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

+ **CS(COMM) 397/2016, I.A. 25716/2014**
M/S JAGRAN PRAKASHAN LTD Plaintiff

versus

M/S JAGRAN PRODUCTION LTD & ANR Defendants

+ **CS(COMM) 398/2016, I.A. 25466/2014, I.A. 5505/2015, I.A. 5506/2015**
M/S JAGRAN PRAKASHAN LTD Plaintiff

versus

JAGRAN INFRA PROJECTS PVT LTD & ORS Defendants

+ **CS(COMM) 425/2016, I.A. 917/2015**
M/S JAGRAN PRAKASHAN LTD Plaintiff

versus

DAINIK JAGRAN NEWS
PAPERS PVT LTD & ORS Defendants

+ **CS(COMM) 426/2016, I.A. 919/2015**
M/S JAGRAN PRAKASHAN LTD Plaintiff

versus

JAGRAN ENTERTAINMENT
MEDIA PVT LTD & ANR Defendants

Present:- Mr. J.V. Abhay, Ms.Maidini Phul & Ms.Prakriti
Sharma, Advocates (M:- 9910363383) for Plaintiff in
M/s Jagran Prakashan Ltd.
Mr. Rajul Shrivastav, Advocate for Defendants.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 29.01.2020

1. The four suits concerns the plaintiff's registration of the trademark "JAGRAN", "DAINIK JAGRAN", and various derivative marks. Each suit is filed against different legal entities, and relates to marks registered in different classes.
2. Learned counsel for the defendants in these suits submits that the defendant entities derive their rights to use the word "JAGRAN" from the fact that they are owned or controlled by members of the same family as the plaintiff, and there have been various agreements between the parties under which the right to use the mark "JAGRAN" has been conferred on all the branches of the family. My attention is also drawn to the fact that a suit filed by Mr.Sanjeev Mohan Gupta [who is arrayed as a defendant in these four suits], being CS(OS) 1552/2007, is pending in this Court. That suit concerns the family agreement for the division of the business, and the use of the mark "JAGRAN".
3. After some hearing, it appears that the entities which have been arrayed as defendant no.1 in each of these four suits are not, in fact, carrying on business at present which conflicts with the rights of the plaintiff in its registered trademarks for the particular classes concerned. However, the defendant no.1 in CS(OS) 398/2016, 425/2016 and 426/2016 continue to use the word "JAGRAN" in their corporate names.
4. In these circumstances, Mr. J. V. Abhay, learned counsel for the

plaintiff, has suggested that, in the event the defendants are agreeable to disclosing whether any conflicting business is actually being carried on by the entities concerned, and if not, to give reasonable notice to the plaintiff before commencing such business, the suits may be disposed of on that basis. Mr. Rajul Shrivastav, learned counsel for the defendants, seeks time to take instructions.

5. The defendants in these suits are directed to file an affidavit within four weeks, particularly stating as to whether the defendant no.1 in each case is carrying on any business at present. If so, the nature of the business will also be specified to ascertain whether it is an infringing activity under Section 29(5) of the Trade Marks Act, 1999. In the event the defendants contend that their business is not an infringing activity in terms of the said provision, the defendant will also state whether they are agreeable to undertake that they shall give four weeks' notice to the plaintiff prior to commencing any business in the class concerned.

6. List the matters on 24.03.2020.

PRATEEK JALAN, J

JANUARY 29, 2020

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