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

+ C.O.(COMM.IPD-CR) 805/2022

AUSTIN NICHOLS AND CO. INC

..... Petitioner

Through: Mr. Sambhav Jain and Ms. Reena
Mohan, Advocates.

versus

M/S JAGATJIT INDUSTRIES LTD AND ORS Respondents

Through: Mr. Nikhil Y. Chawla and Mr. Varun
Ahuja, Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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01.05.2024

1. By way of the instant application, the Petitioner seeks cancellation of copyright registration No. A-71799/2005 dated 30th April, 2005 for "BLENDERS PRIDE LABEL"¹ in favour of Respondent No. 1.
2. Apart from the above-captioned petition, there was also a suit [CS(COMM) 376/2018] *inter se* the parties, which has been decreed on consent terms *vide* order dated 2nd April, 2024, on a joint application under Order XXIII Rule 3 of the Code of Civil Procedure, 1908. In terms of the settlement between the parties, Respondent No. 1 (Jagatjit Industries Ltd./Defendant No. 2 in the suit) has agreed to give no objection to the cancellation of the Impugned Copyright. A copy of the consent decree Court dated 2nd April, 2024 has been handed over across the board for the Court's

¹ "Impugned Copyright"



perusal.

3. In light of the above and considering the no objection on behalf of Respondent No. 1 to cancellation of the Impugned Copyright, the present petition is allowed in the following terms:

- i) Copyright registration under No. A-71799/2005 for the “BLENDERS PRIDE LABEL” dated 30th April, 2005, is cancelled.
- ii) Registrar of Copyrights shall issue an appropriate notification to this effect.
- iii) Certificate No. CC 3118/2003-2004 dated 7th April, 2004 issued by the Registrar of Trade Marks prior to the Impugned Copyright registration also stands cancelled.

4. With the above directions, the petition is disposed of.

SANJEEV NARULA, J

MAY 1, 2024

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