

M/S GREENPLY INDUSTRIES LTD Vs. M/S UNITED TIMBER WORKS

25.07.2023

Present: Sh. Krishna Kumar Singh, Ld. counsel for plaintiff.
Sh. Paras Chaudhary, Ld. counsel for defendant.

The matter has been listed today for framing of issues. Plaintiff has alleged violation of his rights under the Trade Mark Law as also the Copy Right Act. Following issues arise for adjudication :

i). Whether the plaintiff is entitled to a decree of permanent injunction restraining the partners of the defendant firm, its representative, its agents and assignees from infringing the registered Trademark of the plaintiff by use of the word, "*Green Roots*" or any other deceptively similar trademark or trade name **in any manner** ? OPP.

ii). Whether the plaintiff is entitled to a decree of permanent injunction restraining the partners of the defendant firm, its representative, agents and assignees from infringing the copyright of plaintiff subsisting in its registered trademark **in any manner** ? OPP.

Iii). Whether the plaintiff is entitled to the delivery up of all the infringing goods ? OPP

iv). Whether the plaintiff is also entitled to a decree for rendition of accounts and for recovery of illegal profits, in case found any, on defendant being directed to render its accounts ? OPP.

v). Whether the plaintiff is also entitled to seek damages from the defendant ? OPP.

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vi) Whether the present suit should have been filed before Ld. District Judge, Commercial Court, West ? OPD.

vii). Relief.

Issue No. (vi) will be treated as a preliminary issue.

Put up for arguments on the preliminary issue on **21.11.2023**.

(Dr. Ajay Gulati)
ADJ-02, WEST
25.07.2023(A)