



\$~5

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

+ **CS(COMM) 17/2016**

ELOFIC INDUSTRIES LIMITED & ANR Plaintiffs

Through: Ms Pratibha M. Singh, Senior
Advocate with Mr Surinder Singh and
Mr. Devanshu Khanna, Advocates.

versus

MOBIS INDIA LIMITED AND ANR Defendants

Through: Mr Saif Khan, Mr Manish Biala and
Mr Shobhit, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

19.01.2017

IA No.387/2016

Arguments on this application are substantially heard.

After hearing the arguments, it, *prima facie*, appears that merely indicating that the product in question is suitable for a particular model of car may not infringe the trademark in question. However, it would also be essential to adhere to certain conditions to mitigate the apprehension on the part of the defendants.

At this stage, learned counsel for the defendants seeks time to take instructions whether the name of defendants' vehicle can be removed from the printed package entirely and the indication that the product is suitable for use in a particular vehicle be indicated by way of sticker on the package; sample of which has been provided by the learned counsel for the applicant



to the learned counsel for the defendants.

List for further consideration on 13.02.2017.

It would apposite, if the parties appear before the Delhi High Court Mediation and Conciliation Centre (DHCMCC) to arrive at a amicable resolution as to the packaging / labelling.

Accordingly, it is directed, the parties shall appear before the DHCMCC on 27.01.2017 at 04:00 p.m.

Interim order to continue.

VIBHU BAKHRU, J

JANUARY 19, 2017
MK