

Email by Registry-IPD

IN THE HIGH COURT OF DELHI AT NEW DELHI

No. 23264-T.....DHC/Orgl./IPD

Dated 15/12/23

From:

The Registrar General
Delhi High Court
New Delhi.

To:

OFFICE OF THE
CONTROLLER GENERAL OF PATENTS, DESIGNS
& TRADEMARKS OF INDIA
Email: llc-ipo@gov.in,

C.O. (COMM.IPD-CR) 752/2022

PERFETTI VAN MELLE S.P.A. AND ANR.

..... Petitioner

versus

M.G. PRODUCTS / M.G. FOOD PRODUCT AND ANR

..... Respondents

Sir,

I am directed to forward herewith for information and necessary compliance a Copy of Order dated **20.11.2023** passed by **HON'BLE MS. JUSTICE PRATHIBA M. SINGH**, of this Court.

Yours faithfully,


Admn. Officer (Judl.) (O)
for Registrar General
KD

Encl. : 1) Copy of the Order dt: 20.12.2023.

D/o

C/o



2023:DHC:8348



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* IN THE HIGH COURT OF DELHI AT NEW DELHI
Date of decision: 20th November, 2023

+ C.O.(COMM.IPD-CR) 752/2022

PERFETTI VAN MELLE S.P.A AND ANR Petitioners

Through: Mr. Sushant Singh, Mr. Sourav
Pattanaik, Ms. Shruti Gupta & Mr.
Piyush Kumar, Advs. (M.
7978900270)

versus

M.G PRODUCTS / M.G FOOD
PRODUCT AND ANR

..... Respondents

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. This is a cancellation petition under Section 50 of the Copyright Act, 1957 seeking rectification of the copyright registration bearing no. 'A-79261/2007' ('impugned registration') registered in favour of Respondent-M.G. Food Products/Mr. Shankar Lal Dhingra, Mr. Nandlal Dhingra, Mr. Shyamlal Dhingra and Mrs. Kavita Makkar. The impugned registration is in the name of Respondent-M.G. Products/M.G. Food



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<i>Applicant Name</i>	M/s. M.G. Products
<i>Author Name</i>	Shri Shankarlal Dhingra

3. The Id. Counsel submits that the Petitioners i.e., Petitioner No. 1-Perfetti Van Melle SpA & Petitioner No. 2-Perfetti Van Melle India Pvt. Ltd. had in fact filed a civil suit bearing **CS(OS) No. 513 of 2009** titled '**Perfetti Van Melle v. Mr. Shankar Lal Dhingra**' against the Respondent/Defendant No.1-Mr. Shankarlal Dhingra- the author of the impugned registration. Further, the said suit has been decreed vide order dated 26th April, 2013. The relevant portion of the said order reads as under:

"On 9th March, 2011, present matter was referred to the Delhi High Court Mediation and Conciliation Centre. The mediation in the present case was successful through the efforts of Ms. Manjusha Wadhwa Advocate-Mediator. A Settlement Agreement



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of the suit, to make such settlement effective. Consequently, present suit is decreed in terms of aforesaid Settlement Agreement dated 31st October, 2012 in particular its paras 6 and 7(a) to (e). Registry is directed to prepare a decree sheet in terms thereof. Plaintiff is granted liberty to file an application under Section 16 of Court-Fees Act. With the aforesaid observations, present suit stands disposed of."

4 As per the above order, the parties had entered into a settlement



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not, either directly or through its partner, successors, heirs, and agents, apply for registration of any label mark, device packaging, wrapper which is identical or deceptively similar to the labels / wrappers and trade dress of the plaintiff's CENTER FRESH which is annexed as Annexure B.

d) The Defendants will exhaust their existing stocks lying with them till 31.01.2023. This undertaking would be thus valid from 01.02.2023.

e) The Plaintiff gives up all relief including damages, rendition of account etc. as claimed in the present Suit."

6. In terms of the above settlement agreement, the Respondent agreed to discontinue using their prior label for the label mark 'SUPER MINT'. Additionally, the Respondent agreed to apply for cancellation of the impugned registration.

7. In view of the fact that the suit itself has been decreed and the settlement agreement is part of the said decree, the present copyright registration no longer deserves to continue on the Register of Copyrights. The impugned registration bearing no. A-79261/2007 shall stand cancelled, and shall accordingly be expunged from the Register of Copyrights in terms