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

+ **CS(COMM) 948/2025 & I.A. 22096-99/2025**

MATTEL, INC.

.....Plaintiff

Through: Ms. Shwetasree Majumder, Mr.
Prithvi Singh, Mr. Prithvi Gulati and
Mr. Ritwik Marwaha, Advocates

versus

PADUM BORAH AND ORS

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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08.09.2025

I.A. 22099/2025 (seeking exemption from filing original and clearer copies)

1. This application has been filed by the Plaintiff under Section 151 of the Code of Civil Procedure, 1908, ['CPC'], seeking exemption from filing the original and/or certified and/or typed and/or fair copies of the documents, mentioned at paragraph 3 and 4 of this application, within a period of two (2) weeks.
2. Original of the documents, mentioned at paragraph 3 of this application, shall be produced/filed at the time of Admission/Denial, if sought, strictly as per the provisions of the Commercial Courts Act, 2015 and the DHC Rules.
3. The typed and/or fair copies of the illegible documents, mentioned at paragraph 4 of this application, be filed within two (2) weeks.
4. Accordingly, the application stands disposed of.



I.A. 22098/2025 (seeking leave to file additional documents)

5. The present application has been filed under Order XI Rule 1(4) of the CPC [as amended by the Commercial Courts Act, 2015], seeking to file additional documents, within thirty (30) days.

6. The Plaintiff, if it wishes to file additional documents, will file the same within 30 days from today, and it shall do so strictly as per the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018 ('DHC Rules').

7. For the reasons stated in the application, the same is allowed.

8. Accordingly, the application is disposed of.

I.A. 22097/2025 (seeking exemption from pre-institution mediation)

9. This is an application under Section 12A of the Commercial Courts Act, 2015 read with Section 151 of the CPC, filed by the Plaintiff seeking exemption from instituting pre-litigation mediation.

10. Having regard to the facts that the present suit contemplates urgent interim relief and in light of the judgement of the Supreme Court in **Yamini Manohar v. T.K.D. Kreethi**¹, exemption from the requirement of pre-institution mediation is granted to the Plaintiff.

11. Accordingly, the application stands disposed of.

CS(COMM) 948/2025

12. The present suit has been filed seeking a permanent injunction restraining infringement of the Plaintiff's registered trademark, passing off and other ancillary reliefs.

13. Let the plaint be registered as a suit.

14. Summons be issued to the Defendant No. 1 by all permissible modes



on filing of process fee. Affidavit of service(s) be filed within two (2) weeks.

15. The summons shall indicate that the written statement must be filed within thirty (30) days from the date of receipt of the summons. The Defendant No. 1 shall also file affidavits of admission/denial of the documents filed by the Plaintiff, failing which the written statement shall not be taken on record.

16. The Plaintiff is at liberty to file replication thereto within thirty (30) days after filing of the written statement. The replication shall be accompanied by affidavits of admission/denial in respect of the documents filed by the Defendant No. 1, failing which the replication shall not be taken on record.

17. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

18. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

19. Since Defendant Nos. 2 and 3 are Domain Name Registrants and have been impleaded for seeking compliance of the interim orders and directions, no direction is being issued to the said Defendants for filing written statements.

20. List the matter before the Joint Registrar (J) on **16.10.2025**.

21. List the matter before the Court on **10.03.2026**.

I.A. 22096/2025 (application under Order XXXIX Rule 1 and 2 CPC)

22. The present application has been filed by the Plaintiff under Order XXXIX Rule 1 and 2 CPC, 1908 seeking an ad-interim injunction against

¹ (2024) 5 SCC 815



the Defendant No. 1 restraining them from infringing and passing off Plaintiff's registered trademark 'BARBIE'.

23. Learned counsel for the Plaintiff's sets up the Plaintiff's case as under:

23.1 The Plaintiff company, founded in 1945 in Southern California by Ruth and Elliot Handler and Harold 'Matt' Matson, began with picture frames and dollhouse furniture before shifting its focus to toys, revolutionizing toy marketing in 1955 through advertising on the Mickey Mouse Club show. Over the years, it built a globally recognized portfolio of brands, including BARBIE, HOT WHEELS, FISHER-PRICE, UNO, and SCRABBLE. The company went public in 1960, was listed on major stock exchanges by 1963, crossed USD 100 million in sales by 1965, joined the Fortune 500, and, by 2013, was recognized six years in a row by Fortune Magazine as one of the '100 Best Companies to Work For'.

23.2 The Plaintiff coined and adopted the trademark BARBIE in 1959, introducing the first doll named after co-founder Ruth Handler's daughter, Barbara. Since 2011, through campaigns like "*You Can Be Anything*" and initiatives such as the *Shero* program and *Fashionistas* collections, the Plaintiff's brand has promoted inclusivity, diversity, and women's empowerment. With a vibrant online presence, scholarly attention, and millions of fans worldwide, Plaintiff's trademark BARBIE has evolved into a multifaceted brand symbolizing imagination, aspiration, and inspiration for generations.



23.3 The Plaintiff owns and operates the website www.barbie.com (registered since 19.06.1996²), which redirect users to its official portals showcasing BARBIE products, campaigns, and collaborations. Over the years, BARBIE has been extensively featured in books, games, applications, over 30 animated movies, and popular films such as the *Toy Story* franchise. In 2023, the Plaintiff's live-action film *BARBIE*, directed by Greta Gerwig and starring Margot Robbie, became a global phenomenon, grossing over USD 1.45 billion and earning multiple Academy Award nominations. The Plaintiff holds more than 1,800 BARBIE trademark registrations across 100+ countries, reflecting its worldwide reputation³. With widespread media coverage, high-profile collaborations, and massive advertising campaigns, BARBIE trademark has built colossal goodwill globally. The brand also enjoys a powerful digital presence, with 15 million Facebook followers, 3.5 million Instagram followers, and over 12.9 million YouTube subscribers, cementing its place as one of the recognized trademarks in the world⁴.

23.4 The Plaintiff introduced the BARBIE doll in India as early as 1987 and has since been continuously and extensively using the trademark BARBIE across a wide range of goods and services, not limited to toys. The

word/logo BARBIE/*Barbie* has been registered in multiple classes since 1985⁵, and remains valid, subsisting, and duly renewed under the Trade Marks Act, 1999. The Plaintiff, through its subsidiary Mattel Toys (India) Pvt. Ltd., has actively marketed, promoted, and popularized the brand,

² As stated at paragraph 14 of the plaint.

³ As evidenced by 'Document no. 6' filed along with the plaint.

⁴ As evidenced by 'Document no. 8' filed along with the plaint.

⁵ As mentioned in the table at paragraph 22 of the plaint.



including India-specific variants such as the Bollywood Barbie (2009) and the Colours of India series (2018). With sales exceeding USD 14 million and promotional expenditures over USD 1.2 million in the past three years in India alone⁶, the BARBIE brand enjoys immense goodwill and consumer recognition. Its products, ranging from dolls to apparel, cosmetics, accessories, and electronics, bottles, lunch boxes etc. are widely available across leading Indian e-commerce platforms.

23.5 It is the case of the Plaintiff that in August 2024, the Plaintiff became aware of Defendant No. 1 through their trademark application for the device mark ‘BARBIE One Stop Solution for HORECA & Foods



Processing/’, filed under Application No. 6438396 on 18.05.2024 in Class 21⁷ (‘impugned application’). The application was made on the ‘proposed to be used’ basis.

23.6 On 20.08.2024, the Plaintiff issued a cease-and-desist notice to Defendant No. 1, asserting its statutory and common law rights in the BARBIE trademarks, and contending that the Defendant No. 1’s use of the impugned marks constituted infringement. Despite successful service of the notice by both email and courier⁸, Defendant No. 1 failed to respond.

23.7 Subsequently, the Trade Marks Registry issued an Examination Report dated 04.03.2025⁹ in respect of Defendant No. 1’s impugned application, raising objections under Section 11(1) of the Trade Marks Act, 1999, on the ground of conflict with the Plaintiff’s prior registered BARBIE

⁶ As mentioned at paragraph 23 of the plaint.

⁷ Copy of the impugned application annexed as ‘Document No. 19’ filed along with the plaint.

⁸ As evidenced by the ‘Document No. 20’ filed along with the plaint.



trademarks. In its reply dated 03.04.2025¹⁰, Defendant No. 1 asserted that its use of the word BARBIE, in combination with other expressions, was distinctive and unlikely to cause confusion. At the same time, Defendant No. 1 admitted that BARBIE is a well-known brand name, though it attempted to rely on the plea that the class of goods for which registration was sought was entirely different from that of the Plaintiff's registrations.

23.8 Upon conducting an online search, the Plaintiff discovered that Defendant No. 1 was using the impugned BARBIE marks in connection with commercial kitchen equipment, event management, and catering services. These services were advertised and made available on third-party portals such as IndiaMart, and also on Defendant No. 1's websites, namely <https://barbieenterprise.com/> and <https://www.barbieenterprise.in/>.

23.9 It was further revealed that Defendant No. 1 was using multiple

infringing marks, including BARBIE ENTERPRISES/ ,

BARBIE HOSPITALITY/ , BARBIE CATERING/ , and

BARBIE KITCHEN MART/ , ('impugned marks') for its products and services.

24. Learned counsel for the Plaintiff submits that Defendant No. 1 has dishonestly adopted several BARBIE formative marks by adding generic suffixes like ENTERPRISE, HOSPITALITY, CATERING, and KITCHEN

⁹ Annexed as 'Document No. 21' filed along with the plaint.

¹⁰ Annexed as 'Document No. 22' filed along with the plaint.



MART to the dominant BARBIE prefix, making the marks visually, phonetically, and conceptually identical to the Plaintiff's iconic BARBIE



trademark. She states that the by-line in the device mark is unreadable and it is the Plaintiff's trademark BARBIE, which is the dominant element of the impugned mark. By using pink stylization and a similar logo, Defendant No. 1 is deliberately attempting to ride on the Plaintiff's goodwill and reputation built since 1987 across diverse consumer categories. Such use amounts to trademark infringement and passing off, as it creates a strong likelihood of confusion, dilution, and false association with the Plaintiff's brand. The Plaintiff, therefore, seeks not only to restrain Defendant No. 1's infringing activities but also to block/suspend the infringing domains 'barbieenterprise.com' and 'barbieenterprise.in', registered in bad faith.

24.1 She states that it is clear that Defendant No. 1, without any valid registration, has dishonestly adopted the identical mark BARBIE as the dominant element in its impugned marks, even replicating the stylized pink 'B', and merely added generic suffixes such as ENTERPRISE, HOSPITALITY, CATERING, and KITCHEN MART, thereby creating deceptively similar composite marks as that of the Plaintiff's registered trademark BARBIE. Such adoption will result in an immediate association with the Plaintiff's brand, leading to a likelihood of confusion and dilution of the Plaintiff's trademark rights.

25. The Court has heard the counsel for the Plaintiff and has perused the record.



26. The advance service of the suit paper-book was affected upon the Defendant No. 1 on 03.09.2025 as per the rules. However, none appears on behalf of the Defendant No. 1. The Plaintiff has also pointed out that though a cease-and-desist notice was issued to the Defendant, no reply has been received.

27. The Plaintiff is the registered proprietor of the trademark 'BARBIE/*Barbie*', and has been using the said trademark since 1959 with respect to several classes. The Plaintiff's trademark BARBIE, as noticed above, is a coined term.

28. The Plaintiff has handed over a table of Defendant No. 1's impugned marks, which is reproduced as under:

Sr. No.	Word Mark	Logo Mark	Applied for Registration	Proof of Use
1.	BARBIE One Stop Solution For HORECA & Foods Processing		Yes	No use, TM applied on a proposed to be used basis. Defendant No. 1's TMR extracts are at Pg. 1419 of the documents filed by the Plaintiff
2.	BARBIE ENTERPRISES		No	Pg. 1282 of the documents filed by the Plaintiff



3.	BARBIE HOSPITALITY		No	Pg. 1275 of the documents filed by the Plaintiff
4.	BARBIE CATERING		No	Pg. 1245 of the documents filed by the Plaintiff
5.	BARBIE KITCHEN MART		No	Pg. 1215 of the documents filed by the Plaintiff

29. On a bare perusal of the above-mentioned table, it is evident that the Plaintiff's trademark BARBIE is the dominant element, and the impugned marks of the Defendant No. 1 are visually identical to that of the Plaintiff's trademark.

30. The Defendant No. 1 in its reply dated 03.04.2025 to the Examination Report issued by the Trade Marks Registry, admitted that the Plaintiff's trademark BARBIE is a famous and well-known brand name, while simultaneously seeking to rely on the defence that the Class-21 in which the Defendant No. 1 has applied for registration is entirely distinct from that of the Plaintiff's registered trademark BARBIE. However, it is a matter of record that Plaintiff's trademark BARBIE (wordmark) is registered¹¹ in Class 21, for which the Defendant has applied.

¹¹ TM No. 847699



31. The Defendant has further stated that its proposed mark



is unique and distinctive. The Defendant No. 1 relies on the by-line accompanying the word BARBIE to contend the distinctiveness. However, on a perusal of the said mark of the Defendant No. 1 and the other impugned marks, it is apparent that BARBIE is the dominant prefix and it is visually, phonetically and conceptually identical. The adoption of the said famous mark, which is otherwise arbitrary, by the Defendant No. 1 for its product and services is without any reasonable explanation.

It is apparent that the Defendant No. 1 has adopted this famous mark so as to create an initial interest in the mind of the consumer with respect to the products of the Defendant and to capture the customer's attention. The initial interest confusion test as deliberated upon in **Under Armour Inc v. Anish Agarwal and Anr.**¹² by a Division Bench of this Court is squarely attracted in the facts of this case.

32. In the considered opinion of this Court, the Plaintiff has been able to make out a prima facie case in its favour. The balance of convenience is also in favour of the Plaintiff and against the Defendant No. 1. The Plaintiff is likely to suffer grave irreparable harm in case an ad-interim injunction is not granted.

33. Accordingly, till the next date of hearing, the following directions are hereby issued:

¹² 2025 SCC OnLine Del 3784, at paragraphs 91 to 104,



I. Defendant No. 1, its employees, servants, agents, representatives and/or others acting for and on its behalf are restrained from using the impugned marks BARBIE, BARBIE One Stop Solution For HORECA & Foods

Processing/, BARBIE ENTERPRISES/,

BARBIE HOSPITALITY/, BARBIE

CATERING/, and BARBIE KITCHEN

MART/, and/or any other deceptively similar variant/s of the Plaintiff's registered BARBIE trademarks, in domain names, websites, social media handle names, hashtags, email addresses, bank accounts or any business papers, etc. or in any other manner which amounts to infringement of the Plaintiff's BARBIE trademarks as listed in the present application, or passing off the services and business of Defendant No. 1 as that of the Plaintiff;

II. Defendant No. 1 is directed to remove/takedown all their social media pages/profiles/accounts including but not limited to Facebook, Instagram and LinkedIn, referring to the marks BARBIE One Stop Solution For HORECA & Foods

Processing/, BARBIE ENTERPRISES/,

BARBIE HOSPITALITY/, BARBIE



CATERING/ , and BARBIE KITCHEN

MART/  , and/or any other deceptively similar variant/s of the Plaintiff's trademark BARBIE.

III. Defendant Nos. 2 and 3 are directed to lock and suspend the domain names barbieenterprise.com and barbieenterprise.in respectively, during the pendency of the suit proceedings.

34. Issue notice to the Defendants through all permissible modes, upon filing of process fees, returnable on the next date of hearing.

35. Let the reply to this application be filed within a period of four (4) weeks. Rejoinder thereto, if any, be filed within a period of four (4) weeks thereafter.

36. Compliance of Order XXXIX Rule 3 of CPC be done within a period of two (2) weeks from today.

37. List the matter before the Joint Registrar (J) on **16.10.2025**.

38. List the matter before the Court on **10.03.2026**.

39. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 8, 2025/rhc/AJ/AM