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

+ **CS(COMM) 661/2022, I.A. 15588/2022 & I.A. 41360/2024**

ITV STUDIOS NETHERLANDS CONTENT B VPlaintiff

Through: Mr. Peeyoosh Kalra, Mr. Ishith Arora
and Mr. Rajatdeep Sharma, Advs.
M: 9654451996
Email: ishith.arora@remfry.com

versus

VOICE OF MITHILADefendant

Through: Mr. Kashish, Adv.
M: 8799771388
Email: kashisharora7550@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
15.10.2024

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I.A. 41360/2024 (Application under Order XXIII Rule 3)

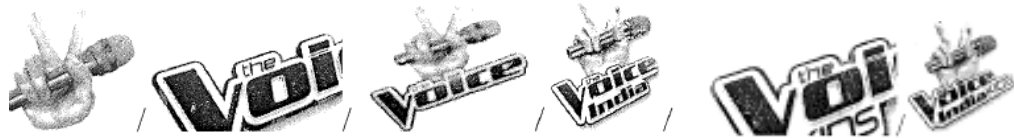
1. The present application has been filed under Order XXIII Rule 3 read with Section 151 of Code of Civil Procedure, 1908 ("CPC").
2. The present suit had been filed by the plaintiff against the defendant for *inter alia* restraining the defendant, its promoters, directors, assignees, relatives, successors-in-interest, licensees, franchisees, partners, representatives, servants, distributors, employees, agents, etc. or anyone

CS(COMM) 661/2022

Page 1 of 5



associated with it, from using the mark or any other marks, identical to or deceptively similar to or containing the plaintiff's registered trade/service mark/artwork THE VOICE/



, in any manner whatsoever, so as to infringe the same.

3. Vide order dated 22nd September, 2022, an *ad interim ex-parte* injunction was passed in favour of the plaintiff and against the defendant, by way of which, the defendant was restrained from making use of the mark



VOICE/ in relation to its business/services.

4. During the pendency of the proceedings in the instant suit, the parties have agreed to amicably resolve the present dispute, on the terms and conditions, which are set out in paragraph 3 of the present application.

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

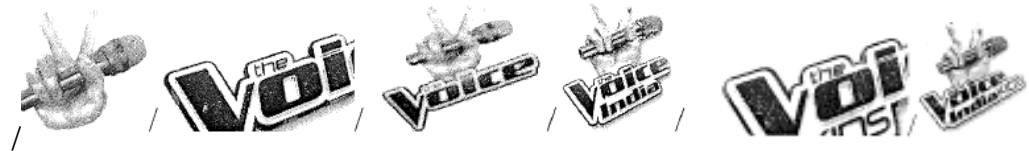
6. This Court has perused the terms of the settlement and finds the same to be lawful.

7. Further, this Court records that the application being I.A. 41648/2024 of the plaintiff, to substitute the authorized representative of the plaintiff, has



been allowed vide order dated 08th October, 2024.

8. As per the terms of the settlement, the defendant has expressly acknowledged that the plaintiff is the exclusive lawful proprietor of the trade/service marks/art works THE VOICE



and/or variants thereof, including their stylization and artwork.

9. Further, in terms of the settlement, the defendant has acknowledged that it understands that the offending use of the marks VOICE/VOICE OF



MITHILA/ amounts to infringement and/or passing off of the plaintiff's marks. Further, the defendant has undertaken to discontinue and cease all use of the infringing mark and/or any other deceptive variations thereof, identical with or deceptively similar, to the registered trade/ service marks/art works THE



VOICE/

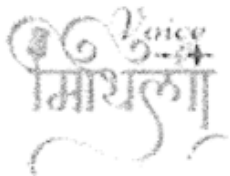


of the plaintiff, in relation to their business, products, and services.

10. Further, in terms of the settlement, the defendant has agreed to

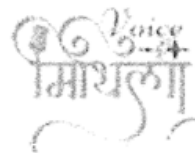


withdraw the Trademark Application filed under No. 4825207 for the mark,



, in Class 9 dated 17th January, 2021, with the Trademark Registry.

11. The suit is accordingly, decreed in terms of the settlement which shall form part of the decree.
12. The parties shall remain bound by the terms of the settlement.
13. In view of the settlement, the Trademark Registry is directed to process the application of the defendant for withdrawal of their Trademark



Application No. 4825207 for the mark in Class 9, as and when such application is filed by the defendant.

14. As per the terms of the settlement, such application for withdrawal shall be filed by the defendant within thirty days of today's order.
15. In view of the fact that parties have arrived at a settlement, the Registry of this Court is directed to issue a certificate of refund of full Court Fees in favour of the plaintiff.
16. At this stage, learned counsel appearing for the plaintiff submits that the said Court Fees be refunded to the plaintiff through its counsel.
17. Accordingly, it is directed that the Court Fees shall be refunded to the plaintiff through its counsel, i.e., REMFRY AND SAGAR.
18. Decree sheet be drawn up.



19. The present suit, along with the pending applications, stand disposed of.

MINI PUSHKARNA, J

OCTOBER 15, 2024/kr