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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ C.O.(COMM.IPD-CR) 761/2022

SWEETON FOODS PVT LTD ..... Petitioner

Through: Ms. Anupriya Alok, Advocate.

versus

M/S GRV CONFERECTIONERY AND FOODS

..... Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 12.01.2023

1. Petitioner seeks cancellation of art work/ label "KARTIER GOLD 24 CARAT SWISS MILK CHOCO" / "

" registered in the name of Respondent, under registration No. A-111325/2014 [*hereinafter*, "***impugned copyright***"].

2. Counsel for Petitioner informs that Petitioner had filed a civil suit [*being* CS(OS) 1912/2014] against Respondent in respect of infringement of its trademark in "GOLD 24 CARAT" and the tagline "Swiss Milk Choco". During the course of said proceedings, parties arrived at a settlement and on a joint application under Order 23 Rule 3, the suit was decreed in terms of

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the settlement. Copies of consent decree and application under Order 23 Rule 3 has been handed over across the board, and are taken on record.

3. As per the terms of settlement, Respondent (Defendant therein) has undertaken to withdraw its registration for impugned copyright as follows:

> *"13. That the defendant does not want any litigation in this respect and is ready to suffer the decree of permanent injunction and further undertakes not to use the trade mark/label/packaging as stated above in relation to their business activities in any manner and under any circumstances whatsoever. The defendant further undertakes to withdraw the trade mark, copyright or design applications if any filed by the defendant for registration of the impugned trade mark/label. The defendant has obtained the registration of the impugned trademark/label* ***GOLD 24 CARAT*** *under number A-111325/2014 under the Copyright Act and the defendant undertakes to withdraw the registration and shall get it revoked/cancelled by taking appropriate steps."*

4. In view of the above, counsel for Petitioner submits that the impugned copyright is liable to be cancelled.

5. The Court has perused the terms of the decree. Since Respondent herein undertook to withdraw its registration for the impugned copyright and the same forms a part of court decree, the present petition deserves to be allowed. Accordingly, the copyright in "KARTIER GOLD 24 CARAT SWISS MILK CHOCO" / "

" registered under application No. A-111325/2014 in the name of M/S GRV Confectionery and Foods Pvt. Ltd. situated at 167/168 Siddharth Compund, Lasudia Mori

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Dewas Naka, Indore, Madhya Pradesh,[1] stands cancelled.

6. The Registrar of Copyrights is directed to reflect the effect of this order in its register as also on online platform within two weeks from today.

7. Let a copy of the order be forwarded to Registrar of Copyright for compliance through counsel.

8. With the above directions, present petition is disposed of along with pending application(s), if any.

SANJEEV NARULA, J

JANUARY 12, 2023
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[1] Noted as "M/s GRV Cpmfectopmery and Foods Pvt. Ltd." in copyright registration certificate dated 22nd July, 2014 placed on record.

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