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

+ **CS(COMM) 536/2022 & I.A. 12378/2022, I.A. 12380/2022, I.A. 15290/2022, I.A. 37312/2024**

DELHI PUBLIC SCHOOL SOCIETY

.....Plaintiff

Through: Mr. Puneet Mittal, Sr. Adv. with Mr.
Yugansh Mittal, Ms. Sakshi
Mendiratta, Advocates
(M:9717889462)

versus

M/S KRYPTON PROGRESSIVE EDUCATIONAL TRUST & ORS.

.....Defendants

Through: Mr. Vikas Goel, Mr. Harmanbir
Singh Sandhu, Ms. Samiksha Goel,
Mr. Rakesh Johri, Advocates for D-1
to 7 (M:9654453326)
Ms. Anamika Ghai Niyazi, Ms. Kirti
Bhardwaj, Advocates for Contemnno
7 to 11 (CBSE and its officials)
(M:9810413706)
Mr. Vivek Singh, Mr. Anuj Mirdha,
Mr. Onkar Nath, Advocates for D-8,
along with defendant no.8 in person

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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26.11.2024

1. Learned counsel for Central Board of Secondary Education ("CBSE") has handed over documents to show that the request of the defendant no.1 for change of name of the school from Delhi Public School to Krypton Public School, Moradabad, has been accepted by the CBSE. In this regard, a letter dated 10th October, 2024 vide letter no. CBSE/2130667/CN-00165-2425/2024-25, has been written by the CBSE, to defendant no.1.
2. Learned counsel for defendant no.1 confirms the aforesaid fact, and



submits that pursuant to the approval of the CBSE, defendant no.1 has already changed the name of the school from Delhi Public School to Krypton Public School, Moradabad.

3. Learned Senior Counsel for the plaintiff submits that he is satisfied with the aforesaid name change. However, he submits that the logo which has been adopted by defendant no.1 is deceptively similar to the well-known logo of the Delhi Public School.

4. On a pointed query by this Court, learned counsel for defendant no.1 submits that logo of the school shall be changed. He further submits that new logo shall be adopted by defendant no.1 school, which shall not be similar or deceptively similar to the logo of Delhi Public School.

5. The aforesaid statement made by defendant no.1 is taken on record and defendant no.1 is held bound by the same.

6. Liberty is granted to the defendant no.1 to approach CBSE in order to seek approval for change of logo of the school. Let an appropriate application be filed by the defendant no.1 with the CBSE expeditiously, preferably, within a period of four weeks from today.

7. As and when the said application is filed by the defendant, the CBSE shall consider the same, as per law.

8. Learned Senior Counsel for the plaintiff submits that the suit may be decreed in favour of the plaintiff. However, he submits that Cost be paid in favour of the plaintiff by the defendants, in view of the infringing activity having been carried out by the defendants.

9. This Court notes that in a similar suit involving similar question, this Court had disposed of the suit by imposing a Cost of ₹ 2 Lacs upon the defendants, therein.

10. It is to be noted that the present suit has been filed seeking permanent injunction against the defendants for restraining the defendants from



unauthorized use of the plaintiff's trademark Delhi Public School and DPS. Since, it is the case of the plaintiff that such use violates the plaintiff's trademark rights and constitutes trademark infringement and causes significant harm to the plaintiff's reputation and goodwill, the present suit came to be filed.

11. Considering the submissions made before this Court that defendant no.1 has already stopped using the name of the school of the plaintiff, and has adopted a new name, i.e., Krypton Public School, Moradabad, which name has already been given approval by the CBSE, this Court is of the view that the suit can be decreed in favour of the plaintiff.

12. Considering the facts and circumstances of the present case, this Court is of the view that ends of justice shall be met, if Cost of ₹ 2 Lacs, is paid by the defendants to the plaintiff.

13. Let the needful be done within a period of two weeks.

14. Accordingly, the suit is decreed in favour of the plaintiff and against the defendants in terms of Prayer (a) to (e) of the plaint.

15. In view of the fact that the parties have arrived at a settlement and the plaintiff has accepted the undertaking of the defendant, the Registry of this Court is directed to issue a certificate of refund of 50% of the court fees in favour of the plaintiff.

16. Decree sheet be drawn up.

17. The present suit, along with pending applications, stands disposed of.

MINI PUSHKARNA, J

NOVEMBER 26, 2024

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