

Ordinary/Email by Registry-IPD

IN THE HIGH COURT OF DELHI AT NEW DELHI

No. 3243-1DHC/Orgl./IPD

Dated 5/2/24

From:

The Registrar General
Delhi High Court
New Delhi.

To:

✓ TRADE MARKS REGISTRY
EMAIL: llc-ipo@gov.in

REGISTRAR OF COPYRIGHT THROUGH COUNSEL
HARISH VAIDYANATHAN SHANKER, CGSC,
76, SUNDER NAGAR, NEW DELHI-110003.
MOB: 9810788606,
EMAIL: hvslawoffice@gmail.com

C.O.(COMM.IPD-CR) 176/2022

MODERN SNACKS PVT LTD

...PLAINTIFF

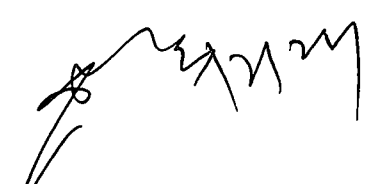
Vs

MAA BARA DEVI NAMKEEN BHANDAR AND ANR.

...DEFENDANTS

Sir,

I am directed to forward herewith for information and necessary compliance a copy of order dated **11.01.2024** passed by **HON'BLE MR. JUSTICE SANJEEV NARULA** of this Court.


Admn. Officer (Judl.) (IPD)
for Registrar General
HS

Encl. : 1) Copy of the order dt: 11.01.2024.



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

+ C.O.(COMM.IPD-CR) 176/2022

MODERN SNACKS PVT LTD. Petitioner

Through: Mr. Pankaj Kumar, Adv.

versus

MAA BARA DEVI NAMKEEN BHANDAR AND ANR

..... Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Alexander Mathai Paikaday &
Krishnan V., Advocates.

+ C.O.(COMM.IPD-CR) 681/2022

MODERN SNACKS (P) LTD. Petitioner

Through: Mr. Pankaj Kumar, Adv.

versus

MAA BARA DEVI NAMKEEN BHANDAR AND ANR

..... Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Alexander Mathai Paikaday &
Krishnan V., Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

11.01.2024

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1. The present petitions under Section 50 of the Copyright Act, 1956 ("Act") seeks removal of the entries made in the register of the copyright in

C.O.(COMM.IPD-CR) 176/2022 and connected matter

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This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 03/02/2024 at 17:06:14



respect of the impugned copyright registration nos. A-132402/2019¹ and A-117191/2017².

2. On 7th July, 2023, counsel apprised the Court about a suit between parties pending before the Additional District Judge, wherein parties were working out an amicable resolution. Counsel agreed that in case the said suit is settled, nothing would survive for consideration in the present petition.

3. Today, counsel for parties inform the Court that indeed the suit between the parties i.e. CS(COMM) No.2094/19 titled *Modern Snacks Pvt. Ltd. Vs. Maa Bara Devinamkeen Bhandar* before the Additional District Judge (Delhi) has been decreed on 13th October, 2023, on consent terms. The Respondent No. 1 herein who was the Defendant in the said suit has agreed not to use any trademark or label which was deceptively similar to the trademark or label of the Petitioner. Respondent No. 1 had also agreed not to use the trademark 'MADAM' and 'MANCHALI' and shall not use the label impugned in the suit by the Plaintiff.

4. Mr. Pankaj Kumar, counsel for the Petitioner states that the labels impugned in the aforementioned suit are identical to the impugned copyright registrations.

5. The copy of the judgment passed on 13th October, 2023 has been handed across the Board and is taken on record.

6. In terms of the said judgment, since the Respondent has agreed not to use the impugned label, which is the subject matter of the impugned copyright, the present petitions deserve to be allowed.



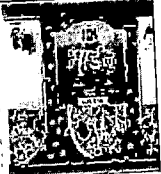


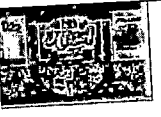
7. It must also be noted that in the aforementioned judgment dated 13th

¹ C.O.(COMM.IPD-CR)-176/2022

² C.O.(COMM.IPD-CR)-681/2022



October, 2023, Respondent No. 1 had specifically agreed to withdraw the trademark application Nos. 4049690 and 2968846 which were pending before Registrar of Trademark. The said trademarks are identical to Plaintiff's registered trademarks and copyrights, some of which have been reproduced below:

SR. No	Trade Mark	Application No	Class	MARK/ DEVICE	Status
1.	MATLABI	3792266	30	Word mark	Registered
2.		3806859	30	Label	Registered
3.	MATLABI	3922903	30	WORD MARK	Registered
4.		1745147	30	Label	Registered
5.		2688680	30	Label	Registered
6.		3050560	30	Label	Pending
7.		3050561	30	Label	Pending
8.		3160822	30	Label	Pending



8. The judgment dated 13th October, 2023 further records Respondent No. 1's undertaking to withdraw his copyright registered under number A-117191/2017 as under:-

"It is also submitted that the defendant shall withdraw its trademark application no. 4049690 and 2968846 pending before the Registrar of Trademark and also agrees to the cancellation of his copyright registered under number A-117191/2017"

9. In view of the above, the present petitions deserve to be allowed and accordingly it is directed as follows:-

- (a) The impugned copyright registrations are cancelled.
 - (b) Registry is directed to supply a copy of the present order to the Trade Marks Registry at llc-ipo@gov.in for compliance.
 - (c) The Registrar of Copyrights is directed to reflect the effect of this order in its register as also on online platform within two weeks from today.
 - (d) Let a copy of the order be forwarded to Registrar of Copyright for compliance through counsel.
10. With the above directions, present petitions are disposed of.

JANUARY 11, 2024
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SANJEEV NARULA, J



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