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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 637/2026**

M/S SPEECHGEARS INDIA PVT LTDPlaintiff
Through: Ms. Rajeshwari H. And Ms. Nupur
Goswami, Advocates.
versus

MJ TALK TOOLS & ORS.Defendants
Through: Ms. Priya Goyal, Mr. Aakash Deep
Singh and Ms. Aakriti Gupta,
Advocates for D-4/Indiamart.

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **29.05.2026**

I.A. 15641/2026 (Additional Documents)

1. The present application has been filed on behalf of the plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') as applicable to commercial suits under the Commercial Courts Act, 2015 (hereinafter referred to as 'CC Act') seeking leave to place on record additional documents.
2. The plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018 within thirty (30) days.
3. Accordingly, the application stands disposed of.

I.A. 15643/2026 (Pre-Institution Mediation)

4. This is an application filed by the plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the CC Act.
5. 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.



6. The application stands disposed of.

I.A. 15644/2026 (Exemption)

7. This is an application filed on behalf of the plaintiffs under Section 151 of CPC seeking exemption from filing dim copies documents.

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

9. The application stands disposed of.

I.A. 15642/2026 (Exemption from Advance Notice to D 1 to 3)

10. This is an application filed by the plaintiff under Section 151 of CPC seeking exemption from advance service to the defendant nos. 1 to 3.

11. In view of the *ex-parte ad interim* injunction sought, the application is allowed.

12. The application stands disposed of.

I.A. 15640/2026 (Appointment of Local Commissioner)

13. Present application has been filed by the plaintiff under Order XXVI Rule 9 read with Order XXXIX Rule 7 of CPC seeking appointment of Local Commissioners.

14. The application is kept pending to be taken up at the appropriate stage.

I.A. 15639/2026 (Order XXXIX Rules 1 & 2, CPC)

15. 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 defendants.

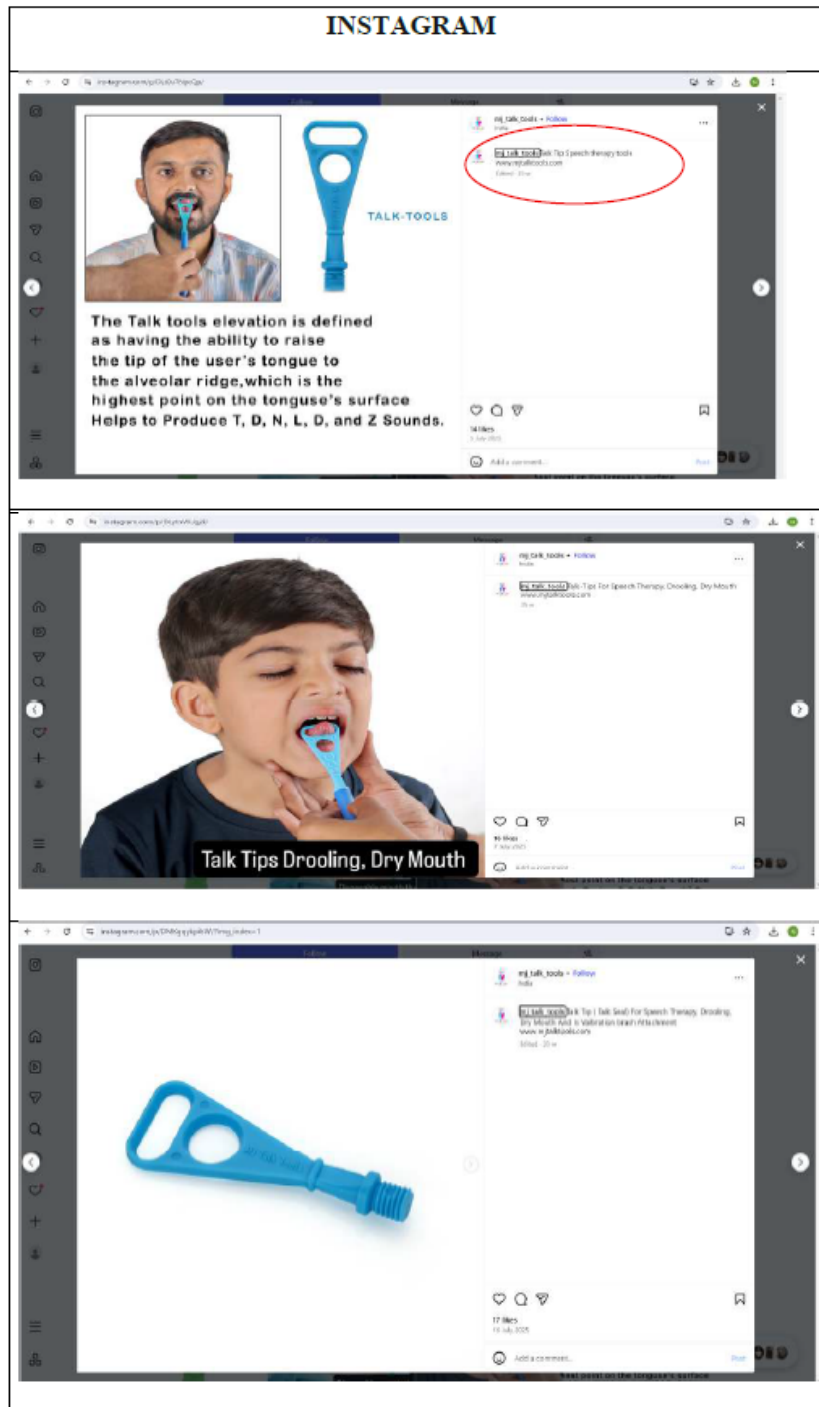
16. Issue notice. Ms. Priya Goyal, learned counsel accepts notice on behalf of defendant no.4/IndiaMart.

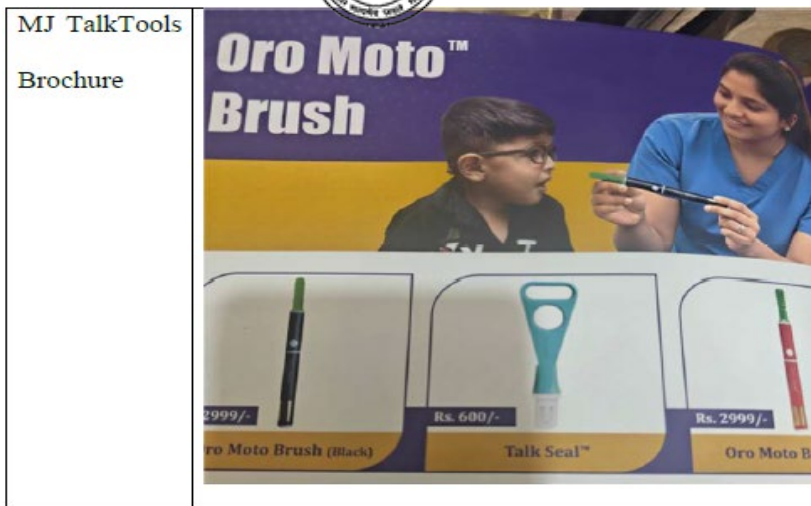
17. Issue notice to remaining defendants by all permissible modes upon plaintiff taking steps within a week.

18. Ms. Rajeshwari H., learned counsel appearing for the plaintiff has extensively taken this Court through various paragraphs of the plaint to *prima*



facie establish that the defendant is extensively infringing the copyrights as also the trade dress and the shape of the tools in the tool kit provided by the plaintiff. In particular, she has referred to page nos.58, 64, 65, 68, 96, 99, 101, 102, 103, 104 and 108 to submit that the defendant has left no stone unturned to completely copy and imitate the tool kit and the tools created by the plaintiff. The said page nos. are extracted hereunder:-





Shape and overall Comparison chart between Plaintiff and Defendant

Nos. 1 to 3 products “Talk Tip”

<p>Plaintiff's Product -Talk Tip</p> 	<p>Defendant No. 1's products – Talk Tip</p> 
	
	



Plaintiff's website showing SPECIAL KIT

Defendant Nos. 1 to 3 website showing

SPECIAL KIT

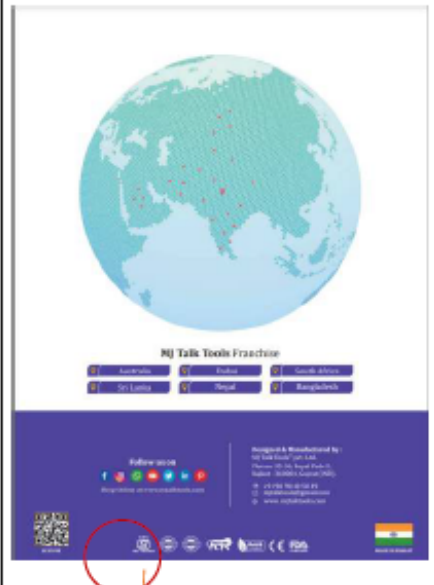


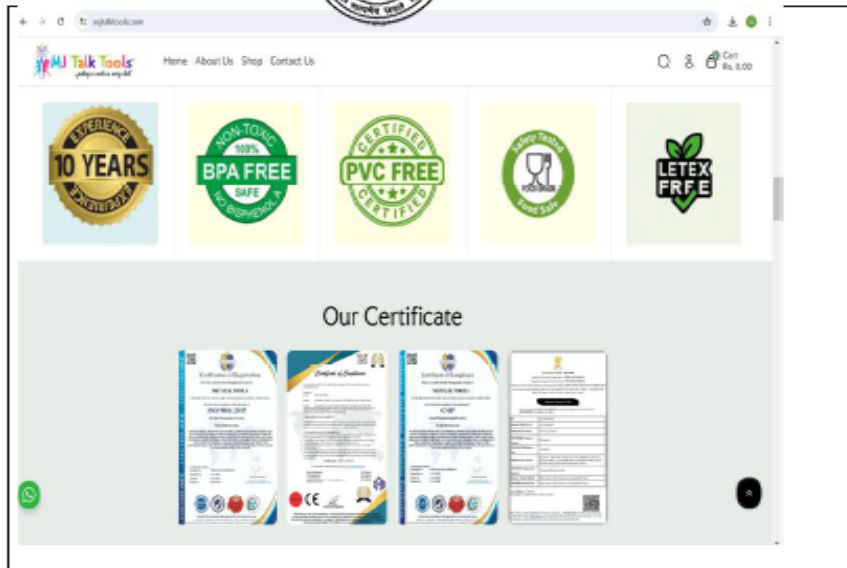
Plaintiff's brochure carrying

Defendant's brochure carrying

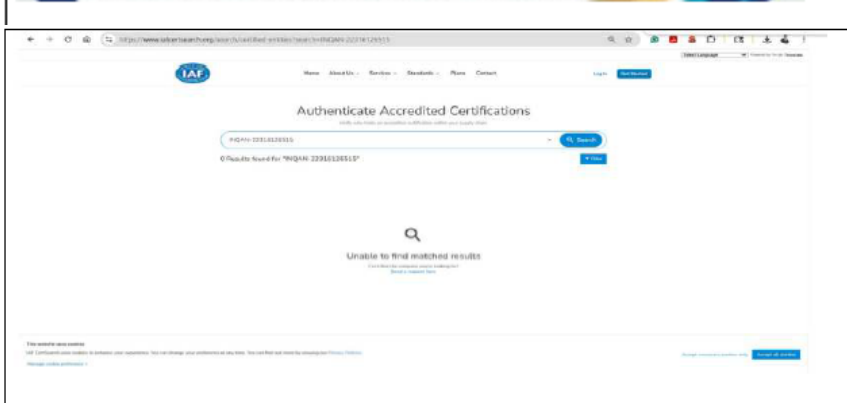
BIS No

BIS No.



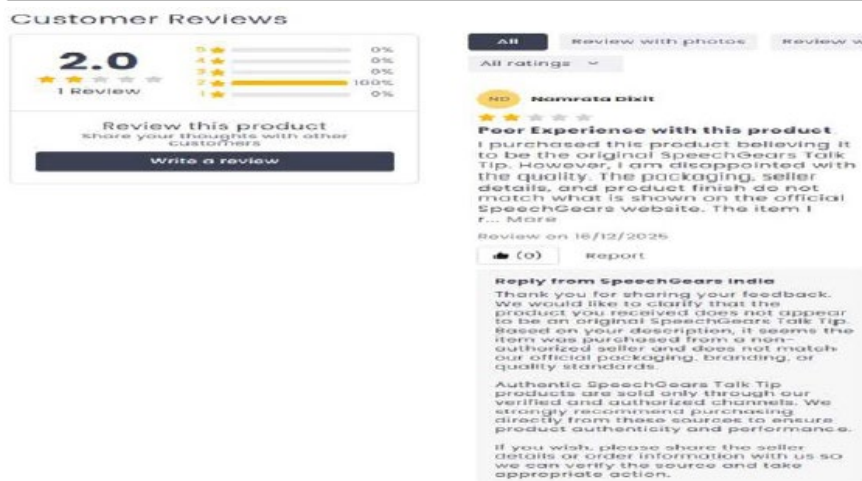
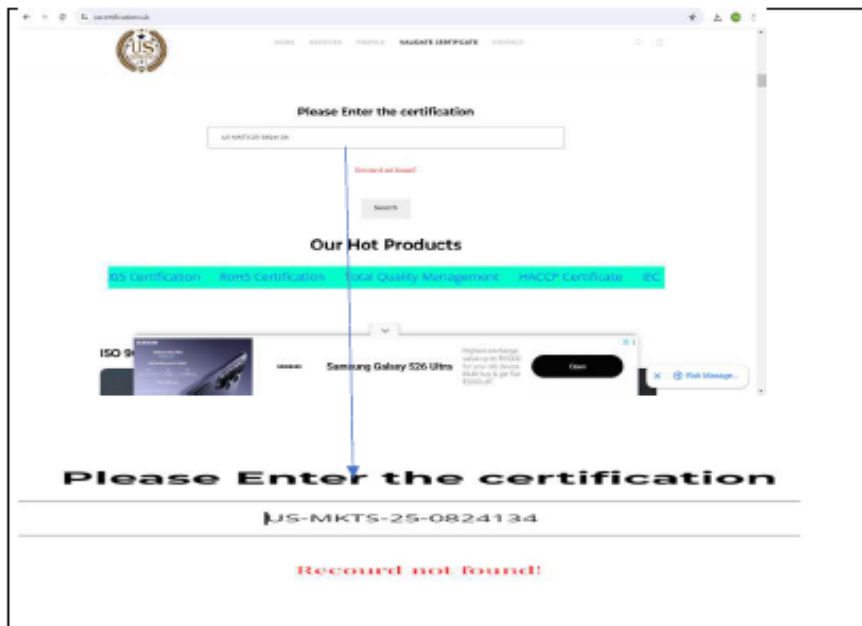


S no	Alleged certificates of the Defendant Nos. 1 to 3
1.	Alleged Certificate No. (not clear) issued by United Accreditation Management Licensing Services





2. Alleged Certificate bearing No. US-MKTS-25-0824134 issued by US Certification



19. In fact, she states that two certificates out of the four which the



defendant claims to have been granted, have been found to be fake.

20. She states that the Organisation which issues such certificates maintain their own websites, which are mentioned in para 97 of the plaint. She states that upon visiting those websites and entering the details of these certificates, it has been found that there is no such record. She further states that these tool kits which were manufactured, have been conceived and designed by the plaintiff himself, and are made for the purpose of children suffering from autism and speech impairment. She also states that even the design of the tool kits is almost identical.

21. By referring para 80 of the plaint, she states that it was only sometime in the mid of May, 2026, that the plaintiff was able to contact the owner/proprietor of the defendant and was able to obtain a fresh brochure wherefrom all the aforesaid facts were revealed. She also states that the last page of the fresh brochure of the defendant is identical to the last page of the brochure of the plaintiff wherein the IS Certificate number is identical, which however belongs to the plaintiff. She also states that page 01 of the plaintiff's brochure contains a welcome note authored by the plaintiff, and has been copied on page 03 of the fresh brochure of the defendant *ad verbatim* except reference to the defendant's name interspersed in the said welcome note.

22. Based on the above, Ms. Rajeshwari, learned counsel for the plaintiff states that there is an outright infringement of not only the shape of goods which are protected under Trade Marks Act, 1999, but also the trade dress itself.

23. The images of the defendant's products demonstrate that the shape of the tools provided by it in its kit are identical if not deceptively similar to those of the plaintiff. The matter referred to in the Brochure of the defendants' products too appears to be copied or lifted from the brochure of the plaintiff's products. Most of such literature is an *ad verbatim* copy. This cannot be mere coincidence. What is more intriguing and gives away the act of infringement



by the defendant, is the ISI registration number, which was allotted to the plaintiff, and has also been copied “as it is” on the brochure of the defendant. This Registration number can surely not belong to two different entities.

24. Ordinarily, this Court would have granted certain *ex-parte ad interim* reliefs but for the fact that the plaintiff has not been able to satisfactorily explain as to what steps were taken by it after having issued the cease and desist notice almost 1 and ½ years back.

25. Thus, having regard to the aforesaid facts as brought by the learned counsel for the plaintiff and as noted by this Court in the preceding paragraphs, it appears reasonable for the time being to direct the defendant no.4/IndiaMart (wrongly mentioned as defendant no.5 in the plaint) to take down/de-list the URLs <https://www.indiamart.com/company/61052694/other-products.html#2858799905055> before the next date of hearing.

26. The reply shall be filed within one week from date of service.

27. Rejoinder thereto, if any, be filed within one week thereafter.

28. Having regard to the nature of urgency, it would be appropriate to direct listing of the present suit before the Vacation Bench on 22.06.2026.

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29. Let the plaint be registered as a suit.

30. Issue summons.

31. Ms. Priya Goyal, learned counsel accepts summons on behalf of defendant no.4/IndiaMart and waives issuance of formal summons to the defendant no.4. However, since the defendant no.4 is an e-commerce website and ordinarily complies with the directions passed by this Court and as no substantial relief has been sought against it, for the time being, no Written Statement needs to be filed.

32. Issue summons to remaining defendants upon the plaintiff taking all the necessary steps. The summons shall state that the Written Statement shall be filed by the defendants within 30 days from the date of the receipt of



summons.

33. Alongwith the Written Statement, the defendants shall also file Affidavit of Admission/Denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.

34. 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.

35. 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.

36. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

37. List before the Vacation Bench on 22.06.2026.

TUSHAR RAO GEDELA, J

MAY 29, 2026

Sumit/rl