

Heineken Asia Pacific Pte. Ltd vs Mr. Vijay Keshav Wagh And Anr on 19 October, 2023

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ C.O. (COMM.IPD-TM) 225/2023 and I.A. 197
HEINEKEN ASIA PACIFIC PTE. LTD.

Through: Ms. Shwetasree Ma
Isha Tiwari,
9911167179).

versus

MR. VIJAY KESHAV WAGH AND ANR.

Through: None.

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WITH

+ C.O. (COMM.IPD-TM) 226/2023 and I.A. 197
HEINEKEN ASIA PACIFIC PTE. LTD.

Through: Ms. Shwetasree Ma
Isha Tiwari,
9911167179).

versus

MR. VIJAY KESHAV WAGH AND ANR.

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH
ORDER

% 19.10.2023

1. This hearing has been done through hybrid mode. I.A. 19768/2023 (for exemption) in C.O. (COMM.IPD-TM) 225/2023 I.A. 19771/2023 (for exemption) in C.O. (COMM.IPD-TM) 226/2023

2. This is an application filed by the Plaintiff seeking exemption from filing true typed/better copies of documents with proper margins, etc. Original documents shall be produced/filed at the time of Admission/Denial, if sought, strictly as per the provisions of the Commercial Courts Act, 2015 and the DHC (Original Side) Rules, 2018.

3. Exemption is allowed, subject to all just exceptions. Accordingly, the This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/10/2023 at 23:50:35 application is disposed of.

I.A. 19769/2023 (for additional documents) in C.O. (COMM.IPD-TM) I.A. 19772/2023 (for additional documents) in C.O. (COMM.IPD-TM)

4. This is an application filed by the Plaintiff seeking leave to file additional documents under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (hereinafter, 'Commercial Courts Act'). The Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act and the DHC (Original Side) Rules, 2018.

5. Application is disposed of.

C.O. (COMM.IPD-TM) 225/2023 and I.A. 19767/2023 (u/O XXXIX Rules 1 & 2 CPC) C.O. (COMM.IPD-TM) 226/2023 and I.A. 19770/2023 (u/O XXXIX Rules 1 & 2 CPC)

6. These are two cancellations petitions seeking cancellation of Respondents' trademarks bearing the following details:-

S. No.	Trade Mark
01.	

Re

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02. 2979759 9th June, 2015 32

7. Issue notice. Mr. Harish V. Shanker, ld. CGSC is requested to accept notice on behalf of Respondent No.2.

8. The case of the Petitioner is that it has adopted the 'TIGER' mark, way back in 1932 and is one of the largest manufacturers of beverages. The Petitioner claims that more than 15 hectolitres of 'TIGER' Beer has been sold across the Asian markets. The Petitioner also operates a website on the domain name www.tigerbeer.com which contains the details of the Petitioner's product. The Petitioner has registrations for the tiger mark/logo bearing no. 1410755 and 1410757 in classes 21 and 32 since 2nd January, 2016. It adopted a new TIGER logo, in the year 2005. The said mark/logo is set out below:

9. According to Ms. Majumder, ld. Counsel for the Petitioner, the Respondent No.1 appears to be an exporter who has registered the same This is a digitally signed order.

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10. Considering the near identity in the device, it is directed that status quo shall be maintained in respect of the registration and no transfer, license or assignment shall be permitted in respect of the same.

11. List before the Joint Registrar on 11th December, 2023.

12. List before the Court on 9th April, 2024.

PRATHIBA M. SINGH, J.

OCTOBER 19, 2023 mr/ks This is a digitally signed order.

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