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

+ CS(COMM) 650/2026

MAKEMYTRIP (INDIA) PRIVATE LIMITEDPlaintiff

Through: Mr. Mohit Goel, Mr. Siddhant Goel,
Mr. Deepankar Mishra and Ms. Soumya
Khandelwal, Advocates.

versus

M/S MAKEMYINDIATRIPDefendant

Through:

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

ORDER

% **29.05.2026**

I.A. 15850/2026 (Exemption)

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

I.A. 15851/2026 (for pre-institution mediation)

3. This application is filed on behalf of the Plaintiff under Section 12-A of the Commercial Courts Act, 2015 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. 15852/2026 (u/S 149 CPC)

6. This application is filed on behalf of the Plaintiff for extension of time by four weeks to file court fee.

7. Learned counsel for the Plaintiff, on instructions, does not press this application as the court fee has been deposited.

8. Application is disposed of as not pressed.

I.A. 15853/2026 (u/S 151 CPC)

9. This application is filed on behalf of the Plaintiff seeking extension of time by four weeks to file the affidavits of the authorized representative of the Plaintiff under Section 63(4)(c) of Bharatiya Sakshya Adhiniyam, 2023.

10. For the reasons stated in the application, the same is allowed granting four weeks to the Plaintiff to file the affidavits under Section 63(4)(c) of Bharatiya Sakshya Adhiniyam, 2023.

11. Application stands disposed of.

I.A. 15849/2026 (u/O XI Rule 1 (4) r/w Section 151 CPC)

12. This application is filed on behalf of the Plaintiff seeking leave to place on record additional documents within 30 days.

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

14. Application is allowed and disposed of.

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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 30.07.2026.



17. Summons shall state that the written statement shall be filed by the Defendant within 30 days from the receipt of summons along with affidavits 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 affidavits 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. 15848/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

21. This application is filed on behalf of the Plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 of CPC for grant of *ex parte* ad interim injunction.

22. Issue notice to the Defendant through all permissible modes, returnable before Court on 06.10.2026.

23. Case of the Plaintiff as set out in the plaint is that Plaintiff was incorporated in 2000, having started its initial business solely on airline ticket bookings services and is currently one of the largest travel companies in India, with a presence across the country as also several other countries including USA, UAE, Mauritius and Australia. Plaintiff was originally incorporated on 13.04.2000 with the trade name 'Travel by Web Private Limited' and subsequently, vide a fresh Certificate of Incorporation dated 02.08.2000, Plaintiff changed its trade name to 'Makemytrip.com Pvt. Ltd'. Thereafter, on 28.06.2002, Plaintiff changed to its current name i.e.,



‘MakeMyTrip (India) Pvt. Ltd.’.

24. It is stated that Plaintiff was founded by Mr. Deep Kalra, an alumnus of the Indian Institute of Management, Ahmedabad. Plaintiff is a performance-driven entity and has achieved market leadership on the basis of its quality and excellence. The reputation commanded by the Plaintiff is demonstrated by its association with numerous prestigious projects from noted celebrities, corporate giants and other industry leaders and Plaintiff is a pioneer of the Indian online travel industry and has carved out a niche name for itself over the last two decades as a popular one-stop travel website. Owing to widespread access of internet and the sustained boom of e-commerce over the past decade, Plaintiff has become a preferred choice of millions of customers in India and across the globe looking to book their travel and tours online. Plaintiff sets itself apart from other travel platforms by combining a diverse range of cost-effective packages of flights, hotels and tour bookings with technology and dedicated customer support

25. It is stated that presently, Plaintiff offers an extensive range of travel services and products, both in India and abroad, through its primary website www.makemytrip.com and other application-based mobile platforms. The services offered by the Plaintiff include booking of air tickets, rail tickets, bus tickets, hotel reservations, car hire, domestic and international holiday packages and ancillary travel requirements such as facilitating access to travel insurance, visa assistance, forex exchange and experiences. The domain name <makemytrip.com> was registered on 08.05.2000 in the name of Plaintiff’s founder, Mr. Kalra and Plaintiff has been hosting an interactive website on the said domain since 2001.

26. It is stated that after changing its trade name to include the words



‘MakeMyTrip’ on 02.08.2000, Plaintiff has continuously and uninterruptedly used the mark MakeMyTrip for its business activities. ‘MakeMyTrip’ is a coined and invented word. Plaintiff was the first company to conceptualize the use of different words to form phonetically, visually and structurally one word and also use the word 'MY' as a linking or connecting element between the other words. Due to extensive use, now spanning more than twenty-six years, the trademark MakeMyTrip and its brand is synonymous with high standards of quality in respect of services provided by the Plaintiff and is associated with the Plaintiff alone.

27. It is stated that the composite use of the ‘MY’ device in a stylized manner with other artistic elements and colour combinations of the logo



mark is highly distinctive. Plaintiff has used and continues to use variants of said mark in different unique and stylized forms,



Plaintiff uses the MakeMyTrip logos in conjunction with unique and distinctive artistic elements such that words ‘MakeMyTrip’ in each logo are written in a specific and uniform colour combination of blue and red.

28. It is stated that owing to widespread goodwill and reputation of



Plaintiff in its MakeMyTrip marks, public and trade have come to associate and recognize the MakeMyTrip marks as originating from Plaintiff and no one else and thus any unauthorized use of the MakeMyTrip marks and/or a deceptively similar mark, would violate the statutory and common law rights of Plaintiff and should be construed as an effort to ride upon the immense reputation and goodwill garnered by Plaintiff in its MakeMyTrip marks.

29. It is stated that apart from the valuable common law rights derived by Plaintiff due to the extensive and continuous use of the MakeMyTrip marks, Plaintiff has also acquired statutory rights in the said marks and details of registrations are as follows:-

Trade Mark	Registration No.	Class	Filing Date	Status
MAKEMYTRIP	2149947	39	25/05/2011	Registered
MAKEMYTRIP	2149948	43	25/05/2011	Registered
MAKEMYTRIP	2991097	35	23/06/2015	Registered
MAKEMYTRIP	2991098	09	23/06/2015	Registered
MAKEMY	3869251	09	23/12/2018	Registered
MYTRIP	3869256	09	25/06/2018	Registered
MYTRIP	3869257	35	25/06/2018	Registered
MYTRIP	3869258	36	25/06/2018	Registered
MYTRIP	3869259	39	25/06/2018	Registered
MYTRIP	4030489	39	18/12/2018	Registered
MYTRIP	3869260	43	25/06/2018	Registered
MYTRIP	4030490	43	18/12/2018	Registered
	2149949	43	25/05/2011	Registered
	2191826	39	17/08/2011	Registered
	1447892	39	25/04/2016	Registered
	3328458	38	04/08/2016	Registered
	3328460	43	04/08/2016	Registered
	4292863	35	13/09/2019	Registered

	2415691	35	22/10/2012	Registered
	2991081	39	23/06/2015	Registered
	3328463	38	04/08/2016	Registered
	4304221	38	25/09/2019	Registered



30. It is stated that Plaintiff has also acquired trademark registrations for the MakeMyTrip marks in several countries across the world including Australia, Bhutan, Canada, Indonesia, Malaysia, Mauritius, Nepal, Singapore, Taiwan and the UAE. Additionally, several pending applications in other countries are at an advanced stage of registration. Owing to extensive goodwill and reputation created over the last twenty six years along with widespread use of the MakeMyTrip marks and the far-reaching nature of its services, Plaintiff has become a household name in India and in several parts of the world and the MakeMyTrip marks are solely and exclusively associated with Plaintiff. The MakeMyTrip marks have come to symbolize prominence and elegance along with the abundant scope of the services of Plaintiff. The services provided by Plaintiff under the MakeMyTrip marks clearly elucidate its vision, which is oriented firmly towards customer satisfaction and excellence. The enormous success enjoyed by Plaintiff under its MakeMyTrip marks is apparent from the revenues generated and the sales turnover attributable to the MakeMyTrip marks of the Plaintiff. Details of Net Sales Turnover generated by the MakeMyTrip marks in India from 2000 to 2022 are as follows:-

FY Year	Net Sales Turnover (In Rs. Lacs)
2000-01	35
2001-02	387
2002-03	437
2003-04	918
2004-05	455
2005-06	1,487
2006-07	6,223
2007-08	12,576
2008-09	23,401
2009-10	39,494



2010-11	57,195
2011-12	88,981
2012-13	1,11,532
2013-14	1,34,017
2014-15	1,57,263
2015-16	1,91,881
2016-17	2,52,712
2017-18	2,75,907
2018-19	3,14,553
2019-20	3,13,072
2020-21	78,557
2021-22	1,69,087

31. It is stated that Plaintiff has been making substantial investments towards advertising and promotional activities on a global scale, including India, to promote the MakeMyTrip marks with such campaigns being undertaken through conventional print and electronic media as well as on digital platforms and the internet. Details of marketing expenses in India are as follows:-

FY Year	Advertising and Promotion Expenditure (In Rs. Lacs)
2000-01	137
2001-02	100
2002-03	14
2003-04	7
2004-05	13
2005-06	935
2006-07	2,776
2007-08	4,499
2008-09	3,300
2009-10	4,619
2010-11	5,775
2011-12	8,071
2012-13	6,042
2013-14	8,116
2014-15	6,904
2015-16	47,418
2016-17	1,06,766
2017-18	1,26,464
2018-19	1,24,869
2019-20	1,02,510
2020-21	6,700
2021-22	25,245



32. It is stated that apart from massive advertising and promotional endeavours, Plaintiff has actively sponsored various national and international events wherein the MakeMyTrip marks have been prominently featured with such sponsorships including a social application for travellers namely 'Tripalong' in April, 2012, through which users can share travel plans with contacts from social networking websites to connect with friends. Plaintiff served as the chief sponsor for the Indian Premier League franchisee 'Sunrisers Hyderabad' for the 2012-2013 season, wherein jerseys worn by the players prominently featured its logo and subsequently acted as an associate sponsor for the Indian Premier League from 2016 to 2018. Plaintiff has acted as a sponsor, official travel planner and/or marketing partner for movies including 'Dostana' (14.11.2008), 'Yeh Jawani Hai Deewani' (31.05.2013), 'Half Girlfriend' (19.05.2017), 'Mubarakan' (28.07.2017), and 'Rocky aur Rani Ki Prem Kahani' (28.07.2023), wherein the MakeMyTrip marks prominently featured. Plaintiff has engaged well-known celebrities, including Mr. Ranveer Singh, Ms. Alia Bhatt, and Ms. Diana Penty to endorse its business activities under the MakeMyTrip marks.

33. It is stated that Plaintiff has been recipient of numerous prestigious national and international awards and recognitions on account of its successful business coupled with the break-through initiatives taken by it, including *inter alia* the Best Travel Innovator, Travel Distribution World Asia Award in 2004, Most visited Travel Website by comScore in 2005, Best Travel Portal- Outlook Traveler Award in 2012, Conde Nast Traveller Readers' Travel Award-Favourite Online Travel Agent in 2013 and 2014, Conde Nast Traveler Mobile Appies for the Most Innovative Travel App in 2015 and Best Mobile Strategy and Best Mobile Solution- EyeforTravel



Award in 2021. Additionally, Plaintiff was bestowed with the title of being a ‘SUPERBRAND’ in the year 2009-2010 by Superbrands India, which is an independent evaluator of brands doing so on the basis of inputs from the general populace and eminent evaluators. Plaintiff is a part of several renowned national as well as international trade associations, including International Air Transport Association, Indian Association of Tour Operators, Travel Agents Federation of India, Travel Agents Association of India and has been recognized and certified as a travel agent by the Ministry of Tourism, Government of India as also as a recognized and registered online tourist service provider by the Government of Goa.

34. It is stated that Plaintiff has also entered into strategic tie-ups and has pioneered several travel projects. With a view to offer better tour and travel packages and economical options to its customers, Plaintiff entered into collaboration agreements with numerous travel companies, hotels, airlines etc., including British Airways, Turkish Airlines, Gulf Air, Singapore Airlines, Lufthansa, Etihad Airways, HSBC, Accor, Hilton, Expedia, Amex, IBM, SBICPSL, HDFC Tourism Boards of Korea, New Zealand, Singapore, Australia and Malaysia. Said business alliances have helped the Plaintiff to further augment its business and Plaintiff has received several accolades *inter alia* the Top Agent Award by Singapore Airlines in 2010-2011 as also by Malaysia Airlines in 2007, 2009 and 2010, Outstanding Performance by Lufthansa in 2006- 07. Plaintiff maintains an active and extensive presence on several prominent social media platforms including Facebook, Twitter, YouTube, and Instagram, wherein the MakeMyTrip marks are prominently featured. Plaintiff’s Facebook page currently holds over 2.5 million likes and 2 million followers, its Twitter handle possesses around 128,000 followers,



and Instagram account has over 1,97,000 followers. Plaintiff operates a YouTube channel which is utilized for posting television commercials pertaining to the MakeMyTrip marks and the same currently has over 74,000 followers alongside more than 60 crore views.

35. It is submitted that since Plaintiff's business is primarily based on its website providing travel services, the same is largely dependent on the number of visitors accessing its webpage and Plaintiff's site www.makemytrip.com is presently one of the most accessed and used online travel booking and planning portals in India, witnessing a substantial increase in the number of Internet visitors every month. Details of the number of 'Internet hits' on Plaintiff's website from the 2011-2023 are as follows:-

Year	Internet Hits (Approx.)
2011	14,45,78,323
2012	19,17,52,530
2013	21,08,94,247
2014	24,21,74,052
2015	27,61,78,335
2016	28,91,83,557
2017	34,99,50,513
2018	39,07,58,553
2019	48,32,71,291
2020	26,92,63,557
2021	36,57,53,007



2022	31,04,40,099
2023	26,52,55,875

36. It is stated that in addition to the internet hits, there has been a steady increase in the volume of users making travel bookings through its website which evidences the popularity and global reach of Plaintiff and its MakeMyTrip marks. Details of the number of internet users who have made bookings through Plaintiff's site and applications from the 2010-2023, are as follows:-

Year	Number of Bookings
2010	31,35,603
2011	44,36,513
2012	46,45,347
2013	57,34,874
2014	68,58,136
2015	95,00,325
2016	1,57,90,124
2017	1,85,16,846
2018	2,33,06,721
2019	2,99,08,414
2020	1,24,08,422
2021	1,93,03,584
2022	3,05,70,046
2023	2,56,64,201

37. It is stated that Plaintiff has launched the MakeMyTrip mobile application which, as of September, 2023, has been downloaded approximately 50 million times on the Android platform and 12.4 million times on the iOS platform. Plaintiff claims to have invested significantly in customer acquisition to increase the mobile application downloads and



accelerate growth in overall travel-related products and experiences. Said mobile application recorded a total average of over 17.3 million active users per month in the fiscal year 2019, 22.2 million active users per month in the fiscal year 2020, and 15.1 million active users per month in the fiscal year 2021.

38. It is stated that over the years, there have been numerous instances wherein infringers have attempted to cash in on the reputation of Plaintiff by utilizing the MakeMyTrip marks, alongside its catchphrases and punchlines or deceptive variants thereof, to pass off as an agent of Plaintiff or pose as Plaintiff itself. In order to protect its statutory and common law rights, Plaintiff has actively and successfully enforced its rights in its marks through various legal actions, including the institution of civil and commercial suits, trademark oppositions and issuance of cease-and-desist notices, details of which are set out at paragraph 32 of the plaint.

39. It is stated that in the first week of March, 2026, Plaintiff, during a regular check on the internet learnt of the adoption and use of the impugned



marks 'MakeMyIndiaTrip' and by Defendant on its website www.makemyindiatrip.com in respect of travel and tourism-related services. Investigation revealed that the overall structure, presentation and manner of offering services are closely modelled on the format adopted by Plaintiff and the impugned website offers international and domestic travel packages, group tours, car rental services, travel itineraries and travel-related booking options in a strikingly similar manner to that of the Plaintiff. Further investigation revealed that Defendant operates






accounts on social media platforms including Facebook, Instagram, and YouTube and is actively advertising and offering its services under the impugned marks on the said platforms.

40. Learned counsel for the Plaintiff submits that impugned marks are visually, structurally and conceptually identical and deceptively similar to Plaintiff's MakeMyTrip marks. Mere addition of the word 'INDIA' is insufficient to distinguish the impugned marks from the Plaintiff's MakeMyTrip marks and the adoption and use of the impugned marks for identical services is a clear violation of the statutory and common law rights of Plaintiff, amounting to infringement under Section 29 of the Trade Marks Act, 1999. Continued use of the infringing marks along with the active solicitation of sales by Defendant on its website and social media accounts is likely to cause confusion amongst prospective customers who may be lured to avail the services of Defendant under the impression that it is associated with the Plaintiff. The adoption of the impugned marks and trade name by Defendant is *mala fide* with a view to usurp and ride upon the reputation and goodwill of Plaintiff. Attention of the Court is drawn to the rival marks as follows:-

MakeMyTrip Marks	Infringing Marks
Word Mark MakeMyTrip	Infringing Word Mark MakeMyIndiaTrip
MakeMyTrip Logo Marks      	Infringing Logo Mark  <small>EXPLORE · TRAVEL · TRUE INDIA</small>



  	
MakeMyTrip Domain Name <www.makemytrip.com>	Infringing Domain Name < www.makemyindiatrip.com >
Plaintiff's Trade Name MakeMyTrip (India) Private Limited	Infringing Trade Name M/s MakeMyIndiaTrip

41. 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.

42. Plaintiff is a registered proprietor of the mark MakeMyTrip and the



impugned marks MakeMyIndiaTrip and are deceptively similar to the Plaintiff's registered mark and *prima facie* use of the word 'India' is insufficient to distinguish the marks. Rival services are identical and persons availing of the services will be in a common base. Confusion amongst members of public and potential customers cannot be ruled out looking at the expanse of use of Plaintiff's trademark continuously, uninterruptedly and openly. Plaintiff is right in its submission that any person who would look at the rival marks is bound to have an initial interest confusion, point of sale confusion as also post-sale confusion. *Prima facie* the adoption of the impugned marks is in bad faith and to create a false



affiliation or nexus with Plaintiff's registered mark. Plaintiff has built a formidable goodwill and reputation over the years, which will be diluted and eroded if the use of the impugned marks continues. *Prima facie* Defendant is infringing the registered mark of the Plaintiff under Section 29 of the Trade Marks Act, 1999.

43. Accordingly, till the next date of hearing, Defendant and all others acting on its behalf are restrained from using the impugned marks



MakeMyIndiaTrip/ for its travel related services and/or any other mark deceptively similar to Plaintiff's registered mark MakeMyTrip. Defendant is also restrained from using trade name MakeMyIndiaTrip, domain name www.makemyindiatrip.com, email ID which subsume Plaintiff's registered mark, amounting to infringement of the trademark.

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

JYOTI SINGH, J

MAY 29, 2026

S.Sharma