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

+ **CS(COMM) 631/2024 & I.A. Nos. 46202/2024 & 46203/2024**

TELUS CORPORATION

.....Plaintiff

Through: Ms. Anju Agrawal with Ms. Manisha Singh, Mr. Abhai Pandey, Mr. Varun Sharma, Mr. Nishant Rai, Mr. Manish Aryan, Ms. Swati Mittal and Mr. Gautam Kumar, Advocates.
(M): 9810578767
Email: iplitigation@lexorbis.com

versus

TELUS INTERNATIONAL ACADEMY PVT LTD.....Defendant

Through: Mr. Lakshmeesh S. Kamath with Ms. Samriti Ahuja and Ms. Aditi Prakash, Advocates.
(M): 9953603727
Email: lakshmeesh@lskamath.com

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER
26.11.2024

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I.A. No. 46203/2024 (Application for condonation of delay of 32 days in re-filing I.A. No. 46202/2024)

1. The present is an application for condonation of delay of 32 days in re-filing I.A. No. 46202/2024.
2. Considering the submissions made in the application, the delay of 32 days in re-filing is condoned.



3. With the aforesaid directions, the present application is disposed of.

I.A. No. 46202/2024 (Application on behalf of the defendant seeking vacation of *ex-parte ad-interim* relief granted in favour of the plaintiff)

4. The present application has been filed under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908 (“CPC”) on behalf of the defendant seeking vacation of the *ex-parte ad-interim* injunction order granted in favour of the plaintiff.

5. Learned counsel appearing for the defendant submits that defendant started using the mark ‘TELUS’ and subsequently applied for registration of trademark in Class 41 being completely unaware of the existence of the plaintiff and their trademarks. He submits that it is a settled position of law that the proprietor of a trademark cannot enjoy monopoly over the entire class of goods and particularly, when he is not using the said trademark in respect of certain goods falling under the same or different class. He submits that the plaintiff does not have any trademark registered in Class 41 and hence, defendant cannot be prevented from seeking a trademark in Class 41, which is visually different from the trademark of the plaintiff.

6. He further submits that the ‘TELUS’ marks of the plaintiff are not well known in India, nor have they acquired any goodwill or reputation among the members of the trade and public. Thus, he submits that the plaintiff cannot acquire any goodwill or reputation in India only on the ground that they have presence and reputation in other countries.

7. Issue notice.

8. Notice is accepted by learned counsel appearing for the plaintiff.

9. Learned counsel appearing for the plaintiff submits that despite injunction order passed by this Court, vide order dated 02nd August, 2024,



the defendant is continuing to use the infringing mark on the social media sites. She, thus, submits that the defendant is in violation of the order passed by this Court.

10. The aforesaid submission made by learned counsel appearing for the plaintiff is noted.

11. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

12. List on 20th December, 2024, i.e., the date already fixed.

MINI PUSHKARNA, J

NOVEMBER 26, 2024

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