

A. T. DARUWALLA
D. F. DALAL

Tel. : 91 (22) 2263 3132
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Rajabhadur Mansion,
20, Ambalal Doshi Marg,
(Hamam Street), Fort,
Mumbai - 400 023, India.

"RECTIFICATION APPLICATION/PETITION BEFORE HIGH COURT"

By Speed Post

DFD/PT/2023/597

23rd October, 2023

The Registrar of Copyrights,
Copyright Office,
Boudhik Sampada
Bhawan, Plot No. 32, Sector 14,
Dwarka, New Delhi-110078

Dear Sirs,

**Re: IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL MISCELLANEOUS PETITION NO.(L)
4602 OF 2022**


Ferrari S.p.A.) ...PETITIONER
Versus
1. Sandeep Arora)
2.The Registrar of Copyrights,)...RESPONDENTS

1. We act for the Petitioner abovenamed.
2. We refer to our letter ref : DFD/PT/2023/279 dated 26th April, 2023 wherein we had informed the Learned Registrar regarding cancellation of the registration of copyright of Mr. Sandeep Arora. However, we regret to inform you that no action has been taken in this matter for the past 6 months.
3. As per the Consent terms and the Order passed by the Hon'ble Bombay High Court, you, the Respondent No.2 (i.e., the Registrar of Copyrights) are

directed to remove the artistic work "ARRAS SPEED FERRARI" bearing Diary no.344/2021-CO/A and registration no.A-136485/2021 from the Register of Copyrights and cancel the registration thereof

4. You are, therefore, requested to remove the artistic work "ARRAS SPEED FERRARI" bearing Diary no.344/2021-CO/A and registration number A-136485/2021 from the Register of Copyrights and cancel the copyright registration thereof expeditiously and intimate us of the same.

5. Kindly acknowledge receipt.

Yours faithfully,
Jehangir Gulabbhai & Bilimoria & Daruwalla


Advocates & Solicitors
for the Petitioner

Encl.:

1. Letter ref DFD/PT/2023/279 dt. 26.04.2023
2. Order dated 19th April, 2023 passed by the Bombay High Court
3. Executed Consent Terms

CC:

Sandeep Arora
D/1504, Octacrest Building, Behind
Centrium Mall, Near Lokhandwala Circle,
Lokhandwala Township, Kandivali East,
Mumbai - 400101

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“RECTIFICATION APPLICATION/PETITION BEFORE HIGH COURT”

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DFD/PT/2023/279

26th April, 2023

The Registrar of Copyrights,
Copyright Office,
Boudhik Sampada
Bhawan, Plot No. 32, Sector 14,
Dwarka, New Delhi-110078

Dear Sirs,

**Re: IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL MISCELLANEOUS PETITION NO.(L) 4602 OF 2022**

Ferrari S.p.A.) ...PETITIONER
Versus
1. Sandeep Arora)
2.The Registrar of Copyrights,)...RESPONDENTS

1. We act for the Petitioner abovenamed.
2. The captioned matter was listed at serial number 2 on the Daily Board of the Hon'ble Mr. Justice Manish Pitale on 19th April, 2023 when our Ms. Priya Thakkar appeared on behalf of the Petitioner whilst Ms. Hemlata Kadam appeared on behalf of Respondent no.1. Respondent No.1 was also present in the court. No one appeared on your behalf. Consent Terms were submitted to the Court. As per the said Consent Terms, the Respondent No. 1 has agreed to stop using the artistic work “ARRAS SPEED FERRARI” as applied for under

copyright Diary no.344/2021-CO/A and registration no.A-136485/2021 which registration is to be expunged from the Register of Copyrights. We enclose a copy of the Order dated 19th April, 2023 passed by the Hon'ble High Court and the executed Consent Terms marked as "X" for your perusal and record.

3. As per the said terms, you, the Respondent No.2 (i.e., the Registrar of Copyrights) are directed to remove the artistic work "ARRAS SPEED FERRARI" bearing Diary no.344/2021-CO/A and registration no.A-136485/2021 from the Register of Copyrights and cancel the registration thereof

4. You are, therefore, requested to remove the artistic work "ARRAS SPEED FERRARI" bearing Diary no.344/2021-CO/A and registration number A-136485/2021 from the Register of Copyrights and cancel the copyright registration thereof expeditiously and intimate us of the same.

5. Kindly acknowledge receipt.

Yours faithfully,



Advocates & Solicitors
for the Petitioner

Jehangir Gulabbhai & Bilimoria & Daruwalla

Encl.:

1. Order dated 19th April, 2023 passed by the Bombay High Court
2. Executed Consent Terms

CC:

Sandeep Arora
D/1504, Octacrest Building, Behind
Centrium Mall, Near Lokhandwala Circle,
Lokhandwala Township, Kandivali East,
Mumbai - 400101



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMM. MISCELLANEOUS PETITION (L) NO. 4602 OF 2022

Ferrari S. p.A. ...Petitioner
Vs.
Sandeep Arora and Anr. ...Respondents

Ms. Priya Thakkar i/b. M/s. Jehangir Gulabbhai and Bilimoria
and Daruwalla, for the Petitioner.
Ms. Hemlata Kadam, for the Respondent No.1.

**CORAM : MANISH PITALE, J.
DATE : 19 APRIL 2023**

P.C.

1. The learned counsel for the rival parties submit that the disputes are now settled and that consent terms have been executed. The consent terms are handed over. The consent terms are signed by the parties and their respective Advocates. The consent terms are taken on record and marked 'X'.

2. The petition is disposed of as per the consent terms. The undertakings given in the consent terms are accepted as undertakings to this Court. The respondent No.2 being the Registrar of Copyrights, is a formal party and therefore, said respondent is not required to sign the consent terms. The petitioner and the respondent No.1 are directed to abide by their

respective obligations as per the consent terms.

3. The soft copy of the consent terms shall be uploaded as the second order. The hard copy of the consent terms, duly signed by the parties and the Advocates for the parties shall be retained in the record, without being sent for destruction.

4. In view of the disposal of the petition, as per the consent terms, the Court fees shall be refunded as per rules.

5. Pending applications, if any, shall stand disposed of in view of the disposal of the petition.

MANISH PITALE, J.



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

COMMERCIAL MISCELLANEOUS PETITION NO. (L) 4602 OF 2022

Ferrari S.p.A.,) Petitioner

Versus

Mr. Sandeep Arora) ... Respondent No.1

The Registrar of Copyrights) ... Respondent No.2

CONSENT TERMS

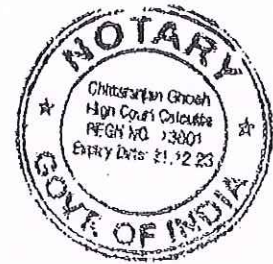
1. The Respondent No.1 hereby acknowledges the statutory and proprietary rights of the Petitioner in its registered "FERRARI" and "PRANCING HORSE" and "YELLOW SHIELD" trademarks as more particularly set out in Exhibit D to the petition.

2. Agreed, Decreed and Ordered that Respondent No. 2 remove the impugned artistic work bearing Diary number 344/2021-Co/A and Registration no. A-136485/2021 for registration of artistic work "ARRAS SPEED FERAARI", as represented below,

Sl. No. I Date 17.4.2023



(2)



filed by the Respondent No.1 from the Register of Copyrights and cancel the copyright registration thereof.

3. Respondent No.1 shall forthwith cease use of the label more particularly set out in Exhibit A of the petition and as represented in paragraph 4 below, and/or "FERAARI" and/or the prancing horse device and/or the yellow shield with the Italian flag, and undertake not to use in future or apply for registration of "FERAARI" and/or 'FERRARI' and/or any horse and/or any shield or any other trade mark/logo/device that is identical or confusingly similar to the registered trademarks of the Petitioner in any manner whatsoever including, but not limited to, as trademarks, logos, trade name, company name and domain name.

(3)

4. Respondent No.1 hereby confirms that he has withdrawn trademark application no. 4732750 for SPEED FERAARI + F (device), as represented below,



SPEED
Feraari



in Class 3 and all other applications containing the word FERAARI / FERRARI and/or device of horses and/or shields and/or any other mark/device confusingly similar to the Petitioner's trademarks/logos, and duly receipted copy/copies of his withdrawal request(s) as filed with the Trade Marks Registry are annexed herewith and marked **Annexure "A"**.

5. Agreed and Ordered that the Respondent No.1 shall not file any opposition or rectification or any other action against the trademark FERRARI and/or device of PRANCING HORSE and/or the yellow shield with the Italian flag and/or any other mark/device / trademarks/logos of the Petitioner, and against the use thereof.

6. Agreed and Ordered that Respondent No.1 has not and shall not in the future make any application for registration of trade mark FERAARI / FERRARI and/or device of PRANCING HORSE device and/or the yellow

(4)

shield with the Italian flag and/or any other mark/device deceptively similar to the Petitioner's trademarks.

7. In case the Respondent No.1 is found to violate the above terms, then the Respondent No.1 will be guilty of contempt of this Hon'ble Court's order and shall be liable to pay an amount of Rs. 50,00,000/- (Rupees Fifty lakh only) as and by way of damages to the Petitioner. This amount would be in addition to all other legal remedies which the Petitioner would then be legally entitled to institute against the Respondent No.1.

8. These Consent Terms are signed by Ms. Sudarshana Sen-Mitra, Constituted Attorney of the Petitioner, and Mr. Sandeep Arora, the Respondent No.1.

9. These Consent Terms are binding on Mr. Sandeep Arora (the Respondent No. 1), his heirs and assignees and any other directly or indirectly related subject, such as, for example but not limited to, companies or partnerships of which Mr. Sandeep Arora is a partner or has any office.

This 11th day of April, 2023



[Handwritten Signature]

On Identification by the Advocate
Signature attested by me

[Handwritten Signature]

Notary
Govt. of India
J. R. Ghosh
Regd. No. - 13801

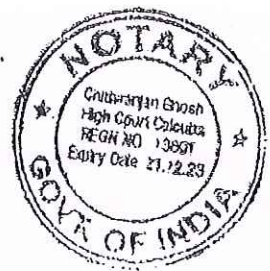
17 APR 2023

Sudarshana Sen-Mitra
Constituted Attorney
of the Petitioner. *[Handwritten Signature]*
17/04/2023
14/2, Palm Avenue, Kolkata - 700019.

(5)

Contd. from Page 4.

h.h.
17.04.2023.



We consent

Ferrari S.p.A.

Sudarshana Sen-Mitra

Sandeep Arora

By the hand of:

Ms. Sudarshana Sen-Mitra
Constituted Attorney

By the hand of:

Mr. Sandeep Arora
(Respondent No.1)

P. S. Mukherjee

(Advocate for Petitioner)

J. K. Das

(ADVOCATE FOR
RESPONDENT NO.1)

On Identification by the Advocate
Signature Attested by me

Chitra Gh.

Notary
Govt. of India
w. R. Ghosh
Regn. No.-13801

17 APR 2023

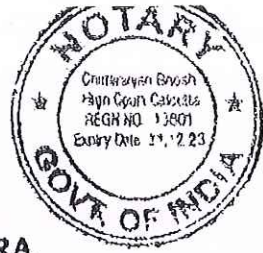
Identified by me

S. Dutta

Soma Dutta
Advocate

C.M.M. Court, Kolkata-1
Regn. No.- F-1498/21

(6)



From,

SANDEEP ARORA

Octacrest Building,
Lokhandwala Township,
Kandivali East, Mumbai-
400 101.

11th April, 2023.



WITHDRAWAL LETTER

To,

The Registrar of Trade Marks,
The Office of the Trade Mark Registry,
Mumbai.

Re: India - Trade mark Application No. 4732750 in class 3 for the Trade mark "ARRAS SPEED Feraari (Device)" in the name of "MR. SANDEEP ARORA"

Dear Sir,

An application for the registration of the Trade mark "**ARRAS SPEED Feraari (Device)**" in the name of **MR. SANDEEP ARORA**" (An Individual - Indian Resident) whose office address is Octacrest Building, Lokhandwala Township, Kandivali East, Mumbai- 400 101 Maharashtra, India, was filed under Application No. 4732750 in class 3.

We wish to state that we have no interest in processing the registration of the above mentioned application.

Consequently, it is prayed that the application may be treated as withdrawn.

Yours truly,

Sandeep Arora

SANDEEP ARORA

11-APR-2023/443521/1298055/101



(7)

भारत सरकार / GOVERNMENT OF INDIA
 प्रमाणित चिह्न रजिस्ट्री / TRADE MARKS REGISTRY
 व्यापार चिह्न आचार्य धोत्रिक अस्पताल भवन, अंतोप हिल डाकघर के बाजू में
 एन एम रोड अंतोप हिल मुंबई - 400037
 Trade Mark Division Intellectual Property Bhavan, Beside Antop Hill Post Office,
 S M. Road, Antop Hill, Mumbai - 400037



Non Cash Receipt

To,
SANDEEP ARORA

RECEIPT NO. : 443521
 FILLING DATE 11/04/2023
 : 12:21:41
 BRANCH: Mumbai
 USER : FNC

OCTACREST BUILDING LOKHANDWALA TOWNSHIP KANDAVALI EAST MUMBAI-400101
 MAHARASHTRA INDIA
 PROPRIETOR : 3662203

Sr No.	Document type	App Ref type.	App Ref No.	Diary Number
1	Letter of Withdrawal	APPLICATION	4732750	1298655

(Administrative Officer)

(This is a computer generated receipt and need not be signed.)

Print Receipt | Back to Non Cash Receipt Menu
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