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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 507/2026**

**HUGO BOSS AG**

.....Plaintiff

Through: Mr. Rishi Bansal and Mr. Vibhor Sethi, Advocates.

versus

**SHUBHAM JAIN**

.....Defendant

Through:

**CORAM:**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**

% **14.05.2026**

**I.A. 13409/2026 (for pre-institution mediation)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**I.A. 13410/2026 (for pre-institution mediation)**

3. This application is filed on behalf of the Plaintiff under Section 12-A of the Commercial Courts Act, 2015 read with Section 151 CPC seeking exemption from Pre-Institution Mediation.
4. Having regard to the facts of the present case wherein urgent relief is prayed for and in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Keerthi, (2024) 5 SCC 815*, as also Division Bench of this Court in *Chandra Kishore Chaurasia v. RA Perfumery Works Private Ltd., 2022 SCC OnLine Del 3529*, exemption is granted to the Plaintiff from Pre-Institution Mediation.



5. Application is allowed and disposed of.

**I.A. 13408/2026 (u/O XI Rule 1 (4) of Commercial Courts Act, 2015 r/w Section 151 CPC)**

6. This application is filed on behalf of the Plaintiff seeking to place on record additional documents.

7. Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly in accordance with provisions of the Commercial Courts Act, 2015.

8. Application is allowed and disposed of.

**I.A. 13412/2026 (u/S 151 CPC)**

9. This application is filed on behalf of the Plaintiff seeking exemption from effecting advance service on the Defendant.

10. For the reasons stated in the application, the same is allowed exempting the Plaintiff from effecting advance service on the Defendant.

11. Application stands disposed of.

**I.A. 13411/2026 (u/S 148 & 149 r/w Section 151 CPC)**

12. This application is filed on behalf of the Plaintiff seeking extension of time for filing the court fees.

13. Learned counsel for the Plaintiff submits that *albeit* an application has been moved for exemption of depositing court fees, the same had already been deposited.

14. Application is disposed of as *infructuous*.

**CS(COMM) 507/2026**

15. Let plaint be registered as a suit.

16. Upon filing of process fee, issue summons to the Defendant through



all permissible modes, returnable before the learned Joint Registrar on 10.07.2026.

17. Summons shall state that the written statement shall be filed by the Defendant within 30 days from the receipt of summons along with affidavit of admission/denial of the documents filed by the Plaintiff.

18. It will be open to the Plaintiff to file replication within 30 days from the date of receipt of written statement along with affidavit of admission/denial of documents filed by the Defendant.

19. If any of the parties wish to seek inspection of any documents, the same be sought and given the timeline prescribed in Delhi High Court (Original Side) Rules, 2018.

20. Learned Joint Registrar will carry out admission/denial of documents and marking of exhibits.

**I.A. 13406/2026 (u/O XXXIX Rules 1 and 2 and Section 151 CPC)**

21. This application is filed on behalf of the Plaintiff for grant of *ex parte* ad interim injunction.

22. Issue notice to the Defendant through all permissible modes, returnable before Court on 22.09.2026.

23. Case of the Plaintiff as set out in the plaint is that Plaintiff, formally known as HUGO BOSS TRADE MARK MANAGEMENT GmbH & Co., KG, is a company duly incorporated under the laws of Federal Republic of Germany. The mark HUGO BOSS was first adopted by Plaintiff's predecessor-in-title as its business name in May, 1948, when HUGO BOSS GmbH was incorporated in Germany and on 27.06.1984, HUGO BOSS



GMBH went public whereafter its name was changed to HUGO BOSS AG. In 1984, the first BOSS branded fragrance was launched which helped the Plaintiff gain the required growth for listing on the Frankfurt Stock Exchange the following year. Since its inception, Plaintiff has been engaged in business of manufacturing, distribution and sale of wide range of apparel and clothing, textiles, accessories, perfumes, fragrances, lifestyle goods, watches, shoes, belts, glasses, bags, etc. and other allied/related products and the journey has been as long as 90 years.

24. It is stated that Plaintiff adopted the trademarks/labels HUGO

BOSS/ **HUGO BOSS** /BOSS/ **BOSS** /HUGO/ **HUGO BOSS** and other BOSS formative marks in relation to the aforesaid goods and has built formidable reputation and goodwill owing to sale of products under the BOSS marks. The goods/products bearing the BOSS trademarks/labels are currently being sold in over 129 countries around the world including but not limited to India, Australia, Austria, Brazil, Canada, China, France, Germany, Great Britain, Hong Kong, Ireland, Italy, Japan, Mexico, Russia, Spain, Sweden, Switzerland and USA.

25. It is stated that in or about the year 2011, Plaintiff expanded its brand into home and lifestyle segment with the launch of its 'BOSS Home' collection, comprising *inter alia* of bed linen, bedding, bath towels, beach towels, bathrobes and allied textile products. The said products are manufactured and commercialized through authorized licensees and partners under the strict control, supervision and quality standards of the Plaintiff. By virtue of continuous, extensive and global use of its trademarks in relation to *inter alia* textile and home products, Plaintiff has established substantial



goodwill and reputation in the said marks in the relevant trade and amongst the purchasing public. Plaintiff's marks enjoy trans-border reputation and are entitled to protection even in respect of allied and cognate goods, including textiles. In order to get statutory protection in BOSS trademarks/labels in India, Plaintiff has obtained registrations in some marks while some applications are pending registrations in India. Details of registrations, which are valid and subsisting are as follows:-

S. No.	Trade Mark	Application no./ Class	Date of Application	User Detail	Status	Disclaimer
1.	HUGO BOSS	2896862 (Class 24)	30/01/2015	Proposed to be Used	Registered	None
2.	<b>BOSS</b>	5223239 (Class 99; including Class 14, 16,18, 20,24,25,35)	05/04/2021	Proposed to be Used	Registered	None
3.	<b>BOSS</b>	4933837 (Class 99; including Class 12,18, 25,35)	05/04/2021	Proposed to be Used	Registered	None



4.	<b>HUGO BOSS</b>	4933836 (Class 99; including Class 16,35)	05/04/2021	Proposed to be Used	Registered	None
5.	<b>BOSS</b> HUGO BOSS	1242184 (Class 35)	09/10/2003	01/03/20 03	Registered	None
6.	<b>बॉस</b>	5530854 (Class 35)	15/07/2022	Proposed to be Used	Registered	None
7.	<b>HUGO</b>	IRDI- 5422051 (Class 99 including Class 09,14, 16,18,25,35)	10/11/2021	Proposed to be Used	Protection Granted	None
8.	<b>HUGO</b>	IRDI- 5850467 (Class 99 including Class 09,14, 16,18,25,35)	23/11/2022	Proposed to be Used	Protection Granted	None
9.	<b>HUGO BLUE</b>	IRDI- 5855811 (Class 99 including Class 09,14, 18,25,35)	16/11/2022	Proposed to be Used	Protection Granted	None



10.	<b>ह्यूगो</b>	5530853 (Class 35)	15/07/2022	Proposed to be Used	Registered	None
11.	BOSS	493925 (Class 25)	05/07/1988	Proposed to be Used	Registered	None
12.	BOSS	493926 (Class 18)	05/07/1988	Proposed to be Used	Registered	None
13.	<b>HUGO</b> HUGO BOSS	597316 (Class 25)	14/05/1993	Proposed to be Used	Registered	None

26. It is stated that Plaintiff has also obtained registrations in other jurisdictions such as Australia, Austria, Canada, China PR, Czech Republic, Denmark, Egypt, Finland, France, Germany, Great Britain, Hong Kong, Ireland, Italy, Japan, Korea, Mexico, New Zealand, Norway, Philippines, Portugal, Romania, Russia, Saudi Arabia, Singapore, Spain, Sweden, Switzerland, Taiwan, Thailand and USA, to name a few. Details of the worldwide registrations in favour of the Plaintiff in several classes have been filed along with the plaint.

27. It is stated that Plaintiff's artworks/labels are original artistic works within the meaning of the Copyright Act, 1957 ('1957 Act') and Plaintiff is the owner and proprietor thereof. The trademarks/labels of the Plaintiff are enforceable within the ambit of 1957 Act as well as by virtue of India's

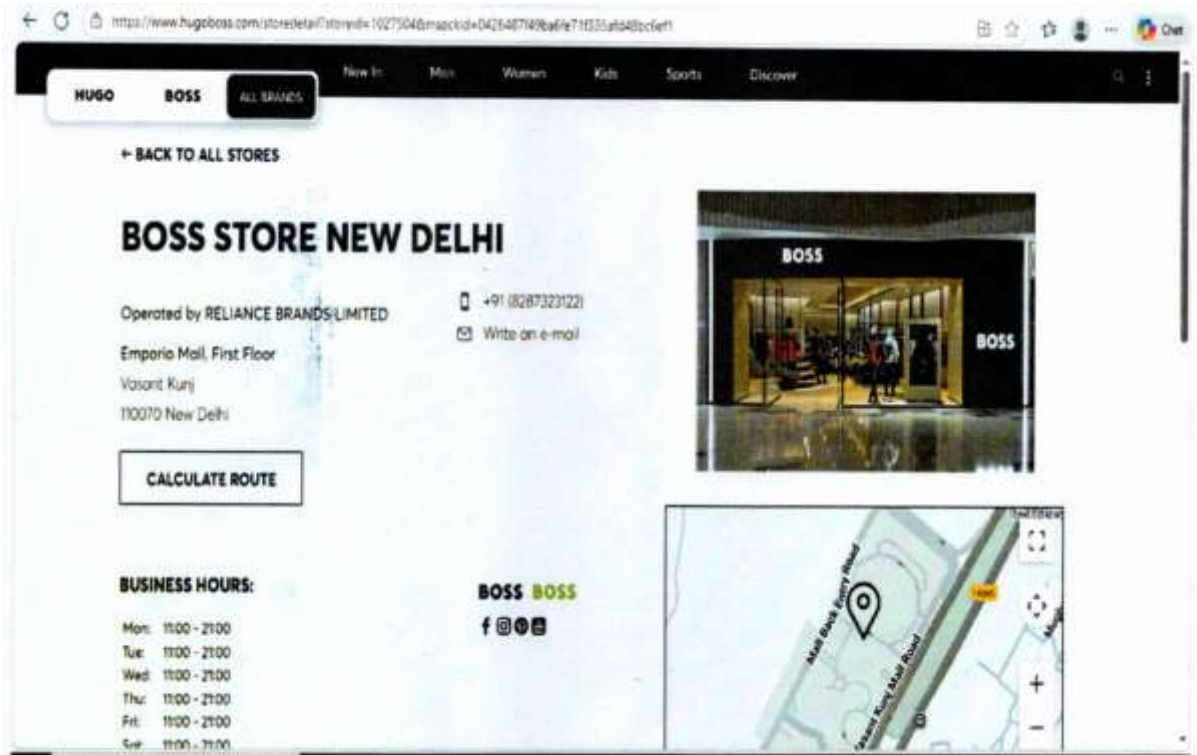


membership in Berne Convention and Universal Copyright Convention. Plaintiff owns and operates the website [www.hugoboss.com](http://www.hugoboss.com) since 1997 and also owns and maintains a website dedicated exclusively towards the Indian customer base i.e., [www.hugoboss.in](http://www.hugoboss.in), which provides details and locations of its various stores in India and the websites are interactive. Currently, Plaintiff has online stores in Germany, Netherlands, France, United Kingdom, Austria, Switzerland and United States of America. Plaintiff has acquired immense goodwill and reputation under the BOSS trademarks/labels and has extensively advertised its product range and business operations through media and other social media platforms. Plaintiff has expended huge amount of money and efforts in building the brand image over decades. Plaintiff invests heavily in R&D and its products are known for their highest standards of quality, safety, innovation and reliability and there is an ever-increasing demand thereof. On account of prior adoption, long and continuous use, extensive and enormous sales and sales promotional schemes, excellent quality control and aggressive marketing through international television channels, print media and network of retail and wholesale channels, BOSS trademarks and their variants are associated with the Plaintiff alone and have become distinctive of the Plaintiff in India.

28. It is stated that Plaintiff has a total of around 1,200 stores and shop-in-shops operated by franchisees and the goods under BOSS trademarks/labels are available at leading stores around the world as also at leading duty-free shops at most major airports globally, including international airports in Hong Kong, Indonesia, Korea, Malaysia, Philippines, Singapore, UAE in Asia; Cyprus in East Europe; Austria, Croatia, Denmark, Finland, France,



Great Britain, the Netherlands, Norway, Switzerland and Iceland in Europe and Mexico in South America. Plaintiff has several exclusive retail stores in India and screenshot of one of the stores in Delhi is as follows:-



29. It is stated that Plaintiff's goods bearing BOSS trademarks/labels are also sold extensively in luxury home decor and other luxury stores such as ELLE DECOR, SURPRISE HOME LINEN, Lifestyle and Shoppers Stop etc. as also on online shopping home decor platforms such as [www.elledecorstore.in](http://www.elledecorstore.in), [www.shop.surpriselinen.com](http://www.shop.surpriselinen.com) etc.

30. It is stated that Plaintiff has aggressively marketed and promoted its goods under BOSS trademarks/labels through advertisements in magazines, newspapers, periodicals, exhibitions, sponsorships of international events, retail marketing etc. and goods of Plaintiff have been extensively advertised in all major international magazines, including TIME, Newsweek, Fortune,



The Economist, The Business World, Executive, Vogue, GQ, Forbes, Vanity Fair etc. Plaintiff has also sponsored many national and international events with widespread reach such as Davis Cup Tennis Tournament, Formula One and Champ Car, including in other sports such as Skiing, Football and Golf etc. Plaintiff is also the Official Formal Wear Supplier to the England Cricket Team with HUGO BOSS Fragrances and Skincare. Plaintiff has a strong social media presence on websites such as Facebook, Instagram, YouTube and as in May, 2026, Plaintiff's Facebook page for BOSS has around 8.6 million followers and its BOSS official Instagram page has around 12.3 million followers. The immense goodwill and reputation of Plaintiff is reflected by the global revenue figures and to demonstrate the same, consolidated income statement for the period 01.01.2024 to 31.12.2024 has been filed along with the plaint.

31. It is stated that Plaintiff has been vigilant in protecting its intellectual property rights in the BOSS trademarks and has filed lawsuits and rectifications/oppositions etc. against third parties in addition to cease-and-desist notices. Plaintiff's HUGO BOSS and BOSS marks have also been recognized as well-known by various trademark offices in countries such as Venezuela, France and China.

32. It is stated that Defendant is trading as PANIPAT HANDLOOMS and operating from Ashok Vihar, Delhi and is engaged in the business of manufacturing, marketing, trading, supplying, soliciting, importing, exporting and selling of cheaper replica of Plaintiff's luxury bedding, linen, bath towels ranges using the trademarks/labels BOSS/HUGO BOSS/



/HUGO BOSS HOME. Comparative table of rival products is as follows:-


PLAINTIFF PRODUCT	DEFENDANT'S PRODUCT
	

33. It is stated that Defendant is not only infringing Plaintiff's registered trademarks but is a habitual offender and search on the internet and social media platforms shows that Defendant is using brand names such as Calvin Klein, Coach, Michael Kors etc. Defendant is also operating through



physical stores located in Ashok Vihar and is openly advertising and soliciting work under the impugned marks, including on YouTube and Instagram and in order to legitimize its unlawful activities, Defendant has filed application for registration of impugned mark HUGO BOSS HOME, against which objections are pending.

34. Learned counsel for the Plaintiff submits that Defendant has adopted and is using the impugned marks BOSS/HUGO BOSS/BOSS HUGO


 BOSS/HUGO BOSS HOME, which are identical/deceptively similar to Plaintiff's registered BOSS/HUGO BOSS trademarks for identical goods i.e., linen, bath towels, bedding etc. which is resulting in consumer confusion, amounting to infringement. Plaintiff has built a formidable reputation and goodwill and Defendant is *mala fide* using the impugned marks so as to misrepresent to the public that its goods have an association with the Plaintiff, which is resulting in irreparable harm to the reputation of the Plaintiff, more so as the goods of the Defendant are of inferior quality and this amounts to passing off. Acts of Defendant are also resulting in tarnishment of Plaintiff's reputation and dilution of BOSS/HUGO BOSS marks.




35. Having heard learned counsel for the Plaintiff and upon perusal of the documents, I am of the view that Plaintiff has made out a *prima facie* case for grant of *ex parte* ad interim injunction against the Defendant. Balance of convenience lies in favour of the Plaintiff and it is likely to suffer irreparable harm in case the interim injunction, as prayed for, is not granted.

36. Accordingly till the next date of hearing, Defendant and all others acting on his behalf are restrained from manufacturing, marketing, using, selling, displaying, advertising, soliciting, networking, purveying or offering



for sale its products such as luxury bedding, linen, bath towels bearing the impugned trademarks/labels BOSS/HUGO BOSS/BOSS HUGO

BOSS//HUGO BOSS HOME or any other trademark/trade name/label, which may be identical with and/or deceptively similar to Plaintiff's trademarks/labels HUGO

BOSS//BOSS//BOSS//HUGO/BOSS HUGO BOSS and HUGO BOSS/BOSS/HUGO BOSS HOME and/or BOSS formative marks, amounting to infringement of trademarks, copyright and/or passing off.

37. Defendant is directed to takedown, remove and delete all advertisements and promotional/marketing content from all platforms/websites/social media platforms, including Instagram and YouTube reflecting use of Plaintiff's registered BOSS marks.

38. Plaintiff shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from today.

**I.A. 13407/2026 (u/O XXVI Rule 9 and Order 39 Rule 7 CPC r/w Section 151 CPC)**

39. This application is filed on behalf of the Plaintiff seeking appointment of a Local Commissioner.

40. Learned counsel for the Plaintiff, on instructions, does not press the application.

41. Application is disposed of as not pressed.

**JYOTI SINGH, J**

**MAY 14, 2026**/<sub>RW</sub>