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

+ **CS(COMM) 259/2017**

B. BRAUN MEDICAL (INDIA) PVT . LTD.Plaintiff
Through: Ms. Rajeshwari, Ms. Vibhuti,
Advocates (M:8744984275)
versus

SHANKHESHWAR IMPEX (PVT.) LTD.Defendant
Through: Ms. Meenakshi Ogra, Mr. Samrat S.
Kang, Advocates (M:8839710803)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
28.08.2024

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1. The present suit has been filed for permanent injunction restraining the defendant from using the trademark B. BRAUN and VASOFIX, on the ground that it infringes upon the plaintiff's statutory, common-law and proprietary rights.
2. This Court notes that in its reply to the legal notice, the defendant had stated as follows:

“xxx xxx xxx

3. Our Client on an earnest note knowing and respecting the purpose and ethos of Intellectual Property Rights in general and that of your company without any admission of liability and prejudice, in good faith and business strategic perspective stipulates to undertake not to use hereinafter the impugned trademark or logo on visiting cards, letter heads, and brochures inter alia as has been specified by your good self in the notice and like situations/ scenarios of commercial use/ branding.

xxx xxx xxx”

3. This Court also notes the statement made by learned counsel for the



defendant that the defendant was only an importer of the products in question, and that it has stopped the usage of the impugned trademark and logo.

4. Considering the aforesaid, this Court is of the view that the suit can be disposed of in terms of the statement made by the defendant.

5. Learned counsel for the plaintiff is agreeable to the same, if the defendant makes a statement that the defendant is not currently using the impugned trademark and logo, and shall not use the same in future.

6. At this stage, learned counsel for the defendant submits that the defendant is not currently using the impugned trademark and logo, and does not intend to use the same in future, except with the written consent of M/s B. Braun Melsungen AG, Germany.

7. The defendant is held bound by the aforesaid statement.

8. The present suit is decreed in terms of the present order.

9. Let decree sheet be drawn up.

10. The suit is accordingly disposed of.

MINI PUSHKARNA, J

AUGUST 28, 2024

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