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

+ **CS(COMM) 335/2022 & I.A. 15449/2022, I.A. 24684/2023**

CAMPUS ACTIVEWEAR LTD.

.....Plaintiff

Through: Mr. Sachin Gupta, Mr. Rohit Pradhan,
Ms. Prashansa Singh, Mr. Ajay
Kumar and Ms. Archana, Advs.
M: 9811180270
Email: info@litlegal.in

versus

MR. SUBHASH CHAND BANSAL & ORS.

.....Defendants

Through: Mr. Rahul Vidhani, Adv.
M: 9811545888
Email: ipr@vidhani.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
12.09.2024

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1. The present suit has been filed seeking a decree of permanent injunction restraining infringement of trademark, copyright, design, passing off, dilution, rendition of accounts, misrepresentation, fraud, damages, delivery up, etc. and to restrain the defendants from dealing with trademarks, which are deceptively similar to the plaintiff's trademark and shoe design.

2. An affidavit dated 10th September, 2024 has been filed on behalf of the defendants, relevant portion of which, reads as under:

“xxx xxx xxx



3. I say that I have never used the trade mark/logo at any point of time and I don't intend to use it in future.

4. That I undertake not to use the following trade marks, model names/trade names for footwear and the following shoe designs:-



AIR CAPTURE /

DUAL AIR CELL /



ULTIMAFIT /



ARMUR-ON, UNIK-ON;

CARGO-ON,









TAKE OFF

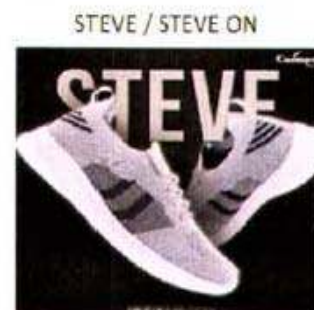
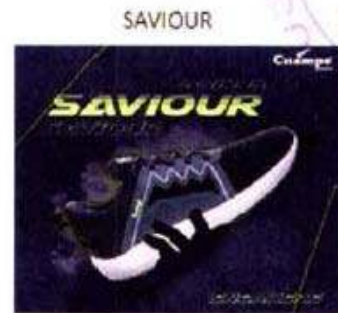
HATTRICK-ON

SALUTE-ON

STONEX-ON

UNIQUE-ON

NORTH-ON



xxx xxx xxx

6. *That I have no objection if a decree is passed against the Defendant Nos. 1 & 3 against the use of the trade marks, model names/trade names for footwear and shoe designs as reproduced in paras 3 and 4 above leaving the parties to bear their own cost.*

xxx xxx xxx”

3. At this stage, learned counsel appearing for the plaintiff submits that he is satisfied with the undertaking given by the defendants vide affidavit dated 10th September, 2024. He further submits that the suit be decreed in view of the aforesaid undertaking.
4. Learned counsel appearing for the plaintiff also submits that as regards other issues, the plaintiff shall approach the Registrar of Trade Marks and file rectification petitions with respect to the subsisting trademarks of the defendants.
5. The aforesaid submission made by learned counsel for the plaintiff is noted.
6. Accordingly, the present suit is decreed in favour of the plaintiffs in terms of Para 3, 4 and 6 of the aforesaid undertaking, given by the defendants vide affidavit dated 10th September, 2024.
7. Decree sheet be drawn up.
8. Accordingly, the suit, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

SEPTEMBER 12, 2024

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