

MANU/DE/2062/2002

Equivalent Citation: 2002(25)PTC230(Del)

IN THE HIGH COURT OF DELHI

CM Nos. 449, 450 and 451/2002 in FAO(OS) No. 181/2002

Decided On: 23.05.2002

Appellants: **Jitender V. Jain and Anr.**

Vs.

Respondent: **Living Media India Ltd.**

Hon'ble Judges/Coram:

Usha Mehra and O.P. Dwivedi, JJ.

Counsel:

For Appellant/Petitioner/plaintiff: Sandeep Sethi and Pratibha M. Singh, Advs

For Respondents/Defendant: Rajiv Nayar, Sr. Adv. and S. Sajwan, Adv.

Subject: Intellectual Property Rights

Case Note:

The petitioner sought permission as per Sections 17 and 106 of the Sections 106, 27(2) and 29 of the Trade and Merchandise Marks Act, 1958, to print news paper Khabrein Aaj Tak, which was similar to the trade mark of news channel Aaj Tak – As an interim measure, he was granted permission to print news paper with a different logo than that of respondent – It was ruled that, the appellant will print on the front page along with the work Khabrein Aaj Tak disclaimer and produce the sample of logo as well as sample as to how he is going to use the word

JUDGMENT

Usha Mehra, J.

CMs. No. 450 & 451/2002 in FAO(OS) No. 181/2002

1. Exemptions are allowed, subject to all just exceptions.

CM No. 449/2002 & FAO (OS) No. 181/2002

2. After hearing counsel for the parties, it is ordered that as an interim measure, the appellant may print the newspaper with different logo than that of the respondent. That the word 'KHABREIN' will be written in bold letters and the word 'AAJ TAK' be in small letters. Further the appellant will print on the front page Along with the word 'KHABREIN Aaj Tak' the disclaimer.

3. This order is without prejudice to the light of the parties in the appeal. It is only as an interim measure that this order has been passed. The appellants will produce the sample of the logo as well as sample as to how he is going to use the word. 'KHABREIN AAJ TAK' and of disclaimer on the next date of hearing i.e. 29th May, 2002.

4. In the meantime, impugned order shall remain stayed.