



2025:DHC:4400



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

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Date of decision: 9th May, 2025

+ CS(COMM) 714/2024

IMPRESARIO ENTERTAINMENT &
HOSPITALITY PVT. LTD.

.....Plaintiff

Through: Ms. Shikha Sachdeva and Mr. Kriti
Rathi, Advocates.

versus

STAR HOSPITALITY

.....Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

1. The present suit has been filed seeking relief of permanent injunction restraining the defendant from infringement of trademarks and copyright and passing off of their goods as those of the plaintiff, along with other ancillary reliefs.

CASE SET UP BY THE PLAINTIFF

2. The case set up by the plaintiff in the plaint is as follows:

2.1. The plaintiff is an incorporated company that commenced its business in the year 2001 and has opened various well-known and award-winning restaurants under different names, using the word 'SOCIAL'. The plaintiff is engaged in providing restaurant services, including but not limited to



conducting and managing restaurants and coffee shops, operating restaurants and coffee shops and providing expertise relating to the provision of food and drinks.

2.2. The plaintiff in the year 2011-2012 thought of a unique concept of blending the best of offices and cafes by offering to the general public a collaborative workspace and a multi-cuisine restaurant and the trademark 'SOCIAL' was adopted in respect of such cafes. The first 'SOCIAL' restaurant/bar of the plaintiff was opened in the year 2014 in Bengaluru.

2.3. The business model of the plaintiff was to open multiple 'SOCIAL' restaurants/bars in one city, they coined the unique concept of prefixing the trade mark 'SOCIAL' with the particular area of the city in which the restaurants/bars would be located. The plaintiff coined the trademarks according to the area of the city in which the 'SOCIAL' restaurant/bar was being opened, to indicate to the general public the area in which the cafe was located in each city and would be nearest to them for a visit, for eg.



2.4. At present, the plaintiff has set up and is managing and operating fifty-three 'SOCIAL' restaurants/bars across India. The plaintiff, in India, is the registered proprietor of the trade mark 'SOCIAL' and its formative marks in Classes 43, 42, 41, 35, 33, 32, 30, 25, 21, 16 and 9. The plaintiff has obtained registrations for the trade mark 'SOCIAL' and its formative marks such as



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सोशल , WHITEFIELD SOCIAL , SOCIAL , SOCIAL OFFLINE , Def. Col. SOCIAL , Todi Mill SOCIAL ,
PALLADIUM SOCIAL , खार SOCIAL , ODEON SOCIAL , SOCIAL SELFIE , MOCHA SOCIAL ,
SOCIAL OFFLINE , CHEMBUR SOCIAL , THANE SOCIAL , so on and so forth in Class 43, which

are still valid and subsisting in its name.

2.5. The plaintiff has also purchased rights in the distinctive stencil font to represent the trade mark 'SOCIAL' in orange colour in the stencil font as “
SOCIAL”

2.6. The plaintiff owns and operates an exclusive website at ‘www.socialoffline.in.’ The plaintiff also advertises all its restaurants, including ‘SOCIAL’ restaurants/bars on its group/corporate website ‘https://impresario.in’ and is also popular on various social media platforms having substantial public engagement with a large number of followers. The plaintiff’s restaurants are also listed on several third-party restaurant search engine guides such as Zomato, Swiggy, Dineout, Eazydiner etc. The plaintiff’s restaurants/bars also deliver food/beverages through the plaintiff’s own website ‘http://order.socialoffline.in/’, which is dedicated specifically for online food delivery services.

2.7. The ‘SOCIAL’ restaurants/bars of the plaintiff have become synonymous solely with the plaintiff and none else, and also the members of the public and trade are well-aware of the said brand and trademarks and recollect the same as being connected/ affiliated/associated with the plaintiff alone.

2.8. In January, 2020, the plaintiff’s attention was drawn towards the fact




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that the defendant is operating a restaurant/café under the impugned



trademark(s) 'SOCIAL AFFAIR' / '  ' and is offering food delivery for a wide variety of cuisine, beverages and desserts at its outlet in Vadodara, Gujarat. The offending trademark 'SOCIAL' is prominently visible at the restaurant and/or on the merchandise therein.

2.9. Aggrieved by the aforesaid, the plaintiff had issued cease-and-desist notices dated 30th January, 2020 and 24th September, 2021 to the defendant and followed those with various letters till 25th April, 2024. In the interregnum, the plaintiff also filed various complaints with Facebook, Instagram and Zomato, requesting them to take down the impugned mark from their platforms.

2.10. The plaintiff is aggrieved that use of the aforesaid impugned marks by the defendant will cause confusion and deception amongst the members of the trade and public, who would be misled into believing that the restaurant/café of the defendant originates from the plaintiff.

2.11. It is also the case of the plaintiff that the confusion will get further exacerbated, as and when the plaintiff decides to expand and open a 'SOCIAL' restaurant/café/bar in the city of Vadodara, Gujarat, which is a very realistic possibility, given the plaintiff's expansion plan under the 'SOCIAL' brand is very aggressive in India.

PROCEEDINGS IN THE SUIT

3. Summons in the suit and notice in the application for interim injunction were issued to the defendant on 27th August, 2024. On the same date, an *ex-*



parte ad interim injunction in favour of the plaintiff and against the defendant was granted, restraining the defendant from using the mark 'SOCIAL'.

4. It was recorded in the order of the Joint Registrar dated 23rd December, 2024 that the defendant was served on 30th November, 2024.
5. *Vide* order dated 21st February, 2025 the defendant's right to file written statement was closed.
6. On 1st April, 2025, the defendant was proceeded against *ex parte*.

ANALYSIS AND FINDINGS

7. I have heard the submissions of counsel for the plaintiff and perused the material on record.
8. The plaint has been duly verified and is also supported by the affidavit of the plaintiff's authorized representative. In view of the fact that the defendant has not filed a written statement and has been proceeded against *ex parte*, all the averments made in the plaint are deemed to have been admitted. Further, since no affidavit of admission/denial has been filed on behalf of the defendant in respect of the documents filed with the plaint, the same are deemed to have been admitted in terms of Rule 3 of the Delhi High Court (Original Side) Rules, 2018. Therefore, in my opinion, this suit does not merit trial and is capable of being decreed in terms of Order VIII Rule 10 of the Code of Civil Procedure, 1908.
9. From the averments made in the plaint and the evidence on record, the plaintiff has been able to prove that it is the registered proprietor of the 'SOCIAL' trademark and its formative marks in India in Classes 43, 42, 41, 35, 33, 32, 30, 25, 21, 16 and 9 and the plaintiff has been continuously and



extensively offering its services under the said mark since 2014.

10. A comparison between the plaintiff's marks and the defendants' impugned marks is set out below: -

Plaintiff's Trade Marks	Defendant's Manner of Use
SOCIAL	SOCIAL AFFAIR
	

11. The above comparison makes it clear that the defendant has adopted an identical/deceptively similar mark as that of the plaintiff's registered trade mark 'SOCIAL' in its entirety by merely adding a suffix 'AFFAIR' to it to somehow completely associate itself with the plaintiff's registered trade mark 'SOCIAL' and chain of restaurants/cafes/bars with 'SOCIAL'.
12. It is apparent that the defendant has dishonestly and unauthorizedly adopted and is using the impugned marks, which are deceptively similar to the plaintiff's registered 'SOCIAL' marks, in relation to an identical business as that of the plaintiff, i.e. operating restaurants/cafes/bars providing food and drinks and target the same audience.
13. In view of the above, a clear case of infringement of trademarks is made out in favour of the plaintiff and against the defendant.
14. The plaintiff, through its long and continuous use of the SOCIAL marks in India, significant sales made thereunder, and promotion thereof, has been able to establish its goodwill and reputation under the SOCIAL marks in India. The defendant has been taking unfair advantage of the plaintiff's



reputation and goodwill under the SOCIAL marks and has also deceived unwary consumers of their association with the plaintiff by dishonestly and unauthorizedly adopting and using the deceptively similar impugned marks without any plausible explanation. Therefore, the plaintiff has established a case of passing off as well.

15. At this stage, it may be relevant to note that no written statement has been filed by the defendant and none has appeared on behalf of the defendant nor has any communication in respect of the plaintiff's allegations has been placed on record on the defendant's behalf. In light of the aforesaid, it is evident that the defendant has no defence to put forth on merits.

16. In view of the discussion above, the plaintiff would be entitled to a decree of permanent injunction against the defendant in terms of the prayer clauses contained in paragraph no.69 A of the plaint.

17. Counsel for the plaintiff also presses for the relief of costs.

18. Insofar as the relief of costs sought in paragraph no.69 F is concerned, reference may be made to the judgment in *M/s Inter Ikea Systems BV v. Imtiaz Ahamed & Anr*, 2016 SCC OnLine Del 6717. The relevant observations are set out below:

“21. The court is mindful of the fact that in such a situation where the defendant chooses to stay away from the court proceedings, he should not be permitted to enjoy the benefits of such an evasion. Any view to the contrary would result in a situation where a compliant defendant who appears in court pursuant to summons being issued, participates in the proceedings and submits his account books, etc., for assessment of damages, would end up on a worse footing, vis-a-vis a defendant who chooses to conveniently stay away after being served with the summons in the suit. That was certainly not the intention of the Statute. Section 135 (1) of the



Trademarks Act, 1999 provides that relief that may be granted in any suit for infringement of or for passing off includes injunction and at the option of the plaintiff, either damages or an account of profits. The plaintiffs in the present case have opted for claiming damages and have established beyond doubt that they have suffered damages on account of the conduct of the defendants which are a result of infringement of their trademark and copyright.”

[Emphasis Supplied]

19. In light of the foregoing analysis, this Court concludes that the conduct of the defendant not only warrants but also necessitates the imposition of costs. Thus, in addition to the decree passed in the terms already mentioned above and taking into account the entire facts and circumstances of this case, this Court also awards costs amounting to Rs. 2,00,000/- in favour of the plaintiff and against the defendant.
20. Counsel for the plaintiff does not press for the remaining reliefs prayed for in the plaint.
21. Let the decree sheet be drawn up accordingly.

AMIT BANSAL, J

MAY 9, 2025

Vivek/-