



\$~18

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

+ **CS(COMM) 674/2026**

GEMINI EDIBLES AND FATS INDIA LTDPlaintiff

Through: Ms. Shikha Sachdeva, Ms. Mugdha Palsule, Mr. Shashank Suresh and Ms. Annie Jacob, Advocates.

versus

M/S HEMA INDUSTRIESDefendant

Through:

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

ORDER

% **02.07.2026**

I.A. 16413/2026 (Exemption)

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

I.A. 16412/2026 (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. 16411/2026 (u/O XI Rule 1 (4) r/w Section 151 CPC)

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

7. 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.

8. Application is allowed and disposed of.

CS(COMM) 674/2026

9. Let plaint be registered as a suit.

10. Upon filing of process fee, issue summons to the Defendant through all permissible modes, returnable before the learned Joint Registrar on 10.08.2026.

11. 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.

12. 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.

13. 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.

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

I.A. 16410/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

15. 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.

16. Issue notice to the Defendant through all permissible modes, returnable before Court on 08.10.2026.

17. Case of the Plaintiff as set out in the plaint is that Plaintiff is a step-down subsidiary company of Golden Agri-Resources Limited, one of the world's largest fully integrated, seed to shelf, palm oil-based agribusinesses. In 2021, Plaintiff changed from a Private Limited Company to a Public Limited Company and incorporated the name M/s Gemini Edibles and Fats India Ltd. Plaintiff has established itself today as an industry leader and its product portfolio includes sunflower oil, rice bran oil, mustard oil, palmolein oil, specialty fats for biscuits, snack foods, confectionery, non-dairy whip topping, ready-to-eat frozen desserts and food ingredients.

18. It is stated that Plaintiff conceived and adopted the mark FREEDOM in 2009 for edible oils after thorough research and analysis and has been using the same for several products as follows:-

FREEDOM: EDIBLE OILS:

			
SUNFLOWER	RICE BRAN	KACHI GHANI MUSTARD	GROUNDNUT

19. It is stated that Plaintiff operates a dedicated website




www.gefindia.com, through which it sells its products. Plaintiff sells the products under the mark FREEDOM in a packaging which has a unique trade dress created by a well known and award winning agency and is being used since 2010. The trade dress comprises of a colour combination of green, yellow, white and red, wherein the trademark FREEDOM is represented in green colour in a stylized manner and is displayed diagonally on the front of the product packaging. The device of a fully bloomed sunflower is displayed below the trademark FREEDOM and the top left-hand corner of the packaging shows a triangular colour pattern with Vitamins A, D & E inscribed on it in red colour and indicate that the oil contains these vitamins, which strengthens the health platform of the brand. In 2013, Plaintiff adopted the tagline 'FREEDOM TO EAT. FREEDOM TO ENJOY' and has been consistently using the same since then on the product packaging, advertisements and communication material. The key message in the tagline is '*freedom to eat without guilt*'. The trade dress is as follows:-



20. It is stated that in 2019, Plaintiff carried out minor changes in the

trade dress, whereby the trademark  continued to be the same but



Plaintiff introduced two wavy stripes inspired from nature and leaf with colour combination of green and yellow over the letters 'e' and 'd' of the trademark 'FREEDOM'/  ('leaf device') thereby, enhancing the existing distinctiveness and relatability to the edible oil segment. Plaintiff has been using the leaf device continuously and uninterruptedly since then along with the trademark 'FREEDOM' and the same is exclusively associated with the Plaintiff and has no reference to character and quality of the goods. Plaintiff has been applying the colour scheme of red, yellow, green and white with respect to the FREEDOM trademark consistently since 2010 and the evolution in the trade dress for refined sunflower edible oil is as follows:-

Packaging				
Year	2010	2012	2019	2023

21. It is stated that over the years, Plaintiff's edible oils portfolio has expanded and currently, it manufactures and markets edible oils namely, 'FREEDOM REFINED SUNFLOWER OIL, FREEDOM REFINED RICE BRAN OIL, FREEDOM MUSTARD OIL and FREEDOM GROUNDNUT OIL'. Plaintiff has an exclusive website <https://www.freedomhealthyoil.com/> dedicated to brand 'FREEDOM', which gives information about the products and is accessible worldwide.











Plaintiff has extensive social media presence with a large number of followers on networking sites such as Facebook, Instagram, Twitter and YouTube etc. In order to secure statutory rights in the trademark FREEDOM and its formative marks, Plaintiff has obtained several registrations as follows:-

Sr. No.	Trade Mark	Regn. No.	Class	Application Date
1.		1885635	29	November 17, 2009
2.	FREEDOM (Word)	4318371	29	October 11, 2019
3.		4335524	29	November 01, 2019
Sr. No.	Trade Mark	Regn. No.	Class	Application Date
4.		5490927	29	June 16, 2022
5.		5490935	29	June 16, 2022
6.		5490937	29	June 16, 2022
7.		5490939	29	June 16, 2022
Sr. No.	Trade Mark	Regn. No.	Class	Application Date
8.		5490941	29	June 16, 2022

22. It is stated that the registrations are valid and subsisting and by virtue of these registrations, Plaintiff has acquired statutory right to use the



trademark FREEDOM exclusively as also to restrain third parties from infringing the mark. Plaintiff is also the registered proprietor of the copyright in the artistic work as follows and is thus entitled to protection under the Copyright Act, 1957:-

Sr. No.	Artistic Work	Registration No.
1.		A-135846/2021
2.		A-139957/2021
3.		A-140298/2021
4.		A-140332/2021
5.		A-147828/2023
6.		A-147833/2023
7.		A-147731/2023
8.		A-148305/2023

23. It is stated that Plaintiff has earned immense goodwill and reputation by sale of goods under the trademark FREEDOM and this is reflected from the annual sales turnover from 2009 till 2025 as follows:-




Year	Net sales in lakhs Amount (In INR)
2009 – 10	132.19
2010 – 11	5774.52
2011 – 12	21006.01
2012 – 13	33239.27
2013 – 14	45528.88
2014 – 15	69048.63
2015 – 16	90667.12
2016 – 17	126600.69
2017 – 18	179409.10
2018 – 19	241011.36
2019 – 20	284701.05
2020 – 21	433892.00
2021 – 22	558317.27
2022 – 23	599009.84
2023 – 24	524565
2024 – 25	676107

24. It is stated that Plaintiff regularly advertises its products sold under the trademark FREEDOM and the unique trade dress with its artistic work in print and electronic media as also on hoardings, stationery material, carry bags, calendars, diaries, brochures etc. across India and the expenses incurred on advertisement and promotion for the period between 2010 to 2025 are as follows:-






Year	Promotional expenses in lakhs Amount (In INR)
2010-11	511.14
2011-12	461.37
2012-13	581.30
2013-14	1040.44
2014-15	1545.51
2015-16	2743.43
2016-17	4596.77
2017-18	3438.36
2018-19	3331.90
2019-20	2891.15
2020-21	3901.93
2021-22	5052.30
2022-23	3723.60
2023-24	5501
2024-25	7569

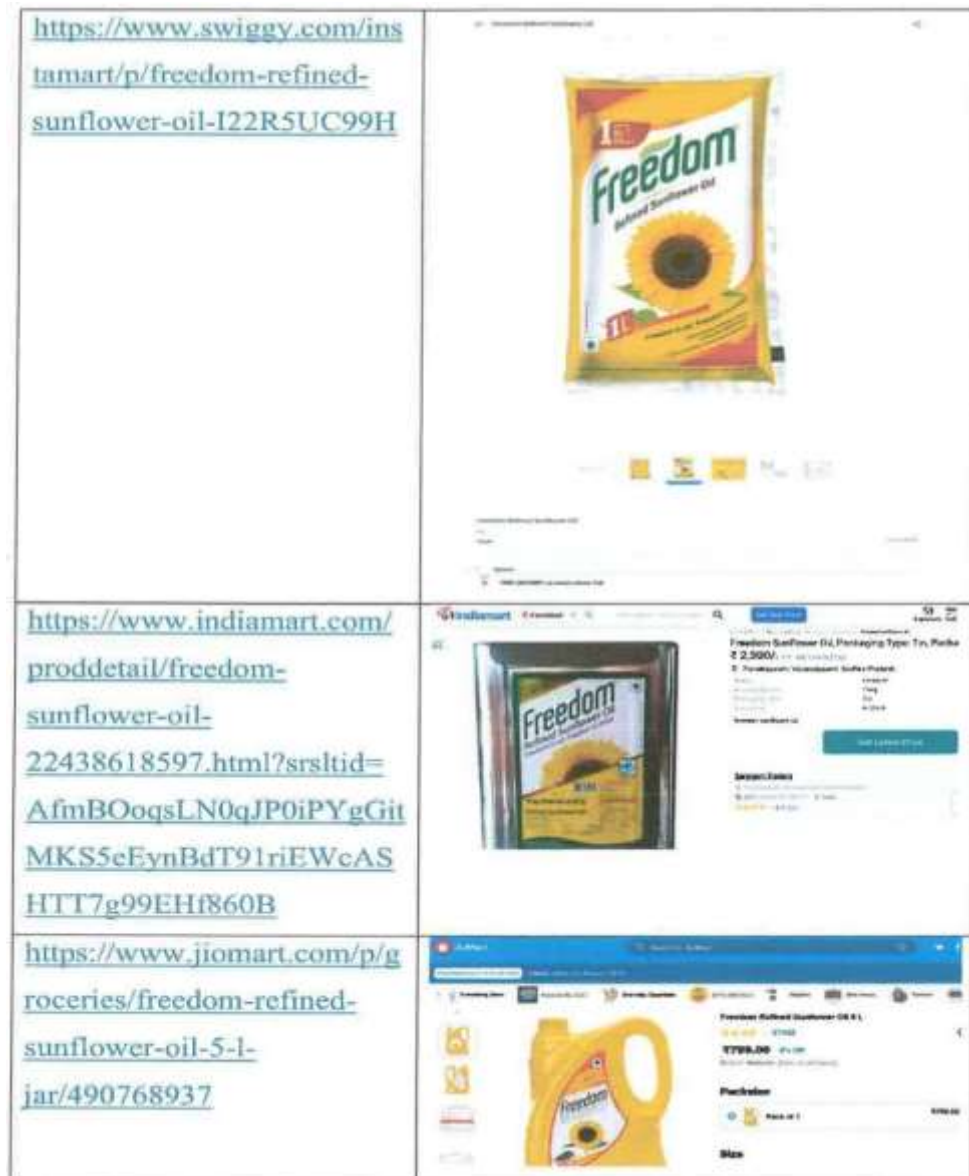
25. It is stated that owing to the popularity and goodwill earned by the



Plaintiff, the brand 'FREEDOM' is endorsed by many leading celebrities of the films industry in the South such as Mr. Yash, Ms. Radhika Pandit and Ms. Richa Palod as also cricketers such as Mr. Rahul Dravid. In order to reach to a larger segment of consumers and boost the sale of products under the trademark 'FREEDOM', Plaintiff has collaborated with several FMCG brands such as MTR SAMBHAR MASALA, VICCO VAJRADANTI, COLGATE etc. and has also initiated 'My Freedom My Gold offer', an exciting consumer connect initiative rolled out in the States of Telangana, Andhra Pradesh, Odisha and Chhattisgarh, to promote the sale of edible oil. Many select channels have advertised Plaintiff's products under the FREEDOM marks and illustratively, some of them are STAR TV, ZEE TV, ABN, NEWS 7, OTV, COLORS TV, ZEE CINEMALU. Owing to the quality of Plaintiff's products, it has been bestowed with several awards as detailed in paragraph 26 of the plaint. Further, many comparative tests of Plaintiff's products with other products in the market conducted by reputed agencies such as Consumer Voice Report, wherein customers provided their reviews and preferences, have given high scores to Plaintiff's products and as per market research conducted by leading global rating agency, A.C. Nielson in 2025, Plaintiff's brand FREEDOM has been ranked as No.1 in the country. Plaintiff's FREEDOM/  edible oil has been ranked among the top 5 most trusted brands in India by a popular magazine in its 2020 edition and its products are available under the trademark FREEDOM on various e-commerce websites including but not limited to Amazon, Flipkart, Big Basket, India Mart, Jio Mart etc. Screenshots of the websites are as follows:-




Websites	Screenshots
https://www.flipkart.com/freedom-refined-sunflower-oil-pouch	
https://amzn.in/d/ch4Ky5b	
https://www.zeptonow.com/pn/freedom-refined-sunflower-oil/pvid/e069e1ad-fd71-46cb-b700-4ec05ff7f76e	
https://blinkit.com/prn/freedom-refined-sunflower-oil/prid/56193?srsltid=AfmBQoq9L0h8qSlkhDbXk8SO6EJaUijA_XvxCKHZ7zdWVQgdN_843Pv	
https://www.bigbasket.com/pb/freedom/sunflower-rice-bran-oil/	



26. It is stated that Plaintiff has been vigilant in protecting its 'FREEDOM' trademarks and trade dress/packaging and has initiated several opposition proceedings and filed lawsuits against third party infringers, details whereof are furnished in paragraph 35 of the plaint.


27. It is stated that in February, 2026, Plaintiff learnt that Defendant had applied for registration of the impugned trademark FREEDINE and trade



dress '  ' bearing application number 731455 in Class 29 with the current status being 'Formalities Chk. Pass' and is using the impugned mark/trade dress for identical goods. Plaintiff sent a cease-and-desist notice on 10.02.2026 but on receipt of the notice, Defendant denied that it was infringing Plaintiff's trademark FREEDOM and hence, Plaintiff has approached this Court.

28. Learned counsel for the Plaintiff submits that Defendant is using a



deceptively similar trademark FREEDINE and trade dress  for identical goods and the consumer base and trade channels being common, there is every likelihood of confusion among members of public and trade and potential consumers. The impugned mark is phonetically, visually and structurally identical to Plaintiff's prior adopted and registered well known mark FREEDOM and there is no plausible explanation for dishonest adoption and amounts to infringement under Section 29 of the Trade Marks Act, 1999. Defendant has also dishonestly, blatantly and slavishly copied the unique trade dress of the Plaintiff, in the artistic work









of which, it has copyright registration. A comparison of the rival trade dresses would show that every attempt has been made to come as close as possible to Plaintiff's trade dress by meticulously copying the colour combination as also elements such as the sunflower, its placement etc. and there is a clear infringement of the copyright of the Plaintiff. It is evident that Defendant is encashing on the formidable goodwill and reputation of the Plaintiff and misrepresenting to the public that it has an association or affiliation with the Plaintiff and this is causing irreparable harm and injury to the Plaintiff and amounts to passing off.

29. Having heard learned counsel for the Plaintiff and upon examination of the rival marks, trade dresses and packaging, I am of the view that Plaintiff has made out a *prima facie* case for grant of *ex parte* ad interim injunction. Balance of convenience lies in favour of the Plaintiff and it is likely to suffer irreparable harm in case *ex parte* ad interim injunction as prayed for, is not granted. Plaintiff is the registered proprietor of the trademark FREEDOM and its formative trademarks and is thus entitled to their exclusive use as also to restrain third-parties from infringing them. Defendant has adopted and is using the impugned mark FREEDINE, which is *prima facie* phonetically, visually and structurally deceptively similar to the registered trademark of the Plaintiff. Defendant has also copied the unique trade dress of the Plaintiff including its colour scheme/colour combination of green, yellow, red/orange and white as also the sunflower and its placement. The word 'FREEDINE' is used in the same colour green and the stylization and the manner of placement on the packaging is also identical. It is *prima facie* evident that Defendant has attempted to come as close as possible by using deceptively similar



trademark and almost identical trade dress and is encashing on the formidable goodwill and reputation of the Plaintiff causing irreparable damage. Comparative table of the rival marks and the trade dresses is as follows:-

Plaintiff's Trade Mark	Defendant No. 1's Trade Mark
FREEDOM	FREEDINE
	
	
	
<p>Points of Similarity:</p>	



- a) The trade mark of the Plaintiff 'FREEDOM' is infringed in its entirety;
- b) The trade dress/packaging is nearly identical and/or deceptively and confusingly similar;
- c) The overall color combination of yellow, green, red/ orange and white is similar to the color combination of the Plaintiff's products;
- d) Defendant is displaying the word 'FREEDINE' in green colour which is identical to the manner of use and representation of the Plaintiff's trade mark 'FREEDOM';
- e) Defendant is using deceptively similar and/or nearly identical trade mark/ trade dress for identical goods which is bound to lead to consumer confusion.

30. Accordingly, till the next date of hearing, Defendant, its directors, principals, proprietors, partners, officers, employees, agents, distributors, suppliers, affiliates, subsidiaries, franchisees, licensees, representatives, group companies and assignees are restrained from using, selling, offering for sale, marketing and advertising the impugned goods under the impugned

mark FREEDINE/  and impugned trade dresses



and/or any other trademark or trade dress identical/deceptively similar to Plaintiff's trademarks FREEDOM/



Freedom



and its formative marks and trade dress “ and/or any domain name subsuming Plaintiff’s registered trademarks, amounting to infringement of trademarks and copyright and/or passing off.

31. Defendant is also directed to take down all references to the impugned mark and trade dresses on the impugned products from third-party websites and/or any other advertisements, within a period of three weeks from the date of receipt of copy of this order.

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

JYOTI SINGH, J

JULY 2, 2026
S.Sharma