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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 23/2023 I.A. 5710/2023 I.A. 24863/2023**

HARD ROCK LIMITED

..... Plaintiff

Through: Mr. Ranjan Narula, Ms. Aishani
Singh and Ms. Shivangi Kohli, Advs.

versus

HARD ROCK INN PRIVATE LIMITED

..... Defendant

Through: Mr. Manish Kumar, Ms. Aparajita
Jha and Ms. Shruti Verma, Advs. for
D-1 & 3. (thru VC)

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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23.04.2024

1. Pursuant to order dated 26th February 2024, an affidavit has been filed on behalf of Mr. Pawan Pahuja, defendant no.3, who affirms that he is one of the Directors of Defendant no.1 Company and has been duly authorised to file the said affidavit *vide* Board Resolution dated 21st March, 2024.

2. It is stated that defendants do not dispute rights of plaintiff and are willing to suffer a decree in this regard and are no longer using plaintiff's trademarks including '**HARD ROCK**', '**HARD ROCK HOTEL**', and '**HARD ROCK CAFÉ**' in relation to restaurant services that defendants were operating. The name of restaurant has been changed to '**THE ROSE DREAM**'. The defendants have also made an application for change of name of defendant no.1 from '*Hard Rock Inn Pvt. Ltd.*' to '*Rose Dreams Hotel & Resort Pvt. Ltd.*'. Copy of the necessary applications to the ROC, Ministry of Company Affairs dated 14th March 2024 and 18th March 2024 are appended along with the affidavit. The email and domain name using plaintiff's mark have also been changed six months back.

3. Mr. Manish Kumar, Advocate who appears on behalf of defendant



nos.1 and 3, states that there has been some delay on account of *inter se* disputes which had transpired between defendant no.2 and 4, for control of defendant no.1 company. These aspects have already been recorded in order of this Court dated 26th February 2024.

4. In view of this affidavit, Mr. Ranjan Narula, counsel for plaintiff seeks a decree in terms of prayer Para 33 (a) to (d); extracted as follows:

a) A decree for permanent injunction restraining the Defendant, its Directors, principal officers, proprietors, officers, servants, agents and representatives from using the mark/name HARD ROCK/ HARD ROCK INN for hotel/ hospitality services, including but not limited to as a name of the hotel, company name, e-mail addresses, web-site, social-media, brochures, signage and/or any other mark identical/deceptively similar to the Plaintiff's prior registered trademarks HARD ROCK, , , HARD ROCK HOTEL, HARD ROCK CAFE,  amounting to infringement of the registered trademarks of Plaintiff bearing nos. 2235979, 2235980, 1246856, 1246855, 1246854, 1246853;

b) A decree for permanent injunction restraining the Defendant, its Directors, principal officers, proprietors, officers, servants, agents and representatives from using the mark/name HARD ROCK/ HARD ROCK INN for hotel/hospitality services, including but not limited to



name of the hotel, company name, e-mail addresses, web-site, social-media, brochures, signage and/or any other mark identical/deceptively

similar to the Plaintiff's prior trademarks HARD ROCK, 

 , HARD ROCK HOTEL, HARD ROCK CAFE, 

and/or in any manner whatsoever doing any other thing as may be likely to cause confusion or deception amounting to passing off their services and business as and for those of the Plaintiff;

c) an order restraining the Defendant from operating the website <https://hardrockinn.yolasite.com/> , any other website/domain name, email address containing HARD ROCK controlled or registered by the Defendant and transfer in favour of Plaintiff, the impugned domain name <https://hardrockinn.yolasite.com/> and any other domain name containing HARD ROCK;

d) An order for delivery up of all labels, stickers, any other printed material including stationery, brochures, business cards, name boards bearing the mark HARD ROCK, company name "Hard Rock Inn Private Limited" , domain name <https://hardrockinn.yolasite.com/>, email addresses hardrockinnhry@gmail.com ,

hardrockinnpvt@gmail.com to the authorized representative of the Plaintiff for the purposes of destruction/erasure.

5. Accordingly, decree sheet be drawn up in the aforesaid prayer clauses by the Registry.

6. Defendant nos.1 and 3 shall be bound by their undertakings. As regards defendant no.2 and 4, it is already stated that they are no longer in control of the company and have tendered their resignations.

7. Defendant no.1 shall take all necessary steps to ensure that applications



before the ROC are processed expeditiously, within a period of 2 months at best. Defendant no.1 shall provide written communication to counsel for plaintiff in this regard.

8. Counsel for plaintiff points out that there are certain stray references to ***Hard Rock*** on other sites operated by defendant no.1.

9. Counsel for defendant no.1 states although this must be inadvertent, they will take all steps to ensure these are renamed as expeditiously as possible. Confirmation in this regard be given to counsel for plaintiff.

10. In view of the above facts and circumstances that the matter has been disposed of on account of settlement between the parties, court fees be refunded to plaintiff through its counsel. Registry is directed accordingly.

11. The suit stands disposed of in above terms.

12. Pending applications, if any, stand disposed of as infructuous.

13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 23, 2024/sm/sc