



TWO SIMULTANEOUS SUITS relating to the protection of the trademark “Volvo” decreed BY THE DELHI HIGH Court

News & Updates • August 26, 2019

Following up on the orders dated 31 May 2019, where *ad-interim ex-parte* orders were passed in two simultaneous suits filed for infringement of the trademarks of the Plaintiffs and for ancillary reliefs, the Hon'ble High Court of Delhi decreed the suits vide order dated 14 August 2019. **CS (COMM) 315/2019 AKTIEBOLAGET VOLVO & ORS. vs. AVANTIKA HOLIDAYS PRIVATE LTD. & ANR**

Pursuant to the ad-interim order dated 31 May 2019, the Defendants mentioned before the Hon'ble Delhi High Court that the business of the Defendants was closed in 2017 along with the following other submissions:

- The Defendant No. 1 company has been declared defunct and its name has been struck off from the records of Registrar of Companies as a corporate entity;
- That the Defendants were carrying on business as a travel agent, on a very small scale, and which business included sale of tickets of “Volvo Bus Service” provided by others;
- Since 2017, the Defendants have not been carrying on any business;
- That the Defendants, after receipt of notice of this suit, had also transferred the domain name himachalvolvobus.com to the Plaintiffs.

Taking into considerations the submissions of both the parties, the Delhi High Court vide order dated 14 August 2019 decreed the suit bearing the following:

- The suit was decreed in favour of the Plaintiffs and jointly and severally against the Defendants;
- A permanent injunction was granted in terms of the prayer of the plaint dated 30 May 2019;
- Mandatory injunction directing the Defendants to transfer the domain name himachalvolvobus.com or any other domain name containing the designation “VOLVO” or other designation similar thereto, if not already done, in terms of prayer of the plaint dated 30 May 2019;
- Recovery of costs of the suit comprising of court fees and professional fee assessed at Rs.60,000/-

CS (COMM) 320/2019 AKTIEBOLAGET VOLVO & ORS vs. GAGAN KUMAR & ANR. The Hon'ble High Court of Delhi has vide order dated 14 August 2019 decreed the suit in the following terms:

- A decree was passed in favour of the Plaintiffs and jointly and severally against the Defendants;
- A permanent injunction in terms of prayer of the plaint dated 30 May 2019 was passed;
- A mandatory injunction was passed directing the Defendants to transfer the domain name volvobusyatra.com in terms of prayer of the plaint dated 30 May 2019;
- Decree of recovery of costs, with professional fee was assessed at Rs.1,00,000/-



Read more of the ad-interim orders at

<https://www.anandandanand.com/trademark-volvo-protected-two-simultaneous-suits-delhi-high-court/> Team Anand and Anand: Vaishali Mittal, Siddhant Chamola, Vrinda Gambhir and Ankita Sabharwal.



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