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

\# **CNR No. DLHC010329292024**

\+ **CS(COMM) 461/2024, I.A. 30745/2024 and I.A. 24956/2025**

Date of decision: **08.10.2026**

IN THE MATTER OF:-

1. DOMINOS IP HOLDER LLC
24, FRANK LLOYD WRIGHT DRIVE,
P.O. BOX 485, ANN ARBOR, MICHIGAN
USA – 48106

.....PLAINTIFF NO.1

2. **JUBILANT FOODWORKS LIMITED**
PLOT NO. 1A, SECTOR 16A,
NOIDA, UTTAR PRADESH– 201301

ALSO AT:
15th FLOOR, TOWER E, SKYMARK ONE,
PLOT NO. H-10-A, SECTOR 98,
NOIDA, UTTAR PRADESH—201301

.....PLAINTIFF NO.2

(Through: Mr.Shantanu Sahay and Ms.Manvi Panwar, Advocates.)

versus

1.M/S DOMIN'D PIZZA
FSSAI: 23321005000326
THROUGH ITS PROPRIETOR/PARTNERS
MR. KAMAL GOYAL
AT 48/6, GROUND FLOOR, GALI NO.11,
NAI BASTI, ANAND PARBAT, KAROL BAGH NORTH,
KAROL BAGH, CENTRAL DELHI-110005

.....DEFENDANT NO.1

2. M/S. DOMI'D PIZZA
FSSAI: 23319001001682

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KUMAR KAURAV

THROUGH ITS PROPRIETOR/PARTNERS
MS. BABITA GOYAL
48/6-G NO. 11, G/F,
NAI BASTI, ANAND PARBAT,
KAROL BAGH NORTH, KAROL BAGH,
CENTRAL, DELHI-110005

.....DEFENDANT NO.2

3.M/S. DOMI'D PIZZA
FSSAI: 23319001001682
THROUGH ITS PROPRIETOR/PARTNERS
MS. BABITA GOYAL
48/6-G NO. 11, G/F,
NAI BASTI, ANAND PARBAT,
KAROL BAGH NORTH, KAROL BAGH,
CENTRAL, DELHI-110005

.....DEFENDANT NO.3

4. M/S. DOM'D PIZZA
FSSAI: 23319001001682
THROUGH ITS PROPRIETOR/PARTNERS
MS. BABITA GOYAL
48/6-G NO. 11, G/F,
NAI BASTI, ANAND PARBAT,
KAROL BAGH NORTH, KAROL BAGH,
CENTRAL, DELHI-110005

.....DEFENDANT NO.4

5. **M/S. DOMIND'S PIZZA**
FSSAI: 23324005000203
THROUGH ITS PROPRIETOR/PARTNERS
MR. VIMAL KUMAR TRIVEDI
SHOP NO 1757/9/3 BLK- 3 SHASTRI NAGAR
CITY DELHI 110051, NIMRI, CIVIL LINES,
CENTRAL, DELHI-110052

.....DEFENDANT NO.5

6. M/S. DOMZZ PIZZA
FSSAI: 23324005000203
THROUGH ITS PROPRIETOR/PARTNERS
MR. VIMAL KUMAR TRIVEDI

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SHOP NO 1757/9/3 BLK- 3 SHASTRI NAGAR
CITY DELHI 110051, NIMRI, CIVIL LINES,
CENTRAL, DELHI-110052

.....DEFENDANT NO.6

7. M/S. DOMZZ PIZZA
FSSAI: 23322005002377
THROUGH ITS PROPRIETOR/PARTNERS
MR. VIMAL KUMAR TRIVEDI
SHOP NO 1757/9/3 BLK- 3 SHASTRI NAGAR
CITY DELHI 110051, NIMRI, CIVIL LINES,
CENTRAL, DELHI-110052

.....DEFENDANT NO.7

Through:

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

I.A. 24956/2025 (under Order XIII-A Rules 3 and 6(1)(a) read with Order VIII Rule 10 read with Section 151 of the Civil Procedure Code, 1908) in CS(COMM) 461/2024

1. By way of the instant application as captioned above, the plaintiffs seeks for summary judgment.

2. The plaintiff no. 1, Domino's IP Holder LLC, a Limited Liability Company incorporated under the laws of the State of Delaware, USA, has instituted the present suit alleging infringement of its intellectual property rights. It is the plaintiffs' case that plaintiff no. 1, a subsidiary of Domino's Pizza, LLC, owns and manages key intellectual property assets of the Domino's Pizza group, including the registered trade mark "Domino's

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Pizza". The plaintiff no. 1 and Domino's Pizza, LLC form part of the Domino's Pizza group of companies, which includes Domino's Pizza International Franchising Inc., to whom plaintiff no. 1 licenses its trademarks and intellectual property for the execution of the group's global franchising operations.

3. In India, plaintiff no. 2, Jubilant FoodWorks Limited (formerly known as Domino's Pizza India Limited), holds the exclusive right to operate Domino's franchises pursuant to a Master Franchise Agreement executed with Domino's Pizza International Franchising Inc. plaintiff no. 2 is further entrusted with assisting plaintiff no. 1 in the enforcement and protection of various intellectual property rights across India. It is the plaintiffs' case that, by virtue of this structure, plaintiff no. 1 and plaintiff mo. 2 operate as a single economic entity for the purpose of protecting and commercializing their intellectual property rights and associated business interests within the territory of India.

4. The instant suit was filed for the following reliefs:-

> *"a) An order for permanent injunction restraining the defendants No.1 to 7 , its proprietors, partners, directors , officers , servants , agents , franchisers and all others acting for and on its behalf from advertising, selling, offering for sale, marketing etc. any product, packaging, menu cards and advertising material , labels , stationery articles , website or any other documentation using, depicting, displaying in any manner whatsoever, the marks/names "Domin'd Pizza", "Domind's Pizza", "Domzz Pizza" "Domi'd Pizza" "Dom'd Pizza" or any other mark ' ' which is identical or deceptively similar to the plaintiffs registered trademarks as detailed in paragraph 17 in any manner whatsoever, amounting to infringement of the plaintiffs trademarks;*
>
> *b) An order for permanent injunction restraining the defendants No. 1 to 7, their proprietors, partners, directors, officers, servants, agents, subsidiaries, holding companies, sister concerns, family members and all others acting for and on their behalf from advertising, selling, offering for sale, exporting, importing, manufacturing, marketing etc. any*

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product, packaging, menu cards and advertising material, labels, stationery articles, website or any other documentation using, depicting, displaying in any manner whatsoever, the marks/names "Domin'd Pizza", "Domind's Pizza", "Domzz Pizza" "Domi'd Pizza", "Dom'd Pizza", or any other mark which is identical or deceptively similar to the plaintiffs' trademark "Domino's Pizza", as well as in any manner whatsoever, so as to cause dilution or tarnishment of the plaintiffs trademark and packaging;

c) An order for delivery-up to the plaintiffs by defendants No. 1 to 7, of all infringing products, packaging, signage, menu cards and advertising material, labels, stationery articles and all other infringing documentation bearing the impugned trade-names, "Domin'd Pizza", "Domind's Pizza", "Domzz Pizza" "Domi'd Pizza", "Dom'd Pizza", or any other mark which is identical or deceptively similar to the plaintiffs' trademark "Domino's Pizza", or any other deceptively similar trademark for the purposes of destruction/erasure of the same;

d) An order in the nature of directions to the defendant No. 8 and defendant No. 9 to de-list, takedown, suspend the impugned listings as mentioned in paragraph 43of the Plaint, from its Mobile Application, Wesbite and/ or any other platform.

e) An order in the nature of directions to the defendant No. 8 and defendant No. 9 to de-list, takedown, suspend the impugned listings in future upon being notified by the plaintiffs within 48 hours of such notice being served upon by the plaintiffs;

f) An order for rendition of accounts of profits earned by the defendants No. 1 to 7 by the use of the impugned trade-names, "Domin'd Pizza", "Domind's Pizza", "Domzz Pizza" "Domi'd Pizza", "Dom'd Pizza",or any other mark which is identical or deceptively similar to the plaintiffs ' trademark "Domino's Pizza", or any other deceptively similar trademark for the purposes of destruction/erasure of the same;

g) An order for damages of Rs. 2,00,01 ,000 to be paid by the defendants No. 1 to 7 to the plaintiffs;

h) An order for costs in these proceedings."

5. The Court *vide* order dated 28.05.2024 had passed the following interim relief:-

"....

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

22.1. Defendants No. 1 to 3 and 5, and anybody acting on their behalf, are restrained from advertising, selling, offering for sale, and marketing any products, packaging, menu cards and advertising material, labels, stationery articles, website or any other documentation or in any manner whatsoever, using, depicting and/or displaying the impugned marks "DOMIN'D PIZZA," "DOMI'D' PIZZA," "DOMI'D PIZZA," and "DOMIND'S PIZZA" and/or any other identical or deceptively similar so as to cause confusion or deception leading to passing off of the said defendants' products and services as those of the plaintiffs, and/or amounting to infringement of the plaintiffs' Domino's trademarks, specifically as registered under trademarks No. – 463304, 572312, 1238053, 1238054, 2145011, 2145001.

22.2. Defendants No. 8 and 9 are directed to de-list/ takedown/ suspend from their respective mobile applications, websites and/or any other platforms, the impugned listings as delineated hereunder:

Defendants' description	***URLs***
Defendant No. 1 – Domin'd Pizza	*https://zomato.onelink.me/xqzv/nd0h6gl3 and https://www.swiggy.com/restaurants/domindpizza-anand-parbat-karol-bagh-delhi-517359*
Defendant No. 2 – M/s Domi'd Pizza	*https://zomato.onelink.me/xqzv/pwieqag5 and https://www.swiggy.com/restaurants/domidpizza-anand-parbat- karol-bagh-delhi-164163?source=sharing*
Defendant No. 3 – M/s Domi'd Pizza	*https://zomato.onelink.me/xqzv/vha5n9qs*
Defendant No. 5 – M/s Domind's Pizza	*https://zomato.onelink.me/xqzv/sllmg95b*

23. Issue notice to the defendants, upon filing of process fee, by all

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permissible modes, returnable on the next date of hearing.

24. Reply, if any, be filed within four weeks from date of service. Rejoinder thereto, if any, be filed within two weeks thereafter.

25. Compliance of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be done within one week from today."

6. It is, thus, seen that the defendants were restrained from using the impugned marks "DOMIN'DPIZZA," "DOMI'D' PIZZA," "DOMI'D PIZZA," and "DOMIND'S PIZZA" and/or any other identical or deceptively similar so as to cause confusion or deception leading to passing off of the said defendants' products and services as those of the plaintiffs, and/or amounting to infringement of the plaintiffs' Domino's trademarks.

7. Defendant nos. 1 to 4 had expressed their interest in amicably resolving the matter and consequently the matter was referred to Delhi High Court mediation center qua defendants nos. 1 to 4. Thereafter, on 26.09.2024 the plaintiffs and defendant nos. 1 to 4 entered into a settlement agreement which resulted in the matter getting decreed qua defendant Nos. 1 to 4 *vide* order dated 29.10.2024.

8. Since, defendant nos. 5 to 7 were not appearing, therefore, the Court had proceeded *ex parte* against them *vide* order dated 04.07.2025 whilst noting that no one has appeared on their behalf despite service and also their right to file written statement was closed *vide* order dated 02.05.2025. The interim order dated 29.08.2024 passed by the Court has also been made absolute *vide* order dated 04.07.2025. The plaintiffs' rights over the trade marks in question have already been recognized by this Court in various orders. Reference can be made to one of the orders passed in the case of

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Dominos IP Holder LLC & Anr. Vs. Ms. Dominick Pizza & Anr.[1]

9. The Court finds that under the facts of the present case, the defendants have no plausible justification to justify their conduct, which amounts to infringement of the plaintiffs' trader mark. It has come on record that the entities, which are phonetically and deceptively similar to the plaintiffs' are enlisted with Zomato and Swiggy. As detailed in the plaintiffs' pleadings, these listings are systematically enabled by search bar prompts that appear automatically once the initial three to five letters of the plaintiffs' well-known brand, namely, "DOM", "DOMI", or "DOMIN" are typed by consumers. This strategy is being deliberately deployed to target the semi-literate consumers or those who are familiar with the "DOMINO'S" brand name but maybe due to a lack of familiarity with English, be mislead into believing that they are indeed ordering from the plaintiffs' genuine establishment.

10. A closer analysis of the business operations of the defendants reveals that defendant nos. 5 to 7 operated through shared or common physical and cloud kitchens located primarily in the Karol Bagh, Inderlok, and Tis Hazari regions of Delhi, utilizing options such as "MULTI BRAND KITCHEN" on Zomato to maximize consumer traction under minor variations of the plaintiffs' registered mark. Specifically, defendant no. 5 "M/s. Domind's Pizza" was conducting business operations in Delhi via Zomato, and further enlisted another outlet styled as defendant no. 6 "Domzz Pizza" located in Inderlok. Both the defendant nos. 5 and 6 share the identical FSSAI registration no. "23324005000203", establishing that they are indeed run by

[1] ***2023 SCC OnLine Del 6135***

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one and the same individual, Mr. Vimal Kumar Trivedi. Similarly, defendant no. 7 "Domzz Pizza" located in Tis Hazari, was listed on Swiggy under a different FSSAI registration no. "23322005002377", however, the FSSAI database records confirm that its' proprietor is also Mr. Vimal Kumar Trivedi. In the case of ***Dominos IP Holder LLC &Anr. Vs. Ms. Domino Pizza*** &***Ors.***[2]**,**the Court observed that the similar use of the marks for identical goods and services, especially pizzas and their online delivery highlights' the systematic efforts of the defendants to make the consumers believe that there is an affiliation with the plaintiffs. The Court finds that the plaint is supported by an exhibited affidavit. There are judgments already delivered by this Court in favour of the plaintiffs.

11. This Court in the case of ***Dominos IP Holder LLC & Anr. Vs. Ms. Dominick Pizza & Anr.,*** has held that where marks in question pertain to food items or eateries, a higher degree of care and caution is required. The defendants' intention to capitalize on the reputation of the plaintiffs' well-known and established brand, by using a mark which is deceptively similar to the mark used by the plaintiff can give rise to legitimate apprehension of quality compromise. This act of the defendants' is therefore, bound to cause damage to the goodwill and reputation of the plaintiffs. It is to be noted that the plaintiffs have given up reliefs for damages and costs. Defendant nos. 5 to 7 have never appeared before this Court, therefore, there is no prospect of the said defendants succeeding in the instant civil suit. It is, therefore, seen that there is no impediment in pronouncing summary judgment. The relief of damages and cost is not pressed.

12. In view of the aforesaid, the instant civil suit stands decreed in terms

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[2] ***2024 SCC OnLine Del 2593***

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of the following direction:-

(i) Defendant nos. 5 to 7 are permanently restrained directly or through their proprietors, partners, directors, officers, servants, agents, franchisers and all others acting for and on its behalf from advertising, selling, offering for sale, marketing etc. any product, packaging, menu cards and advertising material, labels, stationery articles, website or any other documentation using, depicting, displaying in any manner whatsoever, the marks/names "Domin'd Pizza", "Domind's Pizza", "Domzz Pizza" "Domi'd Pizza" "Dom'd Pizza" or any other mark ' ' which is identical or deceptively similar to the plaintiffs registered trademarks as detailed in paragraph 17 of the plaint in any manner whatsoever, amounting to infringement of the plaintiffs trademarks.

13. Let the decree sheet be drawn up accordingly.

14. The suit bearing CS(COMM) 461/2024 stands disposed of, along with the pending application(s).

PURUSHAINDRA KUMAR KAURAV, J

OCTOBER 8, 2026
Nc/ann

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