



**O.A.Nos.167 and 168 of 2023
and
A.Nos.1266, 2391, 2392 and 2393 of 2023
in
C.S.(Comm. Div.)No.45 of 2023**

ABDUL QUDDHOSE.J.,

On the last hearing date, i.e., on 21.02.2024, the learned counsel for the defendant sought time to get instructions with regard to the following:

(a) Whether the defendant is willing to give an undertaking before this Court that till his legal rights are determined by a competent forum with regard to the usage of the domain name "www.nalli.cloud", the defendant shall not use the said domain name;

(b) Whether the defendant is willing to give an undertaking that they shall not register any domain name, which is deceptively similar to the plaintiffs' trademark "NALLI", till final determination is rendered by any competent forum with regard to the defendant's rights in respect of the domain name "NALLI".

2. Today, the learned counsel for the defendant after obtaining instructions from his client has stated that with regard to instruction No.(a) referred to supra, the defendant has no objection for the continuation of the interim injunction granted in O.A.No.167 of 2023 till a final determination is made by any competent forum with regard to the legal rights of the



WEB COPY

defendant to use the domain name "www.nalli.cloud". He would submit that O.A.No.167 of 2023 can be disposed of in terms of the undertaking given by the defendant with regard to the domain name "www.nalli.cloud". Accordingly, this Court, after recording the undertaking given by the defendant that they shall not use the domain name "www.nalli.cloud" till the legal rights of the defendant are approved by a competent forum with regard to the use of the domain name "www.nalli.cloud", is disposing of O.A.No.167 of 2023 in terms of the above said undertaking given by the defendant. With regard to the instruction No.(b), which the learned counsel for the defendant sought time viz., whether the defendant is willing to give an undertaking that they shall not register any domain name which is deceptively similar to that of the plaintiff's trademark "NALLI" till any final decision is rendered by any competent forum with regard to the defendant's right in respect of the domain name "NALLI", the learned counsel for the defendant on instructions would now submit that the defendant is not willing to give such an undertaking as the defendant has already filed an application seeking to vacate the interim injunction granted in favour of the plaintiff in A.No.2392 of 2023 in O.A.No.168 of 2023 since the defendant is not willing to give any undertaking in respect of A.No.2392 of 2023, the



said application as well as O.A.No.168 of 2023 has to be decided by this Court on merits.

3. Parties are already before the mediator appointed by the I.P. division of this Court, who is mediating the dispute and in view of the same, this Court is adjourning the suit and other connected applications for hearing on 26.06.2024.

4. Consequently, the vacate injunction application viz., A.No.2391 of 2023 is closed.

13.03.2024

ab



WEB COPY



ABDUL QUDDHOSE.J.,

ab

**O.A.Nos.167 and 168 of 2023
and
A.Nos.1266, 2391, 2392 and 2393 of 2023
in
C.S.(Comm. Div.)No.45 of 2023**

13.03.2024