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

+ **CS(COMM) 87/2021**

**DIAGEO BRANDS B.V. & ANR.**

.....Plaintiffs

Through: Mr. Vivek Ayyagari, Mr. Angad  
Makkar and Mr. Nitin Sharma, Advs.  
M: 8017571175

versus

**GREAT GALLEON VENTURES LIMITED**

.....Defendant

Through: Mr. Kapil Wadhwa and Ms. Brinda  
Nagaraja, Advs. (Through VC)

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

**09.10.2024**

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1. The present suit has been filed seeking to restrain the defendant from, *inter alia*, manufacturing, selling, offering for sale, passing off, and unfair competition of its products 'GOA Gold' whisky in 180 ml and 'GOA Gold' rum in 180 ml bearing a design which is an identical imitation of the plaintiffs' registered design no. 306577.

2. Vide order dated 23<sup>rd</sup> February, 2021, an *ex-parte ad interim injunction* had been passed in favour of the plaintiffs restraining the defendant from manufacturing, selling, offering for sale, etc. of the impugned products bearing a design, which was identical to the plaintiffs' registered design.

3. The parties were referred to mediation vide order dated 7<sup>th</sup> May, 2024, before the Delhi High Court Mediation and Conciliation Centre, wherein,



they have successfully negotiated a settlement and executed a Settlement Agreement dated 06<sup>th</sup> August, 2024.

4. Learned counsels appearing for the parties confirm the terms of the settlement and pray that the suit be decreed in terms, thereof.

5. The Court has perused the terms of the settlement and finds the same to be lawful.

6. In terms of the settlement, it has been agreed that the defendant has already changed its bottle design for the impugned products. The plaintiffs have seen the new bottle design and have no objection to the same. The new bottle design is reproduced hereunder:



7. In terms of the settlement, it has been agreed that the defendant has an unfinished and unfilled stock of approximately 6,50,000 bottles of the impugned products, bearing the previous design, which the defendant intends to recycle into the new bottle design, as mentioned above. The plaintiffs do not object to the said recycling of bottles.



8. In terms of the settlement, the defendant has undertaken to withdraw its design cancellation petition filed against the plaintiffs' registered design bearing design no. 306577, pending before the Controller of Patents and Designs, Patent Office, Kolkata within two weeks of the present settlement terms being taken on record by the court.
9. Accordingly, the present suit is decreed in terms of the Settlement Agreement dated 06<sup>th</sup> August, 2024, which shall form part of the decree.
10. The parties shall remain bound by the terms of the settlement.
11. The Controller of Patents and Designs, Patent Office, Kolkata, is directed to expeditiously process the withdrawal application of the defendant.
12. In view of the fact that the parties have arrived at a compromise, the Registry is directed to issue a certificate for refund of full Court fees in favour of the plaintiff.
13. Decree sheet be drawn up.
14. Accordingly, the suit is disposed of.

**MINI PUSHKARNA, J**

**OCTOBER 9, 2024/kr**