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C.S.No.540 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.No.540 of 2014

M/s.MRF Limited,
Having registered office at
No.114, Greams Road,
Chennai 600 006, rep. By its
Company Secretary
Mr.Ravi Mannath

... Plaintiff

-VS-

1.Mr.Chandan Sood
B-6/04 (Ground Floor)
Safdarjung Enclave, New Delhi 110 029.

2.eBay India Pvt. Ltd.,
14th Floor, North Block,
R-TECH Park, Western Express Highway,
Goregaon (East), Mumbai 500 063.

3.eBay Inc.
2025 Hamilton Avenue
San Jose, California 95125
United States of America.

... Defendants

(3rd defendant impleaded as per order dated 22.01.2024 in A.No.3403



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of 2021)

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PRAYER: Civil Suit filed Under Order IV Rule 1 Original Side Rules, Sections 28, 29, 134 and 135 of the Trade Marks Act, 1999 and Sections 51, 55 and 62 of the Copyright Act, 1957, praying to grant a judgment and decree on the following terms:-

(a) A perpetual injunction restraining the defendants, their distributors, stockists, servants, agents, retailers, representatives or any other person claiming under / through them from in any manner infringing the plaintiff's registered Trade Marks 'MRF', 'Genius', and 'MRF Connected Letter Device' filed as Plaintiff Document No.1, and / or plaintiff's Cricket Bat Trade Marks filed as Plaintiff Document No.8 by manufacturing and marketing stickers bearing the impugned stickers filed as Plaintiff Document No.17 and / or using or displaying on a website the Impugned trade marks or any other marks, which are identical with and / or deceptively similar to the plaintiff's trade marks, in connection with the defendant's



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business, and in particular in the manufacture and / or sale of cricket bat / kit stickers by the 1st defendant or in any other manner whatsoever;

(b) A perpetual injunction restraining the defendants, their distributors, stockists, servants, agents, retailers, representatives or any other person claiming under / through them from in any manner using the Impugned Marks filed as Plaintiff Document No.17 or any other trade marks which are identical / deceptively similar to the plaintiff's MRF Corporate Trade Marks / Artistic Works filed as Plaintiff Document No.1 and / or the plaintiff's Bat Trade Marks / Artistic Works filed as Plaintiff Document No.8 on stickers, in particular those meant for cricket bat or cricket gear so as to pass off or enable others to pass off the defendant's products or cricket bats and / or cricket kits of others as and for that of the plaintiff or wrongfully associate themselves with the plaintiff's business or in any other manner whatsoever;

(c) A perpetual injunction restraining the defendants, their



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distributors, stockists, servants, agents, retailers, representatives or any other person claiming under / through them from in any manner infringing the plaintiff's copyright in the 'MRF Connected Letter Device' filed as Complaint Document No.1, and / or plaintiff's Bat Trade Marks / Artistic Works filed as Complaint Document No.8 by using the Impugned Artistic Works filed as Complaint Document No.17 or any substantial reproduction / imitation of the same on or in connection with the business of the 1st defendant, or in any other manner whatsoever;

(d) The defendants be ordered to remove all display of the Impugned Stickers from the website www.ebay.in of the 2nd defendant and to delete / cancel all reference to the Impugned Stickers from the website of the 2nd defendant.

(e) The Defendants be ordered and decreed to pay to the plaintiffs jointly and severally a sum of Rs.25,01,000/- as damages for acts of passing off and infringement of Trade Mark & infringement of copyright committed by the defendants.



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(f) For costs of the suit.

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For Plaintiff : Mr.Navod Prasannan
for M/s.M.S.Bharath

For Defendant 3 : Mr.Pawan Jhabakh

For Defendant 1 : Set *Ex parte* on 06.09.2024

For Defendant 2 : Suit is dismissed on 06.09.2024

JUDGMENT

Learned counsel for the plaintiff submits that he has been instructed to withdraw the suit. He has made an endorsement for withdrawal.

2. Therefore, C.S.No.540 of 2014 is dismissed as withdrawn without any order as to costs.

30.09.2024

rna

Index : Yes / No

Internet : Yes / No



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Neutral Citation: Yes / No

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SENTHILKUMAR RAMAMOORTHY,J

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