



Oracle Inc. v. Manoj Kumar Gupta

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In a matter, *Oracle Inc. v. Manoj Kumar Gupta* a writ petition was filed before the Delhi High Court on 5th September by the petitioner (Oracle India Inc) through Anand and Anand for restraining the respondent (Manoj Kumar Gupta) from using the trademark "JAVASCHOOL". "We informed the Court that the dispute in this petition could be resolved and disposed off in its entirety through one hearing itself. We argued that Oracle has been severely prejudiced despite having taken all precautionary and legitimate steps in the past to protect the exclusivity of the JAVA trademark and is a registered proprietor of the trademark." The Court agreed with our submissions and directed the Trademark Office to remove the registration for the mark JAVASCHOOL from the Register and resolved the stalemate in a record time disposing off the writ petition within one day. As per the settlement, the respondent Manoj Kumar Gupta filed an application seeking withdrawal of his application for registration of the trademark "JAVASCHOOL" however, the application was denied by the Trademarks registry due to mismatch of the signatures on the application. Therefore, the application was not withdrawn and despite the respondent seeking withdrawal of his application for registration of the mentioned trademark, 'JAVASCHOOL' came to be registered in its favor. The respondent has now filed for the cancellation of the trademark which is now pending. *The suit was first decreed on 26/11/2013 in terms of the compromise arrived between the parties. As per the order the defendant (Manoj Kumar Gupta) was required to withdraw the application for registration of the trademark "JAVASCHOOL" bearing number 2114468 dated 14th March 2011 in class 41. The defendant further declared that he has not filed any other trademark application for registration of the trademark /service mark and/or logo comprising the plaintiffs (Oracle India Inc.) registered trademarks SUN, JAVA and/or variants thereof or for any other similar trademark/logo before the registrar of trademarks.*

