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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 118/2016 & CC(COMM) 2/2018, I.As. 1046/2018,**
16590/2018

MOBILE TELESYSTEMS PJSC & ANR

..... Plaintiffs

Through: Mr. Pravin Anand, Mr. Aashish
Somasi & Ms. Imon Roy, Advocates
(M-9798483681)

versus

MAHESH BHATTI & ORS

..... Defendants

Through: Mr. Mohit Kumar Sharma & Mr.
Kartik Rai, Advocates (M-
9810614546).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **01.02.2019**

The following issues are framed in this matter:

1. Whether Ms. Neera Sharma is competent to sign and file the suit on behalf of the Plaintiffs' company? OPP
2. Whether the Plaintiffs are prior users of the mark 'MTS'? OPP
3. Whether the Plaintiffs' mark 'MTS' enjoys trans-border reputation in India? OPP
4. Whether the Plaintiffs' mark 'MTS' is a well-known mark? OPP
5. Whether the Defendants' adoption and use of the mark 'MTS' is *bona fide*? OPD
6. Whether the Defendants have established rights in the mark MTS by virtue of prior user and prior adoption of the mark in India? OPD



7. Whether the Defendants' mark 'MTS' is a well-known mark? OPD
8. Whether the Defendants' registration of the trademark 'MTS' bearing registration no.1541228 in class 9 is invalid? OPP
9. Whether the Defendants' use of the mark 'MTS' constitutes infringement and passing off of the Plaintiffs' mark and business? OPP
10. Whether the Plaintiffs are entitled to the permanent injunction as sought? OPP
11. Whether the Defendants' are entitled to a decree of permanent injunction against the Plaintiffs as sought? OPD
12. Whether the Defendants are entitled to rendition of accounts of profits from the Plaintiffs? OPD
13. Relief.

Local Commissioner already appointed may commence recordal of evidence.

List of witnesses be filed by both the parties within two weeks.

Affidavit by way of evidence by the Plaintiff be filed within six weeks from the date.

List before Local Commissioner on 18th March, 2019 for recording the evidence of the Plaintiff's witnesses.

I.A. 1496/2019 (u/O XXXVIII Rule 1, 2 & 5 CPC)

Issue notice. Reply be filed by the Plaintiff within four weeks. Rejoinder be filed within two weeks, thereafter.

List before Court on 12th April, 2019.

PRATHIBA M. SINGH, J.

FEBRUARY 01, 2019/Rahul