

JEHANGIR

**A. T. DARUWALLA
D. F. DALAL**

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Fax : 91 (22) 226
E-mail : jgbdadvo@

"RECT"

DFD/PT/

The Regi

Copyright

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Dear Sirs,

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A. T. DARUWALLA
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Rajabhadur Mansion,
20, Ambalal Doshi Marg,
(Hamam Street), Fort,
Mumbai - 400 023, India.

"RECTIFICATION APPLICATION/PETITION BEFORE HIGH COURT"

By Speed Post

DFD/PT/2023/279

26th April, 2023

The Registrar of Copyrights,
Copyright Office,
Boudhik Sampada
Bhawan, Plot No. 32, Sector 14,
Dwarka, New Delhi-110078

Dear Sirs,

**Re: IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL MISCELLANEOUS PETITION NO.(L) 4602 OF 2022**

Ferrari S.p.A.

) ...PETITIONER

Versus

1. Sandeep Arora

)

2. The Registrar of Copyrights,

)...RESPONDENTS

1. We act for the Petitioner abovenamed.
2. The captioned matter was listed at serial number 2 on the Daily Board of the Hon'ble Mr. Justice Manish Pitale on 19th April, 2023 when our Ms. Priya Thakkar appeared on behalf of the Petitioner whilst Ms. Hemlata Kadam appeared on behalf of Respondent no.1. Respondent No.1 was also present in the court. No one appeared on your behalf. Consent Terms were submitted to the Court. As per the said Consent Terms, the Respondent No. 1 has agreed to stop using the artistic work "ARRAS SPEED FERRARI" as applied for under

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Jehangir Gidabhai & Anilmaria & Narayana

2023:BHC-OS:3101



IN THE HIGH COURT OF JUDICATURE
ORDINARY ORIGINAL CIVIL JURISDICTION

COMM. MISCELLANEOUS PETITION (L) NO.

Fe
rrari S. p.A.
Sa Vs.
ndeeep Arora and Anr.

M
an s. Priya Thakkar i/b. M/s. Jehangir Gulabbha
M d Daruwalla, for the Petitioner.
s. Hemlata Kadam, for the Respondent No.1.

CORAM : MANIS
DATE : 19 APR

P.O

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disj The learned counsel for the rival parties
exeputes are now settled and that consent te
terructed. The consent t terms are handed ove
Thns are signed by the parties and their respo
e consent terms are take n on record and marke

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unc The petition is dispo sed of as per the cons
undertakings given in th e consent terms at
Redertakings to this Court. The respondent N
resp registrar of Copyrights, is a formal party and
petpndent is not require d to sign the consen
itioner and the responde ent No.1 are directed t

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second the obligations as per the consent terms.

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order. The hard copy of the consent terms, duly sign

4. I s and the Advocates for the parties shall be retain

terms, and, without being sent for destruction.

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5. P view of the disposal of the petition, as per the consent
of the Court fees shall be refunded as per rules.

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ding applications, if any, shall stand disposed of in view
posal of the petition.

MANISH PITALLI
E, J.

Mamta K

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IN THE HIGH COURT
ORDINARY ORIGINAL
JURISDICTION
COMMERCIAL MISCELLANEOUS

Ferrari S.p.A.,

Versus

Mr. S

The

Handeep Arora

Registrar of Copyrights

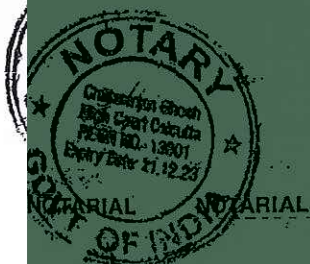
CONS

1. The Respondent No.1 has
proprietary rights of the Petitioner
"PRANCING HORSE" and "YEL
particularly set out in Exhibit D to

2. Agreed, Decreed and Order
impugned, Decreed and Order
Registration artistic work bearing
SPEED FERRARI no. A-136485/2021
"AARI", as represented

Sl. No.....

Date 17.4.20



Handwritten signature

(2)



filed by the Respondent at No.1 from the Register of Copyrights and cancel the copyright registration thereof.

3. Respondent No. 1 shall forthwith cease use of the label more particularly set out in Exhibit A of the petition and as represented in paragraph 4 below, and/or "FERAARI" and/or the prancing horse device and/or the yellow shield with the Italian flag, and undertake not to use in future or apply for registration of "FERAARI" and/or 'FERAARI' and/or any horse and/or any shield or any other trade mark/logo/device that is identical or confusingly similar to the registered trademarks of the Petitioner in any manner whatsoever including, but not limited to, as trademarks, logos, trade name, company name and domain name.

(3)

4. Respondent No.1 hereby confirms that he has withdrawn application no. 4732750 for SPEED FERRARI + F (device), as recited below,



SPEED
Ferrari

in Class 3 and all other applications containing the word FERRARI and/or device of horses and/or shields and/or any mark/device confusingly similar to the Petitioner's trademarks/logo duly receipted copy/copies of his withdrawal request(s) as filed in the Trade Marks Registry are annexed herewith and marked **Annexure**

5. Agreed and Ordered that the Respondent No.1 shall not file any opposition or rectification or any other action against the trademarks FERRARI and/or device of PRANCING HORSE and/or the yellow shield and/or the Italian flag and/or any other mark/device / trademarks/logo of the Petitioner, and against the use thereof.

6. Agreed and Ordered that Respondent No.1 has not and shall not in the future make any application for registration of trade mark FERRARI and/or device of PRANCING HORSE device and/or the



(4)

shield with the Italian flag and/or any other mark/device deceptively similar to the Petitioner's trademarks.

7. In case the Respondent No.1 is found to violate the above terms, then the Respondent No.1 will be guilty of contempt of this Hon'ble Court's order and shall be liable to pay an amount of Rs. 50,00,000/- (Rupees Fifty lakh only) as and by way of damages to the Petitioner. This amount would be in addition to all other legal remedies which the Petitioner would then be legally entitled to institute against the Respondent No.1.

8. These Consent Terms are signed by Ms. Sudarshana Sen-Mitra, Constituted Attorney of the Petitioner, and Mr. Sandeep Arora, the Respondent No.1.

9. These Consent Terms are binding on Mr. Sandeep Arora (the Respondent No. 1), his heirs and assignees and any other directly or indirectly related subject, such as, for example but not limited to, companies or partnerships of which Mr. Sandeep Arora is a partner or has any office.

This 11th day of April, 2023

[Handwritten signature]

On Identification by the Advocate.
Signature Attested by me

[Handwritten signature]
Notary
Govt. of India
J. R. Ghosh
Regn. No. 13891

17 APR 2023



[Handwritten signature]
Constituted Attorney
of the Petitioner
17/04/2023
14/2, Palm Avenue, Kolkata-700019.

(5)

Contd. from Page 4.

We consent

Ferrari S.p.A.

L.H.
17.04.2023.



Sudashana Sen-Mitra.

By the hand of:

Ms. Sudashana Sen-Mitra

Constitute d Attorney

Sandeep Arora

By the hand of:

Mr. Sandeep Arora

(Respondent No.1)

R. S. Thakkar
(Advocate for Petitioner)

J. Ghosh
(ADVOCATE FOR
RESPONDENT NO.1)

On Identification by the Advocate
Signature Attested by me

Ch. Gh.

Notary
Govt. of India
W. R. Ghosh
Regn. No.-13801

17 APR 2023

Identified by me

Soma Dutta

C.M.M. Court, Kolkata
Regn. No.- F-1498/21

(6)



From,

SANDEEP ARORA

Octacrest Building,
Lokhandwala Township,
Kandivali East, Mumbai-
400 101.

11th April, 2023.

WITHDRAWAL LETTER

To,

The Registrar of Trade Marks,
The Office of the Trade Mark Registry,
Mumbai.

Re: India - Trade mark Application No. 4732750 in class 3 for the trade mark "ARRAS SPEED Feraari (Device)" in the name of "MR. SANDEEP ARORA"

Dear Sir,

An application for the registration of the Trade mark "ARRAS SPEED Feraari (Device)" in the name of **MR. SANDEEP ARORA** (An Indian Resident) whose office address is Octacrest Building, Lokhandwala Township, Kandivali East, Mumbai- 400 101 Maharashtra, India, was filed under Application No. 4732750 in class 3.

We wish to state that we have no interest in processing the registration of the above mentioned application.

Consequently, it is prayed that the application may be treated as withdrawn.

Yours truly,

Sandeep Arora

SANDEEP ARORA

11-APR-2023/443521/1298055/101



(7)
भारत सरकार / GOVERNMENT OF INDIA
उद्यमिता दिव्य रजिस्ट्री / TRADE MARKS REGISTRY
आचार्य विद्या वाघा घोषिका अस्पता भवन, अंतोप हिल डाकघर के बाजू में
एच एम अंतोप हिल मुम्बई - 400037
Trade Marks Division Intellectual Property Bhavan, Beside Antop Hill Post Office,
S M. Road, Antop Hill, Mumbai - 400037



Non Cash Receipt

To,
SANDEEP ARORA

OCTACREST BUILDING LOKHANDWALA TOWNSHIP KANDAVALI EAST MUMBAI-400101
MAHARASHTRA INDIA
PROPRIETOR : 3662203

RECEIPT NO. : 443521
FILLING DATE 11/04/2023
: 12:21:41
BRANCH: Mumbai
USER : FNC

Sr No.	Document type	App Ref type.	App Ref No.	Diary Number
1	Letter of Withdrawal	APPLICATION	4732750	1298655

(Administrative Officer)

(This is a computer generated receipt and need not be signed.)

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