

# Phonographic Performance Ltd vs Pragathi Resorts And 23 Ors on 21 February, 2020

**Author: B.P. Colabawalla**

**Bench: B.P. Colabawalla**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

INTELLECTUAL PROPERTY RIGHTS SUITS LODGING NO. 1336 OF 2019

Phonographic Performance Ltd	....Petitioner
V/S	
Tata Starbucks And 2 Ors	....Respondent

WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 324 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 126 OF 2019 Phonographic Performance Ltd ....Petitioner V/S Olive Bar And Kitchen Private Limited And 4 ....Respondent Ors WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 356 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 123 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S Welcom Hotel Rama International(itc) And 4 ....Respondent Ors.

WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 343 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 119 OF 2019 Phonographic Performance Ltd ....Petitioner V/S Corum Hospitality And 4 Ors ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 332 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 116 OF 2019 Phonographic Performance Ltd ....Petitioner V/S Mykonos Blu And 4 Others ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 344 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 120 OF 2019 Phonographic Performance Ltd ....Petitioner V/S British Brewing Company Pvt Ltd And 4 Ors ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 352 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 114 OF 2019 Phonographic Performance Ltd ....Petitioner V/S Ymca International Centre And 4 Ors ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 354 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 122 OF 2019 Phonographic Performance Ltd ....Petitioner V/S Neon The Disc And Others ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 331 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 117 OF 2019 Phonographic Performance Ltd ....Petitioner V/S Impresario Entertainment And Hospitality Pvt ....Respondent Ltd And 4 Ors WITH NOTICE OF MOTION (SUITS) NO. 340 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 115 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S J W Marriott And 4 Ors. ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 353 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 124 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S Titos Resorts And Hospitalities Pvt. Ltd. And 4 ....Respondent Ors.

WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 337 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 131 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S K-2 Club And Lounge And 5 Ors ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 341 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 118 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S Bhandari Forms And Resort And 4 Ors ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 355 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 127 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S China Gate Group And 4 Ors. ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 1726 OF 2018 In INTELLECTUAL PROPERTY RIGHTS SUITS 922 OF 2018 Phonographic Performance Ltd. ....Petitioner V/S Hotel Babylon International And Group And 2 ....Respondent Ors WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 1729 OF 2018 In INTELLECTUAL PROPERTY RIGHTS SUITS 951 OF 2018 Phonographic Performance Ltd. ....Petitioner V/S Deligent Hotel Corporation Pvt. Ltd. And 6 Ors. ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 1793 OF 2018 In INTELLECTUAL PROPERTY RIGHTS SUITS 1051 OF 2018 Phonographic Performance Ltd. ....Petitioner V/S Avion Hospitality Pvt. Ltd. And 12 Ors. ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 1727 OF 2018 In INTELLECTUAL PROPERTY RIGHTS SUITS 938 OF 2018 Phonographic Performance Ltd. ....Petitioner V/S City Organisers Pvt. Ltd. And 9 Others ....Respondent WITH INTELLECTUAL PROPERTY RIGHTS SUITS NO. 914 OF 2018 Phonographic Performance Ltd. ....Petitioner V/S The Vision Group (the Crown) And 6 Ors ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 1721 OF 2018 In INTELLECTUAL PROPERTY RIGHTS SUITS 914 OF 2018 Phonographic Performance Ltd. ....Petitioner V/S The Vision Group (the Crown) And 6 Ors ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 1741 OF 2018 In INTELLECTUAL PROPERTY RIGHTS SUITS 966 OF 2018 Phonographic Performance Ltd. ....Petitioner V/S Nyati Hotels And Resorts Pvt Ltd. And 20 Ors. ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 701 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 347 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S The Ravzi And 30 Ors. ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 702 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 350 OF 2019 Phonographic Performance Ltd ....Petitioner V/S Pragathi Resorts And 23 Ors ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 709 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 343 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S Hotel Radisson Chandigarh And 81 Ors. ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 645 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 303 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S Nocturne And 15 Ors. ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 619 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 304 OF 2019 Phonographic Performance Ltd ....Petitioner V/S Orbis The Passion Hotels And 13 Ors ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 616 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 292 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S Hotel Madhuban And 19 Ors. ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 617 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 306 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S Hotel Hilton And 10 Ors.

....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 651 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 319 OF 2019 Phonographic Performance Ltd  
....Petitioner V/S Rennaissance Lucknow And 31 Ors ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 652 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 321 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S Fortune Select Regina And 3 Ors. ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 731 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 358 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S Iron Hill Brewery And 16 Ors. ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 699 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 345 OF 2019 Phonographic Performance Ltd ....Petitioner V/S Bar District 6 Pub Brewery And Kitchen Prism ....Respondent Infracon Ltd And 18 Ors WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 725 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 363 OF 2019 Phonographic Performance Ltd ....Petitioner V/S Bunglow - 9 And 99 Ors ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 728 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 359 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S Moksh Lounge And 35 Ors. ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 327 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 121 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S Park Hyatt Goa Resort And Spa And 4 Ors ....Respondent WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 620 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 290 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S Health View Resort Pvt. Ltd. (keys Hotel) And ....Respondent 27 Ors.

WITH NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS NO. 576 OF 2019 In INTELLECTUAL PROPERTY RIGHTS SUITS 145 OF 2019 Phonographic Performance Ltd  
....Petitioner V/S Balaji Agora Mall And 38 Ors ....Respondent WITH CONTEMPT PETITION IN COMMERCIAL DIVISION MATTERS LODGING NO. 223 OF 2019 In NOTICE OF MOTION IN COMMERCIAL DIVISION MATTERS 709 OF 2019 Phonographic Performance Ltd. ....Petitioner V/S Hotel Radisson Chandigarh And 81 Ors. ....Respondent Mr. Darius Khambatta, Sr. Counsel a/w Mr. Amogh Singh and Mr. D.P.Singh for Plaintiff in all matters Mr. Rishi Mody a/w Ms. Shruti Karkhanis i/b Singh & Singh Malhotra & Hegde for Defendant no. 45 in NMCD/725/2019 in COMIP/363/2019 Mr. Sameer Pandit a/w Mr. Pranay Kamdar i/b Wadia Ghandy & Co for Defendant no. 6 in NMCD/725/2019 in COMIP/363/2019 Ms. Prachi Shah i/b Kalpesh Jain Associates for Defendant no. 5 in NMCD/1793/2018 in COMIP/1051/2018 & for Defendant no. 3 in NMCD/324/2019 in COMIP/126/2019 Mr. Huzefa Nasikwala a/w Mr. Freddy Daruwala i/b Nasikwala Law office for Defendant no. 3 in NMCD/1793/2018 in COMIP/1051/2018, NMCD/331/2019 in COMIP/117/2019 & for Defendant no. 2 in NMCD/1741/2018 in COMIP/966/2018 Mr. Abhay R. K. a/w Ms. Manjiri Mukherjee for Defendant no. 1 in COMIP/1336/2019 Ms. Iram Menon i/b Shoib Menon for Defendant in NMCD/355/2019 in COMIP/127/2019 Clarissa Miranda i/b Vinod Talreja for Defendant no. 5 Ms. Nidhi Gupta for Respondent no. 11, 11(a) & 11 (b) Farzeen Khambatta for Respondent no. 6, 6(a) to 6 (e) in Contempt Petitioner no.116/2019 in Notice of Motion/621/2019 in COMIP/291/2019 CORAM : B.P. COLABAWALLA, J DATE : 21st February, 2020 P.C. :

Mentioned at 2.00 p.m. Stand over to 11/03/2020.

( ASSOCIATE )