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

+ CS(COMM) 664/2022 & I.A.15660/2022, I.A.18273/2022

U.S. GREEN BUILDING COUNCIL Plaintiff
Through: Ms.Anuradha Salhotra and
Mr.Ayush Samaddar, Advs.

versus

DEMING CERTIFICATION SERVICES PVT LTD
..... Defendant
Through: Mr. Piyush Kumar, Adv.

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
20.12.2022

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I.A.18273/2022 (under Order XXXIX Rule 2A of the CPC)

1. This application under Order XXXIX Rule 2A of the CPC alleges wilful and contumacious breach, on the part of the defendant, of the order dated 27th September 2022, which incorporated the following injunction:

“18. ...Accordingly, till the next date of hearing, the Defendant and all others acting for or on its behalf shall stand restrained from using the mark/name 'International Green Building Council' and/or 'IGBC, the domain name 'www.intemationalgbc.org'. as also, the infringing device marks/logos, or any other mark which is identical or deceptively/confusingly similar to the Plaintiffs marks. No further certifications shall be provided by the Defendant under the impugned name and marks. However, any certifications already provided by the Defendant will not be affected by the present order.”

2. The said injunction order continues to remain in force.

3. Nonetheless, alleges the plaintiff, the defendant continues to use the 'IGBC' word mark as well as the logos of the plaintiff on their



website. A screenshot of the website of the defendant has been thus provided in para 7 of the application:



4. To a query from the court as to the assertions contained in para 7 of the application, Mr. Piyush Kumar, learned Counsel for the defendant merely submits that the defendant has appealed against the order dated 27th September 2022.

5. He is, however, not able to dislodge the allegation of disobedience, by the Court, of the said order, as contained in para 7 of the present application.

6. Mr. Piyush Kumar also submits that his client is present in Court. Despite the matter having been called out twice, his client has not been able to reach the court room.

7. Accordingly, re-notify on 21st December 2022 on which date the defendant shall remain present in person and shall be duly instructed with respect to para 7 of the present application.



8. Interim order to continue till the next date.

C.HARI SHANKAR, J

DECEMBER 20, 2022/kr