



\$~O-15

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

CNR No. DLHC010485122022

+ **CS(COMM) 897/2022 and I.A. 22071/2022**

Date of Decision: **25.09.2026**

IN THE MATTER OF:

1. DS INTELLECTUAL PROPERTIES LLP

4828/24, PLOT NO. 2, GF BASEMENT, WARD NO. XI,
DARYA GANJ, NEW DELHI- 110 002, DELHI, INDIA

2. DHARAMPAL SATYAPAL LIMITED,

98, OKHLA INDUSTRIAL ESTATE, PHASE- III,
NEW DELHI-110020

.....Plaintiffs

(Through: *Ms. Vaishali Mittal, Mr. Siddhant Chamola and Mr. Shivang Sharma, Advocates.*)

versus

1. ABHINAV SINGH

(DETAILS PROVIDED BY BHARTI AIRTEL LIMITED)

MD. SHAKIR QURAISHI

S/O HABIB QUARISHI

VILLAGE BANAUTIYA, ANCHAL THANA, BIHARSHARIF,
NALANDA, BIHAR -803101

AND

1-A, RAJA BAZAR, SAHEB BAGAN,
KOLKATA, WEST BENGAL-700009

Signature Not Verified

Signed By:AMIT KUMAR
SHARMA
Signing Date:05.10.2026
11:18:27

Signature Not Verified

Signed
By:PURUSHAINDRA
KUMAR KAURAV

**2. RUDRA PRATAP**

(DETAILS PROVIDED BY BANK OF INDIA)

MR. APPA BHIKU NIKAM,
AT POST RAMPUR, TAL-CHIDLUN
DIST: RATNAGIRI -415605

3. KRISNIN PHARMA

OWNER OF THE DOMAIN NAME

< [HTTPS://ONLINERAJNIGANDHARETAIL.IN/](https://onlinerajnigandharetail.in/)>

PHYSICAL ADDRESS: DELHI, INDIA

4. RAJNIGANDHA DISTRIBUTORS PRIVATE LIMITED,

3A MANGOE LANE,
4TH FLOOR, KOLKATA,
WEST BENGAL 700001

5. TRAFFIC TAIL TECHNOLOGIES PRIVATE LIMITED,

CIN NO. U72200DL2021PTC388418

LGF-1, KH. NO. 357/302,
VILLAGE SAIDULAJAB,
NEAR SAKET METRO STATION,
NEW DELHI DL 110030

.....Defendants

(Through: None.)

CORAM:**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. By the present suit, the plaintiffs, *inter alia*, seek a decree of permanent injunction restraining defendant nos. 1 to 5 from using the



trademarks/trading names “DS GROUP”, “RAJNIGANDHA” and variants thereof, including as a domain name, or otherwise dealing in goods/services thereunder, amounting to infringement of the plaintiffs’ trademarks and copyright, passing off, unfair competition, unjust enrichment and dilution. The plaintiffs further seek suspension, locking and transfer of the domain name “www.onlinerajnigandharetail.in” by defendant no. 6; freezing of the bank accounts of defendant nos. 1 to 5 by defendant no. 7; disclosure by defendant no. 8 of their KYC, mobile and GPS details; delivery-up of the impugned materials; rendition of accounts and damages; declaration of the “DS GROUP” marks as well-known trademarks; and costs.

2. The case set up by the plaintiffs is that, in December 2022, they came across the website “www.onlinerajnigandharetail.in”, which was allegedly being used to lure members of the public into paying money under the pretext of offering “RAJNIGANDHA” distributorships. It is averred that defendant nos. 1 to 5 had registered and were operating the said domain, through which dealerships/distributorships in the name of DS Group were being promoted, while prominently displaying the plaintiffs’ trademarks and mentioning the address of the plaintiffs’ zonal office in Telangana as the corporate office address. It is further alleged that defendant nos. 1 and 2, representing themselves as employees of the plaintiffs, were offering distributorships under the mark “RAJNIGANDHA” and collecting monies from members of the public, and that the defendants had also copied the plaintiffs’ privacy policy, thereby infringing the plaintiffs’ copyright.

3. The plaintiffs are the registered proprietors of the trademark “DS



GROUP” and its corresponding composite/device marks, as



well as the trademark “RAJNIGANDHA” and its formative/label marks.

4. The plaint was first taken up for hearing on 22.12.2022, when the same was registered as a suit and summons were directed to be issued to the defendants. *Vide* order dated 22.12.2022, this Court also granted an *ex parte* ad-interim injunction in terms of the directions contained in paragraph 31 thereof. The paragraph no. 31 of the order dated 22.12.2022 is extracted as under:

“31. Consequently, till the next date of hearing, an *ex parte* ad interim injunction order is passed in the following terms:

I. The defendants no.1 to 5, their partners or proprietor, as the case may be, their principal officers, servants and agents, and all others acting on their behalf are restrained from offering for sale or advertising directly or indirectly fake distributorships/dealerships of the plaintiffs or using the plaintiffs' "DS Group" and "Rajnigandha" trademarks or any other marks identical and/or deceptively similar thereto.

II. The defendants no.1 to 5 are further restrained from using the impugned domain name, being "<https://onlinerajnigandharetail.in>", and the e-mail address "dsgroup@rajnigandhadealership.online" or any other e-mail addresses similar thereto.

III. The defendants no. 1 to 5 are directed to file a statement of accounts within four weeks of service of notice in the present application, giving the details of the amounts collected by them by offering of dealerships/distributorships under the plaintiffs' marks through the aforesaid website.

IV. The defendant no.6 is directed to suspend and lock the domain name "<https://onlinerajnigandharetail.in>".

V. The defendant no.6 is directed to disclose all details made available by the defendants no. 1 to 5 at the time of purchasing/issuance of the domain name <https://onlinerajnigandharetail.in> / along with the



transaction details through which payment was made.

VI. The defendant no.7 is directed to freeze the bank account bearing Account 148310110002297, IFSC Code BKID0001483. The defendant no.7 is also directed to disclose the KYC details in respect of the aforesaid Bank Account.

VII. The defendant no.7 is directed to place on record the up to date bank statement pertaining to account no. 148310110002297 having IFSC Code BKID0001483 since the said bank account was opened.

VIII. The defendant no.8 is directed to disclose the KYC details of Mobile No. 8276073316.”

5. Vide order dated 04.01.2023, this Court made the following correction to the terms of the *ex parte* ad-interim injunction granted vide order dated 22.12.2022:

“1. The present application has been filed on behalf of the plaintiffs seeking correction of clerical error that has occurred in the order passed by this Court on 22nd December, 2022. It is stated that the email address has been wrongly noted in paragraph 31(II) of the aforesaid order. The correct email address has been noted in paragraph 24 of the aforesaid order as below: “contact@onlinerajnigandharetail.in”

2. Accordingly, the order dated 22nd December, 2022 stands corrected and the email ID given in paragraph 31(II) shall be read as “contact@onlinerajnigandharetail.in” instead of “dsigroup@rajnigandhadealership.online”.

3. In view of the aforesaid correction, compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be done within three days.

4. The application stands disposed of.”

6. Ms. Vaishali Mittal, learned counsel for the plaintiffs submits that the plaintiffs are the registered proprietors of the trademarks “DS GROUP” and “RAJNIGANDHA”, including their respective composite, device and label marks, and have placed on record the registration certificates and other documents evidencing their adoption, use, goodwill and reputation. She submits that the rights of the plaintiffs in the aforesaid marks and the protection available thereto have also been recognised by this Court in earlier proceedings concerning the plaintiffs’ marks and products. Reliance

Signature Not Verified

Signed By:AMIT KUMAR
SHARMA
Signing Date:05.10.2026
11:18:27

Signature Not Verified

Signed
By:PURUSHAINDR
KUMAR RAURAV



is placed, *inter alia*, upon ***Dharampal Satyapal Ltd. v. Suneel Kumar Rajput & Anr.***,¹ wherein the Court, after granting interim protection against use of marks identical or similar to “RAJNIGANDHA”, ultimately decreed the suit in favour of the plaintiff and confirmed the interim injunction, ***Dharampal Satyapal Sons Pvt. Ltd. v. G. Chandra Babu & Anr.***,² wherein this Court granted interim injunction restraining the defendants from using the impugned logo along with their trademark, and ***Dharampal Satyapal Ltd. v. Rajnigandha Distributors Pvt. Ltd. & Ors.***,³ wherein, upon finding a *prima facie* case, this Court directed blocking of the impugned domain name and the concerned bank accounts in proceedings arising out of unauthorised offers of distributorships under the “RAJNIGANDHA” mark.

7. Learned counsel further submits that the present case bears close similarity to the aforesaid proceedings, particularly inasmuch as the defendants have allegedly used the plaintiffs’ “DS GROUP” and “RAJNIGANDHA” marks on the impugned website for offering distributorships/dealerships to members of the public. Reliance is also placed upon the order in ***DS Intellectual Properties LLP & Anr. Vs. Ashutosh Kumar Singh & Ors.***,⁴ concerning the same plaintiffs and similar allegations relating to an online distributorship website, wherein this Court considered the plaintiffs’ case of infringement of their trademarks and copyright and granted *ex parte* ad interim protection. She further submits that the use of the plaintiffs registered marks, together with the representation of an association with the plaintiffs, amounts to infringement

¹ CS(OS) 381/2012; Dated 13.02.2014

² CS(COMM) 742/2017; Dated 01.11.2017

³ CS(COMM) 317/2019; Dated 31.05.2019

⁴ (COMM) 867/2022; Dated 13.12.2022

Signature Not Verified

Signed By:AMIT KUMAR
SHARMA
Signing Date:05.10.2026
11:18:27

Signature Not Verified

Signed
By:PURUSHAINDRA
KUMAR KAURAV



of the plaintiffs' trademark and copyright and also constitutes passing off and dilution, warranting a decree of permanent injunction in the present proceedings.

8. Defendant nos. 6 to 8 were deleted from the array of parties, having complied with the respective directions of this Court and their presence being no longer required for adjudication of the present suit, *vide* orders dated 10.04.2023, 19.02.2024 and 13.03.2024, respectively. Defendants nos. 1 to 5, having remained continuously absent, were proceeded *ex-parte vide* order dated 16.11.2023. Thus, none of the defendants are contesting the present suit.

9. On the basis of the pleadings, the evidence led by the plaintiffs and the submissions advanced, the following issues arise for determination in the present suit:

- I. *Whether the plaintiffs have established infringement of their trademarks and copyright, passing off, dilution and unfair competition by defendant nos. 1 to 5 and are consequently entitled to a decree of permanent injunction?*
- II. *Whether the "DS GROUP" trademarks and corresponding Logo of the plaintiffs are entitled to be declared "well-known trademark" within the meaning of Section 2(1)(zg) of the Trade Marks Act, 1999?*

10. Since, there is no contest to the plaintiffs' case and the evidence led by them has remained unrebutted. The aforesaid issues are, therefore, considered on the basis of the pleadings, evidence and material placed on record by the plaintiffs.

11. The plaintiffs have placed on record the registration certificates in respect of the trademarks "DS GROUP" and "RAJNIGANDHA" and the corresponding device/label marks, thereby establishing their registered rights therein. The plaintiffs have also led evidence regarding the use of



these marks and the corresponding artistic and literary works. The case set up by the plaintiffs is that defendant nos. 1 to 5 were operating the impugned website “www.onlinerajnigandharetail.in”, on which the plaintiffs’ aforesaid trademarks were prominently displayed in connection with offers of distributorships/dealerships under the name of DS Group. The website also represented an association with the plaintiffs by referring to the plaintiffs’ address, while defendant nos. 1 and 2 were alleged to have represented themselves as employees of the plaintiffs and offered distributorships under the mark “RAJNIGANDHA”. The plaintiffs have further led evidence that their privacy policy was reproduced on the impugned website.

12. The aforesaid use was not authorised by the plaintiffs and was in relation to an activity which was represented to the public as being connected with the plaintiffs. The use of the plaintiffs registered marks in such circumstances is therefore actionable as infringement and also supports the plaintiffs’ case of passing off and dilution. The reproduction of the plaintiffs’ privacy policy, as established from the material on record, further supports the claim of infringement of copyright.

13. The subsequent conduct of defendant nos. 6 and 8 is also relevant in this regard. Pursuant to the order dated 22.12.2022, defendant no. 6 suspended and locked the impugned domain name and furnished the details relating to its registration, while defendant no. 8 complied with the direction for disclosure of the KYC details of the mobile number used in connection with the impugned activity. The said compliances were placed before the Court and, upon such compliance, the respective defendants were deleted from the array of parties. These circumstances, read with the documentary and oral evidence led by the plaintiffs and the absence of any rebuttal by



defendant nos. 1 to 5, provide corroboration to the factual foundation of the plaintiffs' claim concerning the impugned website and the unauthorised use of their marks.

14. Accordingly, the plaintiffs have established their entitlement to protection against the acts complained of by defendant nos. 1 to 5. Issue No. 1 is, therefore, answered in favour of the plaintiffs and against defendant nos. 1 to 5.

15. In so far as the issue no. II i.e. declaration of the plaintiffs' "DS GROUP" trademarks as a "well-known trademark" is concerned, Section 2(1)(zg) of the Trade Marks Act, 1999 defines a "well-known trade mark" as under:

"(zg) "well-known trade mark", in relation to any goods or services, means a mark which has become so to the substantial segment of the public which uses such goods or receives such services that the use of such mark in relation to other goods or services would be likely to be taken as indicating a connection in the course of trade or rendering of services between those goods or services and a person using the mark in relation to the first-mentioned goods or services."

16. Section 11(2) of the Trade Marks Act, 1999 provides protection to well-known trademarks in the following terms:

"Section 11

(2) A trade mark which—

(a) is identical with or similar to an earlier trade mark; and

(b) is to be registered for goods or services which are not similar to those for which the earlier trade mark is registered in the name of a different proprietor, shall not be registered, if or to the extent, the earlier trade mark is a well-known trade mark in India and the use of the later mark without due cause would take unfair advantage of or be detrimental to the distinctive character or repute of the earlier trade mark"

17. Rule 124 of the Trade Marks Rules, 2017 provides for declaration of the "well-known" status of a trademark by way of an application, without



the requirement of instituting separate proceedings or seeking rectification. Pertinently, Section 11(6) of the Trade Marks Act, 1999 sets out the factors to be taken into consideration while determining whether a mark is a “well-known trade mark”. Section 11(6) reads as under:

“(6) The Registrar shall, while determining whether a trade mark is a well-known trade mark, take into account any fact which he considers relevant for determining a trade mark as a well-known trade mark including—

(i) the knowledge or recognition of that trade mark in the relevant section of the public including knowledge in India obtained as a result of promotion of the trade mark;

(ii) the duration, extent and geographical area of any use of that trade mark;

(iii) the duration, extent and geographical area of any promotion of the trade mark, including advertising or publicity and presentation, at fairs or exhibition of the goods or services to which the trade mark applies;

(iv) the duration and geographical area of any registration of or any application for registration of that trade mark under this Act to the extent they reflect the use or recognition of the trade mark;

(v) the record of successful enforcement of the rights in that trade mark; in particular, the extent to which the trade mark has been recognised as a well-known trade mark by any court or Registrar under that record.”

18. In **NR Dongre v. Whirlpool Corporation & Anr.**,⁵ a Division Bench of this Court observed as under:

“27. From the aforesaid facts including the extensive advertisements of the goods of the first respondent and its trade mark ‘WHIRLPOOL’ and the legal position adumbrated hitherto we are prima facie of the opinion that the trade mark ‘WHIRLPOOL’ has acquired reputation and goodwill in this country and the same has become associated in the minds of the public or potential buyers with the goods of the first respondent. Even advertisement of trade mark without existence of goods in the market is also to be considered as use of the trade mark. It is also not necessary however that the association of the plaintiff's mark with his goods should be known all over the country or to every person in the area where it is known best. (See: Faulder & Co. Ltd. v. O. and G. Rushton, [(1903) 20 RFC 477] (9). Besides the facts prima facie demonstrate that the first respondent was prior user of the trade mark

⁵ 1995 SCC OnLine Del 310



‘WHIRLPOOL’ as it was using the same since 1941, while the appellants themselves claim the adoption thereof from 1986.”

19. In **Rolex SA v. Alex Jewellery Pvt. Ltd. & Ors.**,⁶ this Court, while considering the factors relevant for determining whether a trademark is a “well-known trademark”, held that the test is to be applied with reference to the relevant segment of the public using the goods in question. The Court took into consideration, *inter alia*, the extensive advertising and promotion of the mark, registrations obtained in India and abroad, the duration and geographical extent of its use, and the enforcement of rights in respect of the mark. The Court further observed that, in view of the advent of the internet and diminishing international boundaries, the fact that a mark is well known internationally may also be relevant in assessing its reputation in India. Applying the aforesaid principles, the Court held the trademark “ROLEX” to satisfy the requirements of a well-known trademark and restrained the defendants from using the said mark in relation to their goods.

20. Dealing with the issue of a well-known trademark, this Court in **Tata Sons Ltd. v. Manoj Dodia & Ors.**,⁷ held that a well-known trademark enjoys protection against dilution and unfair exploitation of the goodwill and reputation attached to the mark, including where the impugned use is in relation to dissimilar goods or services.

“5. A well-known trademark is a mark which is widely known to the relevant general public and enjoys a comparatively high reputation amongst them. On account of advancement of technology, fast access to information, manifold increase in international business, international travel and advertising/publicity on internet, television, magazines and periodicals, which now are widely available throughout the world, of goods and services during fairs/exhibitions, more and more persons are coming to know of the trademarks, which are well known in other

⁶ 2009 SCC OnLine Del 753

⁷ 2011 SCC OnLine Del 1520



countries and which on account of the quality of the products being sold under those names and extensive promotional and marketing efforts have come to enjoy trans-border reputation. It is, therefore, being increasingly felt that such trademark needs to be protected not only in the countries in which they are registered but also in the countries where they are otherwise widely known in the relevant circles so that the owners of well known trademarks are encouraged to expand their business activities under those marks to other jurisdictions as well.

The relevant general public in the case of a well known trademark would mean consumers, manufacturing and business circles and persons involved in the sale of the goods or service carrying such a trademark.

6. The doctrine of dilution, which has recently gained momentum, particularly in respect of well known trademarks emphasises that use of a well known mark even in respect of goods or services, which are not similar to those provided by the trademark owner, though it may not cause confusion amongst the consumer as to the source of goods or services, may cause damage to the reputation which the well known trademark enjoys by reducing or diluting the trademark's power to indicate the source of goods or services.

7. Another reason for growing acceptance of trans-border reputation is that a person using a well known trademark even in respect of goods or services which are not similar tries to take unfair advantage of the trans-border reputation which that brand enjoys in the market and thereby tries to exploit and capitalize on the attraction and reputation which it enjoys amongst the consumers. When a person uses another person's well known trademark, he tries to take advantage of the goodwill that well known trademark enjoys and such an act constitutes an unfair competition.”

21. The aforesaid principles furnish the framework for determining whether the DS GROUP mark satisfies the requirements of a well-known trade mark. The evidence led by the plaintiffs is, therefore, required to be examined with reference to the factors stipulated in Section 11(6) of the Trade Marks Act, 1999.

22. At the outset, it is appropriate to briefly notice the material placed on record concerning the plaintiffs and the DS Group mark. The plaintiffs trace



the inception of the Group to 1929, while the DS Group Logo is stated to have been adopted in 2003. The Logo is stated to have been used as a house mark in relation to various products marketed under, *inter alia*, the marks RAJNIGANDHA, CATCH, TULSI, PASS-PASS and PULSE.

23. The plaintiffs have placed on record material concerning the development of the Group, adoption and use of the DS Group Logo, its use upon various products, registrations of the relevant trademarks, promotional activities, third-party material, online presence, corporate publications and enforcement proceedings. The said material is examined hereinafter with reference to the individual statutory factors.

24. In relation to the first factor under Section 11(6)(i), concerning the knowledge or recognition of the trade mark in the relevant section of the public in India, the plaintiffs have relied upon material relating to the inception of the Group in 1929 (Ex. PW-1/4; Ex. PW-2/7), registration of the domain “www.dsgroup.com” since 30.07.1995 (Ex. PW-1/3), and adoption of the present DS Group Logo in 2003, supported by the affidavit of its creator and copyright registration material (Ex. PW-2/3). The record further contains product images and price lists evidencing use of the Logo since 2003 (Ex. PW-2/5), including its use as a house mark in relation to RAJNIGANDHA, CATCH, TULSI, PASS PASS and PULSE. The plaintiffs have also relied upon material concerning promotional activities, third-party articles and online presence (Ex. PW-2/7), as well as the *DS DUNIYA* publications covering the period 2011–2022 (Ex. PW-2/8). The CA certificates (Ex. PW-2/6), recording the turnover of the Group, also form part of the material placed before the Court and are relevant to the scale of the commercial operations associated with the mark.



25. The aforesaid material, considered collectively, bears upon the knowledge and recognition of the DS GROUP mark in the relevant section of the public in India. The use of the Logo as a house mark across multiple consumer products, its continued public-facing presence and the material showing the scale of the plaintiffs' business constitute relevant circumstances while assessing the recognition of the mark under Section 11(6)(i).

26. As regards the second factor under Section 11(6)(ii), concerning the duration, extent and geographical area of use of the trade mark, the plaintiffs have placed reliance upon the material distinguishing the adoption of the DS Group word mark in 1929 from the adoption of the present DS Group Logo in 2003. The affidavit and copyright material concerning the Logo (Ex. PW-2/3), the timeline of development of the Group (Ex. PW-2/4), and the price lists and product material evidencing use since 2003 (Ex. PW-2/5) demonstrate the duration and extent of the use relied upon by the plaintiffs. The MCA material (Ex. PW-1/2) and the trade mark extracts relating to the DS Group marks (Ex. PW-1/6) further form part of the record concerning the plaintiffs and their marks. The material showing use of the Logo across different products and brands also bears upon the extent of its commercial use.

27. In relation to the third factor under Section 11(6)(iii), concerning the duration, extent and geographical area of promotion of the trade mark, including advertising and publicity, the plaintiffs have relied upon the material relating to promotional activities, third-party articles and online presence (Ex. PW-2/7), the *DS DUNIYA* publications (Ex. PW-2/8), and the website material relating to “www.dsgroup.com” and



“www.rajnigandha.com” (Ex. PW-1/3; Ex. PW-1/10; Ex. PW-1/11). The record also contains material relating to promotional activities and publicity undertaken by the plaintiffs over the relevant period. The CA certificates (Ex. PW-2/6) contain figures concerning advertising expenditure, which are relevant to the extent and continuity of the promotional activities undertaken in relation to the plaintiffs’ marks.

28. As regards the fourth factor under Section 11(6)(iv), concerning the duration and geographical area of registration or applications for registration to the extent they reflect use or recognition of the trade mark, the plaintiffs have relied upon the trade mark extracts relating to the DS GROUP marks (Ex. PW-1/6) and the RAJNIGANDHA marks (Ex. PW-1/12). The registration records placed on record demonstrate the statutory protection obtained by the plaintiffs in respect of their marks over the relevant periods. The plaintiffs have also relied upon the fact that their marks RAJNIGANDHA, CATCH and PULSE have previously been recognised as well-known marks by this Court and/or the Trade Marks Registry, and that the packaging of these products carries the DS Group Logo (Ex. PW-1/13; Ex. PW-2/9).

29. The aforesaid material is relevant to the recognition associated with the DS GROUP mark, particularly when considered with the manner in which the Logo has been used as a house mark upon products whose individual marks have themselves received recognition. The duration and extent of the registrations, read with the evidence of use placed on record, therefore constitute relevant circumstances under Section 11(6)(iv).

30. For the fifth factor under Section 11(6)(v), concerning the record of successful enforcement of rights in the trade mark and the extent to which



the trade mark has been recognised as a well-known mark by any Court or the Registrar, the plaintiffs have relied upon the orders passed in proceedings concerning enforcement of their trade mark rights, including ***Dharampal Satyapal Ltd. v. Rajnigandha Distributors Pvt. Ltd. & Ors.*** (supra) (Ex. PW-1/18) and ***DS Intellectual Properties LLP & Anr. Vs. Ashutosh Kumar Singh & Ors.*** (supra) (Ex. PW-1/26), the affidavit filed in ***Dharampal Satyapal Sons Ltd. v. G. Chandra Babu & Anr.*** (supra) (Ex. PW-2/3), and the compilation of orders relied upon by the plaintiffs (Ex. PW-2/9). These documents evidence the enforcement of the plaintiffs' rights in respect of their trademarks and the protection granted thereto by this Court.

31. The plaintiffs have also placed on record orders recognising RAJNIGANDHA, CATCH and PULSE as well-known marks by this Court and/or the Trade Marks Registry. The packaging of these products bears the DS Group Logo, and the recognition accorded to these marks, read with the manner in which the DS Group Logo has been used upon such products, constitutes relevant material bearing upon the reputation and recognition associated with the DS GROUP mark. The aforesaid record of enforcement, together with the prior recognition of the plaintiffs' marks and the evidence regarding the continuous use and promotion of the DS Group Logo, constitutes relevant evidence for determining whether the DS GROUP mark satisfies the requirement of Section 11(6)(v).

32. The evidence discussed above, when considered cumulatively in the context of the five factors stipulated in Section 11(6) of the Trade Marks Act, demonstrates the long duration of use of the DS GROUP name, the continuous use of the present Logo since 2003, its use as a house mark



across the plaintiffs' products, the extent of its promotion and commercial use, the statutory registrations obtained in respect thereof, and the record of enforcement and recognition of the plaintiffs' marks. The cumulative effect of the aforesaid circumstances is that the DS GROUP mark has acquired the requisite knowledge and recognition amongst the relevant section of the public and merits declaration as a well-known trade mark within the meaning of Section 2(1)(zg) read with Section 11(6) of the Trade Marks Act, 1999.

33. Accordingly, Issue No. 1 is answered in favour of the plaintiffs and against defendant nos. 1 to 5. In view of the subsequent deletion of defendant nos. 6 to 8 from the array of parties upon compliance with the directions of this Court, the *ex parte* ad-interim injunction granted *vide* order dated 22.12.2022, as corrected *vide* order dated 04.01.2023, is made absolute *qua* defendant nos. 1 to 5, and a decree of permanent injunction is accordingly passed against defendant nos. 1 to 5 in terms thereof.

34. Issue No. 2 is also answered in favour of the plaintiffs. Accordingly, in terms of prayer clause 90(vii) of the plaint, a decree of declaration is passed declaring the "DS GROUP" trademark and the corresponding



Logo as well-known trademarks within the meaning of Section 2(1)(zg) of the Trade Marks Act, 1999.

35. The plaintiffs have abandoned the reliefs sought under prayer clauses 90(viii) and 90(ix) towards damages and costs. Accordingly, no relief is granted in respect of the said prayers.



2026:DHC:8715



36. The Registry is directed to draw up the decree sheet accordingly.
37. The civil suit, along with pending application, stands disposed of.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

SEPTEMBER 25, 2026
aks/SA

Signature Not Verified
Signed By:AMIT KUMAR
SHARMA
Signing Date:05.10.2026
11:18:27

Signature Not Verified
Signed
By:PURUSHAINDRA
KUMAR KAURAV