Amicable Resolution Qua settlements – a Catena of Our Recent Settlement Cases

News & Updates • September 9, 2019

Amicable resolution of a dispute through settlement is an efficient and resourceful way to end a dispute. Parties mutually agree on the terms and conditions and the matters are resolved amicably, not only lessening the burden of the courts but also lessening the cost of litigation of both the parties involved. Furthermore, settlements are less stressful and also ensure privacy of the parties involved. Amicable settlement of IP disputes in India is an efficient way to resolve trademark and patent conflicts, reduce litigation costs, and ease court burden through mutually agreed terms.

Team Anand and Anand comprising of Vaishali Mittal and her team, has been instrumental in finalising and working out a number of settlements during the past one month and more. Our catena of recent cases decreed post successful settlement are:

CS (COMM) 244/2019, Dharampal Satya Pal Sons Private Limited vs. Dolly Industries and Another

The plaintiff, qua the proprietor of the trademark 'PULSE' relating to candy, sued the two Defendants namely, Dolly Industries and Sujeet Kumar Garg, for permanent injunction restraining infringement by adopting the mark 'PLUSS' and restraining passing off by also adopting the packaging and trade dress of the Plaintiff. On 23.05.2019, the Plaintiff mentioned before the Hon'ble High Court that they agreed to the proposal of the Defendants. A decree was passed on 23.05.2019 according to the terms and conditions mentioned in the aforementioned proposal.

CS (COMM) 154/2019, Dharampal Satya Pal Sons Private Limited vs. Digitech Call System Private Limited

The Plaintiff averred that the Defendant was using nearly identical/deceptively similar trademark/logo for its trading name "DIGITECH CALL SYSTEM PRIVATE LIMITED". On 08.08.2019, both the parties jointly submitted a Settlement Agreement and the Hon'ble Court passed a decree on the terms and conditions of the same.

CS (COMM) 176/2018, Hadley Industries Overseas Holdings Ltd & Anr vs. Ashfaque Khan & Anr

The suit was filed for permanent injunction restraining infringement of Plaintiff's Indian Patent No. 198658, infringement of Plaintiff's copyright of their brochure and packaging for GYPSTEEL ULTRA, passing off, damages, etc. On 08.08.2019, it was stated before the Hon'ble Court that the parties had amicably resolved their disputes and a decree was passed in accordance with the terms and conditions of the Settlement Agreement.

CS (COMM) 303/2019, Sandvick Intellectual Property vs. Akbar Hussain

The Plaintiffs filed the suit for infringement of Patent No. IN 248934, delivery up, rendition of accounts, etc. Plaintiff No. 1 is a Swedish company which is a leading manufacturer for high-technology engineering tools and tooling systems for metal cutting as well as equipment, tools and services used in mining and construction industries. It was found that the Defendant was involved in the manufacture and sale of infringing products inter alia VSI crusher spare parts/Distributer plates. On 23.08.2019, the Counsels for both the parties mentioned to the Hon'ble Court that the parties had arrived at a settlement, and the memorandum of settlement was duly signed by counsel for both the parties. The next date is fixed for 16.09.2019 on which both the parties will file a joint petition based on the memorandum of settlement.

Aktiebolaget Volvo and Others vs. Volvo Jeans and Others CS (COMM) 285/2019

The suit was filed for permanent injunction restraining infringement of trademark, passing off, damages, delivery, etc. It was found that the Defendants were using identical mark and identical trade name mark/name VOLVO similar to the Plaintiff's trademark VOLVO which infringed Plaintiff No. 2's registered trademark No. 763291. On the second date of hearing, that is 04.09.2019, the said suit was disposed of according to the settlement.

Team Anand and Anand: Vaishali Mittal, Siddhant Chamola, Rohin Koolwal, Mrinali Menon and Vrinda Gambhir.

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