

(2002) 04 DEL CK 0147
In the Delhi High Court
Case No : Suit No. of 2002

National Geographic Society

APPELLANT

Vs

Mulla Yaffe and Others

RESPONDENT

Date of Decision : 29-04-2002

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 3

Citation : (2002) 04 DEL CK 0147

Hon'ble Judges : Mahmood Ali Khan, J

Bench : Single Bench

Advocate : A.S. Chandhioke, Pravin Anand, Binny Kalra and Smriti Madan, for the Appellant;

Judgement

Mahmood Ali Khan, J.

S. No. 825/02

1. plaintiff has filed copy of the certificate issued by the Counsellor of the Embassy of India in Washington, attestation by the authentication officer.

2. Let the plaint be registered as suit and issue summons to the defendants, returnable on 25.9.2002. List it before Joint Registrar for completion of service and pleadings.

is No. 3728/02

3. Issue notice to the defendants.

4. plaintiff has prayed for grant of an ex parte order of interim injunction. Counsel for the plaintiff has stated at bar that the defendant is still using the yellow border and hyper-linking to the plaintiff's web-site and framing its contents in the internet.

5. On the averment made in the plaint/application and the documents filed, I am of the view that if an ex parte ad interim injunction is not granted at this stage

the very purpose of filing their suit and filing application for an ad interim injunction may be frustrated.

6. I, accordingly, by an ex parte ad interim injunction restrain the defendants from printing or issuing for sale their magazines published under the title/ trademark "The Geographical Company" using Yellow Border Design that is deceptively similar to the plaintiff's trademark yellow border design used by the plaintiff on its magazine. "The National Geographic" and further from framing or hyper-linking to the plaintiff's web-site, on the internet, or doing any other thing as may lead to the passing off of their goods and business as those of the plaintiff or infringe the plaintiff's copy right, within the territory of India till the next date. Renotify on 13.5.2002.

7. plaintiff shall comply with the provisions of Order 39 Rule 3 CPC with within three days. Issue dusty.