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

+ CS(COMM) 679/2026

GOODAI GLOBAL INC

.....Plaintiff

Through: Mr. C.D. Mulherkar and Ms. Chetanya
Madan, Advocates.

versus

SHAHNAWAZ SIDDIQUI & ORS.

.....Defendants

Through: Counsel for D-4 (appearance not
given).

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **02.07.2026**

I.A. 16464/2026 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

I.A. 16465/2026

By way of the present application filed under section 12A of Commercial Courts Act, 2015 read with section 151 of the Code of Civil Procedure 1908 ('CPC'), the plaintiff seeks exemption from attempting pre-litigation mediation and settlement.

2. Having regard to the facts and circumstances of the present case, and in light of the judgment of the Supreme Court in *Yamini Manohar vs.*



T.K.D. Keerthi¹ and of a Division Bench of this court in **Chandra Kishore Chaurasia vs. R A Perfumery Works (P) Ltd.**², the plaintiff is exempted from attempting pre-litigation mediation.

3. The application stands disposed-of.

I.A. 16463/2026

4. By way of the present application filed under Order XI Rule 1(4) (as amended by the Commercial Courts Act, 2015) read with section 151 of the CPC, the plaintiff seeks leave to file additional documents.

5. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.

6. The plaintiff is permitted to file additional documents within 30 days.

7. Application stands disposed-of.

I.A. 16466/2026

8. By way of the present application filed under section 151 of the CPC, the plaintiff seeks exemption from filing lengthy synopsis and list of dates.

9. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.

10. Application stands disposed-of.

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11. By way of the present plaint, the plaintiff *inter-alia* seeks permanent injunction against the defendants, restraining the infringement of trademark, misrepresentation, misleading advertisement,

¹ (2024) 5 SCC 815

² 2022 SCC OnLine Del 3529



disparagement, unjust enrichment, rendition of accounts and damages etc.

12. Upon a *prima-facie* conspectus of the matter, let the plaint be registered as a suit.
13. Issue summons in the suit.
14. Learned counsel appears for defendant No.4 on advance copy; accepts notice; and seeks time to file written statement.
15. Upon the plaintiff taking requisite steps within 10 days, let summons be sent to the remaining defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
16. Let the summons indicate that the defendants are required to file written statement to the plaint within 30 days, alongwith affidavit of admission/denial of the documents filed by the plaintiff. The plaintiff may file replication to the written statement within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by defendants.
17. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 25th September 2026.
18. List before court thereafter.

I.A. 16462/2026

19. By way of the present application filed under Order XXXIX Rules 1 & 2 of the Code of Civil Procedure 1908 ('CPC'), the plaintiff seeks the following reliefs:



a. An order for *ad interim* injunction restraining the Defendant Nos 1 to 3, its agents, servants, partners, assigns, franchisees, distributors, or any person claiming through the Defendant Nos 1 to 3, in any manner from manufacturing, stocking, selling, marketing, advertising, importing, exporting, either by itself and/or permitting the use of and/or supplying and/or offering any goods/services to any third party, or clients of such third party, bearing or using the Plaintiff's registered Device Mark



or the brand name "**Beauty of Joseon**" or any other mark/name deceptively similar thereto, and from doing any other acts as may lead to trademark infringement and/or passing off of their goods/services as those of the Plaintiff; and

b. An order directing the Defendants to immediately and continuously remove all current and future listings, URLs, and mirror links that offer products bearing the Plaintiff's trademarks, to ensure the Defendant cannot circumvent the orders of this Hon'ble Court by creating new digital storefronts or aliases; and

c. An order directing the Defendant and its agents, servants, partners, assigns, franchisees, distributors and all person(s) acting by, through or under them to recall all stocks of finished/unfinished items including products, packaging material, catalogues and promotional material, literature, stationery, labels, banners and allied material, etc. that bear the Plaintiff's Device Mark or brand name "**Beauty of Joseon**" for their destruction, which recall and destruction would be at the sole cost and expense of the Defendant.



d. An order directing the Defendants to file a statement of accounts and assets on affidavit within a period of 2 (Two) weeks from service of notice of the present application and restraining the Defendants from disposing of or dealing with their assets in a manner which may adversely affect the Plaintiff's ability to recover damages, costs or other pecuniary remedies which may be finally awarded to the Plaintiffs/Applicants;

e. An order directing the Defendant to disclose on an affidavit the quantity of goods/ quantum of sales made by the Defendants bearing or using the



Plaintiff's registered Device Mark or the brand name "**Beauty of Joseon**" or any other mark/name deceptively similar thereto, and deposit the same in this Hon'ble Court and also disclose the details of the whole - sellers, traders, stockists and distributors of the impugned goods, the sale

and purchase data, books of accounts, ledgers, sales bills, invoices, purchase orders;

f. Pass *ex-parte ad-interim orders* in terms of prayer (a) to (e) above, pending the hearing and disposal of the present application; and

g. Any other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.



20. Learned counsel appearing for the plaintiff submits, that other things apart, *vidé* judgment dated 28.01.2025 passed by a Co-ordinate Bench of this court in C.O. (COMM.IPD-TM) No.81/2024 relating to exactly the same defendants Nos. 1 to 3 and the same trademark, arising from rectification proceedings, this court had, by a detailed judgment directed the Trade Mark Registry to remove from the Register of Trade Marks the registered trade mark that was then being used by the defendant bearing trade mark registration No. 5635163 in class 3.
21. Counsel however submits, that despite the trade mark having been struck off the Register, as has been detailed in the plaint, defendants Nos. 1 to 3 persist in using the same.
22. Counsel has shown to the court certain products manufactured by the plaintiff as well as those stated to have been manufactured by defendants Nos. 1 to 3, to submit that there is striking similarity in the trade mark and the trade-dress appearing on the products, and therefore even if the present action may not relate to infringement of trade mark (since the trade mark had already been struck off the Register), the plaintiff is still entitled to relief since defendant Nos. 1 to 3 since they are passing off the plaintiff's trade mark and trade-dress as their own.
23. Issue notice.
24. Learned counsel has entered appearance on behalf of defendant No.4/ Amazon Seller Services Private Limited on advance copy; accept notice; and submit that they would be ready and willing to comply with any direction issued by this court.



25. Upon the plaintiff taking requisite steps within 10 days, let notice be sent to the remaining defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
26. Let the notice indicate that reply to the application be filed within 30 days of service; rejoinder thereto, if any, be filed within 30 days thereafter; with copies to the opposing counsel.
27. Based on the averments contained in the plaint and the submissions made, this court is of the view that the plaintiff has succeeded in making out a *prima-facie* case for issuance of an *ex parte ad interim* injunction in terms of prayer (a) above for infringement by defendants Nos. 1 to 3 of the plaintiff's trade mark and trade-dress as referred-to above.
28. Furthermore, this court is of the view that the balance of convenience also lies in favour of the plaintiff and against defendants Nos. 1 to 3; and it would appear that irreparable loss and injury would be caused to the plaintiff if the injunction as prayed-for is not granted.
29. Accordingly, on a *prima-facie* view of the matter an *ad-interim* order of injunction is passed in favour of the plaintiff and against defendants Nos. 1 to 3 *in terms of prayer (a) as extracted above*, till the next date of hearing.
30. The plaintiff is directed to comply with the provision of Order XXXIX Rule 3 CPC, within 07 days.
31. Furthermore, defendant No.4 is directed to de-list the products of defendants Nos. 1 to 3 as per the URLs set-out in para 38 of the plaint. As prayed-for, the plaintiff is also at liberty to communicate to defendant No.4 any other URLs which may be required to be removed in compliance of the order passed above.



32. List before the learned Joint Registrar for completion of pleadings on 25th September 2026.
33. List before court thereafter.

ANUP JAIRAM BHAMBHANI, J

JULY 2, 2026/ak