



AMITY LAW SCHOOL

(Affiliated to GGS IP University, Delhi)

Amity Campus, F-1 Block, Sector-125

NOIDA – 201 303

12th AMITY LAW SCHOOL NATIONAL MOOT COURT COMPETITION, 2013

MOOT PROPOSITION

1. M/s Mannar & Co. (UK) Limited (**Mannar**) is a Company incorporated in England in the year 2008. Mannar is in the business of manufacturing, marketing and sale of computers along with other computer accessories. It also designed the mark (**Annexure A**) to market its goods. It got the said mark registered in England in December 2008. Mannar gained immense reputation and goodwill in England and also in several other countries and their turnover increased manifold over the next few years.
2. Mr. Mankad is a small player in the computer hardware business and is based in Pune since the year 2007. He subsequently relocated to Chennai and incorporated a Company, M/s Mancan Computers Private Limited (**Mancan**) in the year 2009 and commenced manufacture and sale of computer hardware and accessories. Mancan has been continuously using its mark (**Annexure B**) since 2009 and applied for registration of the mark in June 2010. The same is pending with the Trade Marks Registry, Chennai. The said mark has gained immense recognition and reputation in the computer hardware business.
3. Mannar, realising the potential of the market in India, incorporated M/s Mannar & Co. (India) Limited (Mannar India) with their registered office in Pune. It applied for registration of their mark (**Annexure A**) in August 2011 and the Trade Marks Registry, Mumbai, granted registration of the same in February 2012. The Trade

Marks Registry however, granted registration with a disclaimer against exclusive use of the words “MAN” or “Co” to Mannar India.

4. When Mannar India came across the mark of Mancan (**Annexure B**), they approached the District Court, Pune, by filing a Civil Suit seeking injunctory relief against Mancan for trade mark infringement and passing off. They also filed an interim application seeking a temporary injunction against the use of the mark during the pendency of the suit. The District Court, Pune, did not grant any order but issued a notice to Mancan. Upon receipt of the notice, Mancan filed a rectification application before the IPAB in respect of the mark registered by Mannar India (**Annexure A**) and the same is pending before the IPAB.
5. Subsequently, Mannar India filed a Civil Suit against the Directors of Mancan in the High Court of Judicature at Madras for passing off, damages and account for profits. Mannar India also submitted an application for an order of ad interim injunction in which the Madras High Court issued notice.
6. Mancan and its Directors entered appearance and filed appropriate applications raising preliminary objections. They also filed their counter to the applications filed by Mannar India.
7. The Madras High Court admitted all applications and fixed a date for final hearing in the matter, permitting both parties to argue on preliminary issues as well as on merits.

This Moot Proposition has been drafted by Mr. R. Palaniandavan, Advocate, High Court of Judicature at Madras.

ANNEXURE- A



ANNEXURE- B



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