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O.A.Nos.809 to 812 of 2022

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in  
C.S(Comm.Div).No.248 of 2022

**C.SARAVANAN, J.**

Heard the learned counsel for the applicant/plaintiff. *Prima facie*, it appears that the applicant has been made out a case for grant of interim injunction as the applicant is in the Unified Payments Interface (UPI) business since 2016, as it evident from RBI permission granted to the applicant on 09.12.2016, which has been subsequently renewed on 23.08.2022 for a further period. The applicant has registration for the word "DIGIPE" in the form of device and words in various clause from 9, 35, 36 and 42, whereas, the defendants/respondents has filed application for registration of the offending mark "DIGIPE" only on 26.09.2022. After the applicant issued a legal notice on 05.08.2022, in response the respondent through its counsel informed the applicant counsel, it was willing to broke a piece. However, has proceeded to file trademark application for registration of the offending mark "DIGIPE".

2.Considering the fact that the respondents has not yet entered in the UPI business, the balance of convenience for grant of interim relief is in favour of the applicant/plaintiff.



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3.The respondent/defendant will not suffer or incur loss if interim relief is granted as prayed. On the other hand, if no injunction is granted, the applicant may have to put up with the use of offending trademark "DIGIPE" which is deceptively similar to the marks "Phone Pe" registered in Clauses 9, 35, 36 and 42 by the applicant.

4.Therefore, there shall be an order of interim relief for a period of four weeks from today. The applicant/plaintiff is directed to comply with the requirements of Order XXXIX Rule 1 and 2 of C.P.C.

5.List the case after four weeks for filing counter and for further orders.

**23.12.2022**

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