



# Favourable order in just two hearings, costs paid along with an undertaking for withdrawal of trademark application

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In one of our recent litigations, we were successful in receiving a favourable order in just two hearings along with costs and an undertaking from the Defendant to withdraw its trademark application. The Plaintiff, a German company Bals Elektrotechnik GmbH & Co. KG manufactures industrial electrical equipment under its trademark BALS. The Plaintiff found out that Sawan Electric Company was selling industrial plugs and sockets under an infringing mark I-BALS. On further enquiry and investigation, it was found that the Defendants had also filed an application before the Trademark Registry for registration of its mark I-BALS. It was also found that the Defendants had supplied their infringing products to L&T, which were then used for electrical installations at the IGI Airport, New Delhi, which was a serious concern for the Plaintiff. The Plaintiff, through Anand and Anand, took swift action against the Defendants, before the Delhi High Court, and the matter was decreed in favour of the Plaintiff in just **two hearings**.

- On the first date, an interim injunction was granted against the Defendants and they were restrained from using the I-BALS mark, and a Local Commissioner was appointed to conduct search and seizure at the Defendants' premises. The Local Commissioner seized more than 1,600 products from the Defendants, after which the Defendants approached the Plaintiff for settlement.
- On the second date before Court, the Defendants tendered an unconditional apology before the Court, for infringing the trademark of the Plaintiff, and undertook to withdraw its Trademark application filed before the Trademark Registry. The Defendants also paid Rs. 8,00,000/- as costs of litigation to the Plaintiff. The High Court accepted the apology and undertaking of the Defendants and passed a decree in favour of the Plaintiff.

Team Anand and Anand: Pravin Anand, Manish Biala, Devesh Ratan and Ashutosh Upadhyaya.

