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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 420/2026**

MANSUETO VENTURES LLCPlaintiff

Through: Mr. Peeyoosh Kalra, Mr. C.A. Brijesh
and Ms. Simranjot Kaur, Advocates.

versus

**DNYANESHWAR ASHOK KAMBLE TRADING AS PRIME VIEW
MEDIA AND TECHNOLOGY**Defendant

Through:

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **21.04.2026**

I.A. 10923/2026 (Exemption from Pre-Institution Mediation)

1. This is an application filed by the plaintiff seeking exemption from instituting pre-litigation mediation under Section 12A of the Commercial Courts Act, 2015 ('CC Act').
2. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi: (2024) 5 SCC 815*, exemption from the requirement of pre-institution mediation is granted.
3. The application stands disposed of.

I.A. 10924/2026 (Seeking extension of time to file Court Fees)

4. The present application has been filed by the plaintiff under Section 149 read with Section 151 of the Code of Civil Procedure, 1908 ('CPC'), seeking exemption from payment of Court Fees at the time of the filing of the suit.
5. Considering the submissions made in the present application, an



extension of two weeks is granted to affix the requisite Court Fees.

6. The application stands disposed of.

I.A. 10925/2026 (Exemption from filing true copies of dim documents and translated copies of documents)

7. This is an application filed on behalf of the plaintiff under Section 151 of CPC seeking exemption from filing typed/clear copies of dim documents and translated copies at page nos.11 to 41 along with the captioned suit.

8. Exemption allowed, subject to just exceptions. However, true typed/translated/clear copies of the said documents with proper margins be filed within four weeks with an advance copy to the defendant.

9. The application stands disposed of.

I.A. 10922/2026 (Order XXXIX Rules 1 & 2, CPC)

10. Present application has been filed on behalf of the plaintiff under Order XXXIX Rules 1 & 2 of CPC, 1908 seeking *ex-parte ad-interim* injunction against the defendant.

11. Plaintiff is a company organised and existing under the laws of USA with its office located in New York. It was founded in the year 2005 and claims to be the owner of the prestigious Inc. and Fast Company Brands which dedicate themselves to celebrating and supporting business leader, entrepreneurs and innovators worldwide. Inc. is claimed to have originally founded in the year 1979 and was acquired by the present plaintiff in the year 2005. Plaintiff claims that through its publication, Inc. magazine, it provides invaluable business insights, practical resources and strategies for owners and managers of private companies. Plaintiff claims to be a hallmark of excellence in business media and has established itself as a highly trusted and influential source of information for entrepreneurs globally.

12. Plaintiff claims that on account of its excellence in the services it provides, it has audience reaching total monthly reach surpassing 25 million



individuals, through print edition, digital platforms and social media channels. It also conducts annual events like Inc. 5000 Conference and Gala. In 1996, the plaintiff launched Inc.com website which is accessible throughout the world including India, thereby growing into a dynamic platform. The digital presence of the plaintiff over social media platforms covers upto approximately 16.5 million followers across various channels. It also runs an award winning podcast called Inc. Uncensored Podcast.

13. Plaintiff claims that its success is a direct result of its ongoing commitments to provide high quality contents, valuable business insights and unmatched support for entrepreneurs. This unwavering dedication has won the plaintiff numerous accolades including multiple National Magazine Awards and recognition from Advertising Age's "The A List". The awards received by the plaintiff are enlisted in para 13 of the plaint.

14. Plaintiff claims to have developed an ecosystem that includes various recognition programmes such as Inc. Best Workplaces, Inc. Best in Business and Inc. Founder-Friendly Investors. The plaintiff in order to protect its proprietary intellectual rights has secured numerous registrations worldwide, the earliest being of the year 1985. The list of such registrations are enlisted in para 15 which includes trademark registration in India of the year 2008 of the word mark 'Inc.' in Class-16 in favour of the plaintiff.

15. Plaintiff's Inc. magazine is stated to have enjoyed substantial goodwill and reputation in India which is demonstrated in para 18 of the plaint through data pertaining to monthly readership of Inc.com from India and is reproduced hereunder:-



Period	Average Page Views from India	Average Users from India
Oct 2022 – Mar 2023	3,01,801	6,17,776
Apr 2023 – Sep 2023	5,03,941	4,51,348
Oct 2023 – Mar 2024	7,33,836	4,38,884
Apr 2024 – Sep 2024	6,44,166	3,45,089
Oct 2024 – Mar 2025	3,70,598	2,40,374
Apr 2025 – Sep 2025	3,11,684	1,74,756
	Total = 28,66,026	Total = 22,68,227

16. Plaintiff claims that it has a robust and visible presence in India with its contents available across multiple platforms, both digital and print. The content is fully accessible in India and is relevant to the Indian audience and caters to local business trends, entrepreneurship and innovation. The plaintiff had licensed their rights to use the ‘Inc.’ name and trademarks and content to Delhi-based 9.9 Media Pvt. Ltd. from 2009 to 2014. After the expiry, the license rights reverted back to the plaintiff. The individual issues of Inc. magazine can be purchased through e-commerce platforms such as Amazon, Magzter, Desertcart and Ubuy India.

17. The plaintiff claims to have active presence across multiple social media platforms and states that on X, Inc. magazine operates under the handle @Inc with over 2.7 million followers; on Linkdin, it has 3 million followers; on YouTube, the official channel @incmagazine has amassed 3,05,000 subscribers; and on Instagram, the official account @incmagazine boasts 7,97,000 followers.

18. Plaintiff’s mark ‘Inc.’ is claimed to have become synonymous with entrepreneurship, business success and innovation and enjoys a high degree of recognition and reputation among the relevant public. The plaintiff’s revenue is claimed to be in the range of USD 75 million. It claims to have spent huge



amounts on marketing, promoting and establishing the Inc. brand.

19. The defendant is claimed to be infringing the mark 'Inc.' in relation to identical magazine products and services. The defendant operates the website theincmagazine.com and associated social media handles such as Facebook – <http://www.facebook.com/theincmagazine#>, Instagram – <http://www.instagram.com/theincmagazine/>, X – <http://x.com/theincmagazine> and LinkedIn - <http://www.linkedin.com/company/the-inc-magazine/>. Plaintiff claims that the defendant's websites and social media platforms noted above publish content that is strikingly similar in topics, tone and style to that of plaintiff's Inc. magazine targeting similar audience of business professionals and entrepreneurs. Plaintiff asserts that the domain name of the defendant i.e., theincmagazine.com is also deceptively similar to the plaintiff's domain name i.e., Inc.com.

20. Plaintiff claims that its representatives had received e-mails from the defendant on 29.04.2025 and 01.05.2025 regarding potential participation in the defendant's upcoming special issue. It is stated that the plaintiff was shocked to see the unauthorised use of an identical mark for identical services by the defendant. Pursuant thereto, the plaintiff commenced investigations. Plaintiff claims that the defendant wrongly purports to be based in the US while on a Google search, an entity by the name PVMT is revealed to be based in Chinchwad, Pune, Maharashtra. Plaintiff claims that no such address exists. Plaintiff claims that as per the website, techbehemoths.com, the said PVMT is said to have founded in 2018, based in 'Chicago, India' and its services include SMM, content marketing, web design, SEO, graphic design and logo design. However, the plaintiff claims that the defendant's Instagram accounts for 'theinc.magazine' and 'prime_view_magazine' are created in India. Even the LinkedIn accounts for 'The Inc Magazine' is based in India.

21. Plaintiff claims that the defendant has been unauthorizedly using the



identical mark 'Inc' for providing identical products/services – magazines as also the websites. The defendant has unauthorizedly used such marks to address e-mail solicitation to CEOs, Business Owners and Entrepreneurs using e-mail addresses deceptively similar to that of the plaintiff's e-mail address.

22. Plaintiff also claims that the defendant has been sending similar e-mail messages to the subscribers of the plaintiff's magazine, which has been demonstrated by complaints received by the plaintiff from its subscribers. Some of those complaints have been filed alongwith the list of documents by the plaintiff.

23. A Cease and Desist Notice dated 30.07.2025 was issued to the defendant in response whereof, *vide* e-mail dated 08.09.2025, the defendant claimed that it had started 'TheIncMagazine.com' in 2021. However, failed to desist from using the said mark, instead, the defendant merely proposed to add disclaimers. Plaintiff states that such measures would not sufficiently resolve the core issue of trademark infringement and passing off. Plaintiff claims that the complaints by subscribers clearly demonstrate confusion on account of deceptive similarity of marks. Plaintiff also claims that on such unauthorised solicitation using the deceptively similar mark 'Inc', the defendant is also unlawfully gaining financial benefits riding on the substantial goodwill and reputation of the well established mark 'Inc.' of the plaintiff.

24. Plaintiff also apprehends that the defendant operates two additional websites namely www.theincmag.com and www.newincmagazine.com, which unauthorizedly use the plaintiff's 'Inc.' mark. The WHOIS search of the domain name reveals that the registrant details have been masked or concealed. According to the plaintiff, this demonstrates dishonesty.

25. Predicated thereon, an *ex-parte ad-interim* injunction is being sought against the defendant.

26. After having perused the plaint and the documents annexed therewith



and having heard the arguments of Mr. Peeyoosh Kalra, learned counsel for the plaintiffs, this Court is of the considered opinion that an *ex-parte ad-interim* injunction would be in order.

27. For this Court to appreciate the arguments in respect of similarity/deceptive similarity, it would be appropriate to visually examine the cover of both the magazines which are reproduced hereunder:-

PLAINTIFF's MAGAZINE:



DEFENDANT's MAGAZINE:





28. A visual examination brings to fore that the marks are identical in respect of the letters 'Inc' except that the mark of the plaintiff has 'I' in capitals and 'nc' in small font, apart from a dot following the letters 'nc'. While the mark of the defendant 'INC' is in capital letters with an extremely small superscript 'The'. It is apparent that both the marks seem to identical and there is no distinction between the two. It is also to be noted that the reference to the mark 'Inc.' is on the top left corner of both the magazines.

29. That apart, the emails for solicitations which are stated to be unauthorised and for obtaining unjust enrichment riding on the substantial goodwill and reputation of the plaintiff are reproduced hereunder, in order to appreciate how the mark of the plaintiff is being used to not only solicit customers but also to raise funds:-

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Best Regards,
Deborah Bernie| BDM
The INC Magazine
Email: deborah@theincmagazine.com
Phone Direct: +1 (727)607-0789
Website: <https://theincmagazine.com/>
Registered Office: 7901 4th St, STN,
300 Petersburg Florida 33702

From: Deborah Bernie
Sent: Tuesday, September 9, 2025 6:37 PM
To: enquire@totalmaxhome.com <enquire@totalmaxhome.com>
Subject: The INC Magazine Invites "Gary W" for Cover Story Feature in The 10 Most Influential Leaders in Real Estate to Watch in 2025.

Dear Gary,

This is Deborah Bernie from *The INC Magazine!*

It gives me great pleasure to present an opportunity to feature "Gary W" on Cover Story profile of **The 10 Most Influential Leaders in Real Estate to Watch in 2025**.

Our Editorial and Data Research team suggested that "Gary W" is aligned with the topic of magazine edition, this advertorial would be a great match for your organization.

ABOUT US: The INC Magazine, is a Premium Business Media Platform, where we try to market companies across different sectors and regions through our unique media solutions. Our magazine reaches to 355,000+ C-Suite subscribers through Emails and Newsletters too, who are typically decision-makers of the organization and 410,000+ Readers across the globe.

In this edition, we'll highlight your corporate journey, including accomplishments, challenges, strategies, and growth techniques. Your participation will provide invaluable guidance and inspiration to our readers, who see you as a trailblazer in the business world.

Here are a Cover Story benefits that drive explosive growth:

1. **Six Page Profile** in online magazine, (1800- 2000 words story includes company info, leadership, achievements, future roadmap, etc.)
2. **Featuring Person's picture on the Cover Page** i.e., you and your company will be highlighted on the cover page of our highly anticipated upcoming edition, providing maximum visibility and exposure. **(Whole Cover Page will be dedicated to you only)**
3. Full back page advertisement in this edition.
4. **30-second motion graphic MP4** that will be showcased across social platforms.
5. **Banner Ad space** on homepage of website for 30 Days.
6. Promotion of your profile on our social media channels along with a **Branding Campaign** of your profile.
7. We will provide the Backlink to your profile which will be redirected to your website
8. **Certificate of Honor by The INC Magazine**, attributing you or your company as one of the **"The 10 Most Influential Leaders in Real Estate to Watch in 2025"**.
9. **Unique designed logo** (representing the title) which can be used in your website, Brochures, Press Release etc.
10. We will provide you with a **print-ready PDF** of your profile with reprint rights.
11. Collaboration for next 12 months with us to share the press release, news feeds, events and more which we will update on our website for no extra charges.
12. **Paid Social media Campaign** after the release of the edition, Promotes profile on 20+ social platform globally. (free for you).
13. Guest Writing on the website,
14. 3 months visibility on the home page on our website and permanently on our archive list.

As part of this edition, we charge **\$1000** to cover the project's expenses, including advertorial and editorial benefits.

NEXT STEPS

- Once you confirm over email, we will send you a contract form to sign,
- Upon receiving sign copy of contract from, we will share interview questionnaire with you.
- Based on the interview answers, we will prepare draft and send for your approval.
- Please send me an e-mail confirmation for your participation, and we will go ahead with further procedures like paperwork, editorials, and designing.

Let me know if you have any question. I'm happy to assist you.

Best Regards,
Deborah Bernie| BDM
The INC Magazine
Email: deborah@theincmagazine.com
Phone Direct: +1 (727)607-0789
Website: <https://theincmagazine.com/>
Registered Office: 7901 4th St, STN,
300 Petersburg Florida 33702

Support Software by **Zendesk**



30. In order to appreciate the confusion as also unauthorised solicitations of the subscribers of the plaintiff, some of such emails addressed by the subscribers to the plaintiff are extracted hereunder:-

#745642 FW: Revise Price: The INC Magazine Invites Margot Krasojević for Cover Story Feature in Top Innovative Architecture & Design Firms in China 2025.

Submitted	Received via	Requester
September 26, 2025 at 10:50	Mail	margot <margot@margotkrasojevic.org>

Status	Priority	Group	Assignee
Open	Normal	General	Dan

Help Topic
Other

margot September 26, 2025 at 10:50

This is a scam, they keep writing to me asking for money, I think you should be aware. Thank you.
Margot

Sent from my Galaxy

----- Original message -----
From: Benjamin Granath <Benjamin@theincmagazine.com>
Date: 25/09/2025 07:34 (GMT+00:00)
To: margot@margotkrasojevic.org
Subject: Revise Price: The INC Magazine Invites Margot Krasojević for Cover Story Feature in Top Innovative Architecture & Design Firms in China 2025.

Dear Margot,

Awaiting Confirmation!

As we are left with a few pages in our magazine and we never want you to miss this opportunity, so my seniors have advised me to give you this opportunity at the **revise price of 700 USD** with all the same benefits as we always believed in client satisfaction and long-term relationships.

Hence, it would be highly appreciable if you could confirm your participation by EOD.

Kindly let me know your views on the same so that we can send you the contract form as a part of confirmation and start working on your profile.

Your quick reply should be highly solicited!

Best Regards,
Benjamin Granath
BDM | The Inc Magazine
Phone: +1 (727)607-0789
Benjamin@theincmagazine.com
www.theincmagazine.com
7901 4th ST, STN, 300 Petersburg Florida 33702

#775102 Please see this company... I'm not sure if they are allowed to use inc magazine - Fwd: The INC Magazine Invites "Chantelle Baier" for Cover Story Feature in Outstanding Space Tech Leaders Redefining Innovation Beyond Earth 2026.

Submitted	Received via	Requester
January 21, 2026 at 18:05	Mail	Chantelle Baier <chantelle@4space.co>

Status	Priority	Group	Assignee
Solved	Normal	General	Dan

Help Topic
Other

Chantelle Baier January 21, 2026 at 18:05

I received this email in my spam, and wanted your teams to be aware.

Regards,

Chantelle

Begin forwarded message:

From: Dnyaneshwar Kamble <dk@theincmagazine.com>
Date: January 21, 2026 at 4:34:30 AM PST
To: Chantelle Baier <chantelle@4space.co>
Subject: The INC Magazine Invites "Chantelle Baier" for Cover Story Feature in Outstanding Space Tech Leaders Redefining Innovation Beyond Earth 2026.

Dear Chantelle,

This is Dnyaneshwar Kamble from **The INC Magazine!**

It gives me great pleasure to present an opportunity to feature "**Chantelle Baier**" on Cover Story profile of "**Outstanding Space Tech Leaders Redefining Innovation Beyond Earth 2026**".

Our Editorial and Data Research team suggested that "**Chantelle Baier**" is aligned with the topic of magazine edition, this advertorial would be a great match for your organization.

ABOUT US: The INC Magazine, is a Premium Business Media Platform, where we try to market companies across different sectors and regions through our unique media solutions. Our magazine reaches to 355,000+ C-Suite subscribers through Emails and Newsletters too, who are typically decision-makers of the organization and 410,000+ Readers across the globe.

In this edition, we'll highlight your corporate journey, including accomplishments, challenges, strategies, and growth techniques. Your participation will provide invaluable guidance and inspiration to our readers, who see you as a trailblazer in the business world.

Here are a Cover Story benefits that drive explosive growth:



31. So much so that the defendant has in fact solicited the counsel for the plaintiff, which is clear from the following email annexed with the list of documents:-

Dayaram Choudhary

From: Edwin Gomez <Edwin@theincmedia.com>
Sent: 06 February 2026 10:38
To: CA Brijesh
Subject: Re: Reminder 2nd: The INC Magazine Invited "C.A. Brijesh" for Cover Story Feature in "Most Trusted Intellectual Property (IP) Experts to Watch in 2026."

Hi Brijesh,
I hope you are doing well!
I wanted to gently remind you of the exciting opportunity to be featured in *The Inc Magazine's* special issue, "**Most Trusted Intellectual Property (IP) Experts to Watch in 2026.**" This feature will spotlight your company, services and leadership across multiple regions, reaching a wide audience of decision-makers.
This could be a wonderful branding opportunity for your organization and we would love to proceed further with you.
Please let me know if you would like to proceed or if you need any additional information.

Thanks

Best Regards,
Edwin Gomez | BDM
The INC Magazine
Email: Edwin@theincmedia.com
Phone Direct: +1 (727) 607-0789

From: Edwin Gomez
Sent: Wednesday, February 4, 2026 10:31 AM
To: ca.brijesh@remfry.com
Subject: Re: First Reminder: The INC Magazine Invited "C.A. Brijesh" for Cover Story Feature in "Most Trusted Intellectual Property (IP) Experts to Watch in 2026."
Hello Brijesh,
I trust this mail finds you well!
I'm writing to follow up on the opportunity I mentioned in my previous proposal about your selection for our upcoming feature, "**Most Trusted Intellectual Property (IP) Experts to Watch in 2026.**" This edition will highlight your company's services, success stories, and the impact you have had in your role.
We would love to have you participate and showcase your achievements in this prestigious edition. If you have any questions or would like more information about the process, please feel free to reach out.
Looking forward to your response and hoping to include you in this special edition.

Best Regards,
Edwin Gomez | BDM
The INC Magazine
Email: Edwin@theincmedia.com
Phone Direct: +1 (727) 607-0789

From: Edwin Gomez
Sent: Monday, February 2, 2026 9:20 AM
To: ca.brijesh@remfry.com
Subject: The INC Magazine Invited "C.A. Brijesh" for Cover Story Feature in "Most Trusted Intellectual Property (IP) Experts to Watch in 2026."
Dear Brijesh,
This is Edwin Gomez from **The INC Magazine!**

32. Upon a fair reading of the Cease and Desist Notice dated 30.07.2025 alongwith the reply dated 08.09.2025 of the defendant, it appears that the defendant, other than being willing to place disclaimers, is not willing to desist from using the infringing mark 'Inc'.

33. Having regard to the above, it is evident that the plaintiff has been able to establish a *prima facie* strong case in its favour and against the defendant. The balance of convenience lies in favour of the plaintiff. The plaintiff shall suffer irreparable loss and injury which may not be adequately compensated in monetary terms in case *ex-parte ad-interim* injunction orders are not passed against the defendant.

34. In view of the aforesaid, the following directions are passed:-



- (i) Defendant, its promoters, assigns, relatives, successors-in-interest, licensees, franchisees, directors, representatives, servants, distributors, employees, agents, etc., or anyone associated with them are restrained from using the mark 'Inc' or any other mark identical with or deceptively similar to the plaintiff's mark 'Inc.', either as a trade mark, house mark, trade name, trading style, corporate name, website/domain name (theincmagazine.com and/or any other domain name comprising 'inc' mark or deceptive variations thereof), email addresses, social media handles (including but not limited to Facebook - <https://www.facebook.com/theincmagazine>, Instagram - <https://www.instagram.com/theincmagazine/>, X - <https://x.com/theincmagazine> and LinkedIn - <https://www.linkedin.com/company/the-inc-magazine/>);
- (ii) Defendant, its promoters, directors, assigns, relatives, successors-in-interest, licensees, franchisees, partners, representatives, servants, distributors, employees, agents, etc., or anyone associated with them are restrained from using the mark 'Inc' or any other mark identical with or deceptively similar to the plaintiff's mark 'Inc.' either as a trademark, house mark, trade name, trading style, corporate name, website, domain name, and/ or in any manner whatsoever so as to pass off or enable others to pass off their goods, specifically 'The Inc Magazine', as and for the goods of the plaintiff;

35. Issue notice.

36. Let a reply to this application be filed by the defendant within four weeks from service. Rejoinder, thereto, if any, be filed within two weeks thereafter.

37. Compliance of Order XXXIX Rule 3 of CPC shall be done within ten days from date.



CS(COMM) 420/2026

38. Let the plaint be registered as a suit.
39. Upon filing of the process fee, issue summons of the suit to the defendant through all permissible modes.
40. The summons shall state that the Written Statement shall be filed by the defendant within 30 days from the date of the receipt of summons. Alongwith the Written Statement, the defendant shall also file Affidavit of Admission/Denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.
41. Liberty is granted to the plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the plaintiff, an Affidavit of Admission/Denial of the documents of defendant be filed by the plaintiff, without which the Replication shall not be taken on record.
42. In case any party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.
43. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.
44. List before the Joint Registrar (Judicial) on 21.07.2026 for completion of service and pleadings.
45. List before the Court on 05.10.2026.

TUSHAR RAO GEDELA, J

APRIL 21, 2026/anj