this Court to withdraw this suit and he has also made an endorsement to that effect.



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2. In view of the endorsement as well as the submission made by the learned counsel for the plaintiff, this Civil Suit is dismissed as withdrawn.

No costs.

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Speaking/Non-Speaking order
Index : Yes/No
MSM



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P.VELMURUGAN, J

MSM

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