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

+ **CS(COMM) 747/2026**

NINTENDO CO. LTD.

.....Plaintiff

Through: Mr. Pravin Anand, Mr. Saif Khan and
Ms. Sugandha Yadav, Advocates.

versus

NINTENDO INDIA PRIVATE LIMITED & ORS.Defendants

Through:

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

29.07.2026

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I.A. 18511/2026

1. This application is filed on behalf of the Plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 of CPC for grant of *ex parte* ad interim injunction.
2. Issue notice to the Defendants through all permissible modes, returnable before Court on 04.12.2026.
3. Case of the Plaintiff as set out in the plaint is that Plaintiff as set out in the plaint is that Plaintiff is a worldwide leader in the field of interactive entertainment including video games and hand-held gaming consoles, engaged in development, manufacture and sale of home entertainment products and is a globally recognized developer and publisher of video games. Plaintiff was founded on 23.09.1889 by Fusajiro Yamauchi using 任天堂 (NINTENDO) as part of its trade name in Kyoto, Japan. The



name of the company was changed to Nintendo Playing Card Co., Ltd. in 1951 and to Nintendo Co., Ltd. in 1963. In 1902, Plaintiff expanded its business by becoming the first company in Japan to manufacture and market Western-style playing cards. Thereafter, Plaintiff progressively consolidated and modernised its manufacturing operations becoming the first company in Japan to mass-produce plastic playing cards in 1953. In 1959, it commenced the sale of Disney character playing cards and automated the production of Japanese playing cards. Plaintiff established its Tokyo branch in 1961, following which it became a publicly listed company in 1962 and in 1963, it adopted its present corporate name, Nintendo Co., Ltd.

4. It is stated that Plaintiff diversified into the electronic entertainment industry by developing the Laser Clay Shooting System in 1973, followed by launch of its first home video game consoles, TV Game 15 and TV Game 6, in 1977 as also arcade video game machines in 1978. Plaintiff thereafter introduced several iconic gaming products, including GAME & WATCH in 1980, established Nintendo of America Inc. in the United States and released the acclaimed arcade game Donkey Kong in 1981. Plaintiff launched the Family Computer System (Nintendo Entertainment System) in 1983, followed by the release of globally renowned Super Mario Bros. game in 1985. Plaintiff continued to pioneer the gaming industry with the launch of Game Boy (1989), Super Famicom/Super Nintendo Entertainment System (1990), Nintendo 64 (1996), Game Boy Advance and Nintendo GameCube (2001), Nintendo DS (2004), Wii (2006), Nintendo DSi (2008), Nintendo 3DS (2011), Wii U (2012), New Nintendo 3DS (2014) and its first smart-device application, Miitomo, in 2016. In 2017, Plaintiff introduced the Nintendo Switch gaming console, established Nintendo Sales Co., Ltd. in



Tokyo and subsequently launched Nintendo Switch Online in 2018. Plaintiff further expanded its global presence by opening its flagship retail store, Nintendo TOKYO, in 2019; inaugurating the world's first SUPER NINTENDO WORLD theme park at Universal Studios Japan in 2021; transitioning to prime market of Tokyo Stock Exchange in 2022; releasing The Super Mario Bros. Movie in 2023; opening the Nintendo Museum in Kyoto in 2024; and launching Nintendo Switch 2 in 2025, which achieved worldwide sales of over 3.5 million units within four days of its release.

5. It is stated that Plaintiff conducts its business worldwide, through its numerous subsidiaries, of which, the major ones are Nintendo of America Inc., Nintendo of Canada Ltd., Nintendo Australia Pty Ltd., Nintendo of Europe SE (Germany), Nintendo Iberica, S.A. (Spain), Nintendo of Korea Co., Ltd., Nintendo (Hong Kong) Limited, Nintendo Systems Co., Ltd., Nintendo Sales Co., Ltd., etc. Plaintiff has a total number of 8572 employees as of end of September 2025. The global presence of the Plaintiff is also evident from the availability of its products and subscriptions thereof worldwide, including in India. Plaintiff's renowned entertainment products include portable and console game machines, such as Game Boy, Nintendo DS, Wii, Nintendo 3DS, Nintendo Switch, Nintendo Switch 2 and their well known game franchises, such as Super Mario Bros., The Legend of Zelda, Pokémon and Donkey Kong. As of date, Nintendo Switch is the best-selling Nintendo console in history since its debut in the year 2017.

6. It is stated that trademark/name NINTENDO is Plaintiff's house mark, corporate name and the most prominent part of its brand identity. As of early 2026, Plaintiff is a top-5 global video game company by revenue, with a market capitalization of roughly 67 billion USD. Plaintiff maintains a



premier position with the Nintendo Switch console as the one of the best-selling, with over 155 million units sold worldwide. In 2025, Plaintiff launched Nintendo Switch 2 and more than 3.5 million units were sold worldwide within four days of release. Plaintiff is consistently recognised as top 100 world's most reputed brands and Plaintiff along with its group companies have come to be popularly known amongst the trade and public by the trade name NINTENDO and its various trademarks as also has been in the forefront of gaming industry and follows well established international norms of manufacturing and management.

7. It is stated that Plaintiff has gained immense popularity in India with millions of people having a registered Nintendo Account (a user account system used for Nintendo services). Substantial App Store download volumes of Nintendo's game app ranks India in the global top ten for Nintendo titles. A large number of people view gameplay videos featuring Nintendo games on platforms such as YouTube and 'THE SUPER MARIO BROS. MOVIE', which was a film based on Nintendo's worldwide famous game which was distributed and screened in India, etc.

8. It is stated that Plaintiff's trademark/trade name 任天堂 (Nintendo in Japanese script) was coined and adopted in 1889 and NINTENDO (in English script) was adopted globally in the 20th century. Being a coined/fanciful term, the mark is entitled to highest degree of protection under the Trade Marks Act, 1999 ('1999 Act'). In order to protect its statutory rights, Plaintiff has obtained several registrations for the mark NINTENDO and its formative trademarks in various jurisdictions, including India and details of the registrations are as follows:-



S. No.	Trademark	Registration No.	Class	Date of Application	User Details	Status
1.	NINTENDO (word mark) Appropriate office: Kolkata	410209	28	5 th September 1983	Proposed to be used	Registered and valid till 5 th September 2034
2.	Nintendo (device mark) Appropriate office: Calcutta	410207	14	5 th September 1983	12 th August 1986	Registered and valid till 5 th September 2034
3.	 (device mark) Appropriate office: Chennai	1243843	9, 16	15 th October 2003	Proposed to be used	Registered and valid till 15 th October 2033
4.	NINTENDO (word mark) Appropriate office: Mumbai	1442202	38, 41 A request letter dated 26.03.2019 for correction of description of services has been filed by Plaintiff.	3 rd April 2006	Proposed to be used	Registered and valid till 3 rd April 2036
5.	 (device mark) Appropriate office: Delhi	1441611	9, 16, 28, 38, 41	30 th March 2006	Proposed to be used	Registered and valid till 30 th March 2036
6.	NINTENDO (word mark) Appropriate office: Delhi	1597016	18, 25, 29, 30, 32, 35, 42	31 st August 2007	Proposed to be used	Registered and valid till 31 st August 2027
7.	 (device mark) Appropriate office: Delhi	2002500	9, 28	2 nd August 2010	Proposed to be used	Registered and valid till 2 nd August 2030



8.	NINTENDO (device mark)	IRDI- 5538865	9, 14, 16, 18, 20, 21, 24, 25, 28, 29, 30, 32, 35, 38, 41	11 th April 2022	Proposed to be used	Protection Granted
9.	NINTENDO 3DS NINTENDO 3DS (device mark)	IRDI - 4109930	9	7 th December 2018	Proposed to be used	Protection Granted
10.	NINTENDO 3DS (device mark)	IRDI- 5482439	9	25 th March 2022	Proposed to be used	Protection Granted
11.	 (device mark) Appropriate office: Delhi	2308426	28	30 th March 2012	Proposed to be used	Registered and valid till 30 th March 2032
12.	 (device mark)	IRDI- 5578111	16, 18, 25, 28	4 th February 2022	Proposed to be used	Protection Granted
13.	NINTENDO ENTERTAINMENT SYSTEM (device mark)	IRDI- 3909470	41	21 st May 2018	Proposed to be used	Protection Granted
14.	N I N T E N D O G S (device mark)	IRDI- 3895722	9	26 th April 2018	Proposed to be used	Protection Granted

9. It is stated that many applications are pending consideration for registrations in India for other formative marks. Plaintiff's device marks **Nintendo** under registration No. 1619331 and Nintendo  under registration No. 4688543 are registered as 'defensive marks' in Japan, which means a mark which has a special registration meant only for highly famous marks and which enables the owner to enforce its rights against use of identical mark even in respect of dissimilar goods/services. Plaintiff operates websites www.nintendo.com and www.nintendo.co.jp, where it provides information of the products and services offered under the NINTENDO and NINTENDO formative trademarks. As per WhoIs Report, the website www.nintendo.com was



created as far back as on 10.01.1995 and the same showcases the widespread activities of the Plaintiff and its product range under the mark NINTENDO. A large number of people from India view gameplay videos featuring Nintendo games on platforms such as YouTube <https://www.youtube.com/c/nintendo>, <https://www.youtube.com/NintendoUK>. In fact, several Indian influencers/vloggers have made extensive videos, in English and Hindi about Plaintiff's subject products under the NINTENDO and NINTENDO as detailed in paragraph 24 of the plaint. Plaintiff's products are widely available in several stores and there has been a consistent and wide coverage about the Plaintiff and its marks in many renowned newspapers. Plaintiff has collaborated with several companies globally and in India for launch of its products. Illustratively, Plaintiff's famous Pokémon 'Pikachu' was designed in Indian attire by Yakult to celebrate the festive season in the country as part of a campaign titled 'Pokémon Festivities' (2024) and the said products were also offered for sale in India.

10. It is stated that Plaintiff's NINTENDO marks have developed a staller reputation worldwide and in India, which is reflected from the revenues generated worldwide as follows:-

Particulars	Total (millions of dollars)
Dedicated video game platforms	7272
Of which Nintendo Switch platform	7048
Of which the others	223
Mobile and IP related income	454
Other	92
Total	7818



11. It is stated that Plaintiff has spent enormous amount on advertising and promoting its products under NINTENDO marks and has been vigilant in protecting its intellectual property rights. The immense goodwill and reputation is further corroborated by the various rankings, recognitions, awards, accolades received by the Plaintiff from time to time such as: (a) Ranked No. 8 by Forbes America's Dream Employers (2026) in the IT Software & Services Industry; (b) 2025, The World's Most Valuable Brand By Forbes – Ranked 114th; (c) 2025, Global Rep Trak 100 by Reputation Institute – Ranked 13th; (d) In the year 2025, Nintendo was ranked No. 66 by Forbes Global 2000 Japan; (e) 2025, Most Valuable Brand by Interbrand – Ranked 53rd; (f) 2024, Most Valuable Brand by Interbrand – Ranked 70th; (g) 2023, Best Global Brands by Interbrand – Ranked 71; (h) 2018, Global World's Best Employers – Plaintiff received certification; and (i) 'The Disney of gaming' by The Drum. Plaintiff has consistently achieved the world's most prestigious Guinness World Record.

12. It is stated that Defendant No. 1 is a company registered with the Registrar of Companies, Patna and Defendants No. 2 and 3 are the directors, while Defendant No. 4 is Ashok Kumar(s)/John Doe(s) i.e., unknown Defendant. In the second week of November, 2025, Plaintiff learnt that Defendants have adopted the trade name/company's name 'NINTENDO INDIA PRIVATE LIMITED', which totally subsumes Plaintiff's mark NINTENDO. Investigations revealed that Defendant No. 1 does not have its official website and there are no listings of Defendant No. 1 on online trade directories, social networking sites and e-commerce websites. Search of the Trade Marks Register revealed that no trademark application has been filed by Defendant No. 1. The ROC documents pertaining to Defendant No. 1



downloaded from the website of Ministry of Corporate Affairs revealed that it is engaged in real estate business.

13. It is stated that in order to put the Defendants to notice of the infringing activities as also with a view to amicably resolve the disputes, Plaintiff sent a cease-and-desist notice on 17.02.2026 through various modes but there was no response at that stage, compelling the Plaintiff to approach this Court.

14. Mr. Pravin Anand, learned counsel for the Plaintiff, at the outset, submits that Defendant No. 3 has responded recently and sent an email stating that the impugned trade name/company's name 'NINTENDO INDIA PRIVATE LIMITED' was never used for conducting any business by her and she has no intention to use the same and is willing to suffer a decree of permanent injunction. Copy of the email received from Defendant No. 3 is handed over in Court and taken on record. However, since there is no appearance on behalf of the other Defendants, he submits that Court may hear the matter for *ex parte* ad interim injunction.

15. Mr. Anand submits that Defendants have adopted trade name 'NINTENDO INDIA PRIVATE LIMITED', which wholly subsumes the mark NINTENDO and as a result there is deceptive similarity between Plaintiff's trade name NINTENDO CO. LTD. and the impugned name. The adoption is completely dishonest as there can be no justifiable reason for adopting a coined and unique word such as NINTENDO. Plaintiff's registered mark NINTENDO has a reputation in India, which meets the threshold under Section 29(4) of 1999 Act, which is evident from the revenues generated worldwide and in India, advertisements and promotions, awards and accolades earned as also the fact that NINTENDO marks are



registered as defensive marks in Japan and therefore, Plaintiff has a statutory right to restrain the Defendants from using a deceptively similar trade name/company's name even in respect of dissimilar goods. Use of the impugned trade name is without due cause and takes unfair advantage of and is also detrimental to the distinctive character and repute of the NINTENDO marks. In support, reliance is placed on the judgment of this Court in ***Bloomberg Finance LP v. Prafull Saklecha & Ors., 2013 SCC OnLine Del 4159*** and ***Pepsico, Inc. and Another v. Jagpin Breweries Limited and Another, 2023 SCC OnLine Del 2542***.

16. Having heard learned counsel for Plaintiff and upon perusal of the documents as well as the rival marks, I am of the view that Plaintiff has made out a *prima facie* case for grant of *ex parte* ad interim injunction against the Defendants. Balance of convenience lies in favour of Plaintiff and it is likely to suffer irreparable harm in case the interim injunction, as prayed for, is not granted.

17. Plaintiff is the registered proprietor of the NINTENDO marks, where the word NINTENDO is a coined word and the mark has been used by the Plaintiff since 1889 in Japan. Over the years, business of the Plaintiff has expanded manifold, as reflected from the steadily increasing revenues worldwide. Initially, Plaintiff was engaged in the business of playing cards in Japan and later expanded into arcade video game machines and other games, as detailed in the plaint. In India, Plaintiff applied for the word mark NINTENDO in 1983 in Class 28 and was granted registration. Plaintiff has garnered immense reputation and goodwill internationally and in India apart from registrations in the NINTENDO marks in many jurisdictions. Defendants No. 1-3 have adopted and incorporated a company in India under



a nearly identical/deceptively similar name NINTENDO INDIA PRIVATE LIMITED and are engaged in business of acquiring, managing and dealing in land and other immovable properties, including selling, leasing or disposing of any estates, buildings or interests therein. The impugned trade name is deceptively similar to Plaintiff's trade name NINTENDO CO. LTD. and the NINTENDO marks and owing to the similarity, there is every likelihood of confusion amongst members of public and trade. *Prima facie* Plaintiff has acquired a reputation of a threshold required under Section 29(4) of 1999 Act and has the statutory right to restrain the Defendants from using the deceptively similar trade name in respect of their real estate business. As noted above, Defendant No. 3 has conceded in writing that she does not intend to use the impugned mark in future. In ***Bloomberg Finance LP (supra)***, this Court has observed that where the registered trademark is used as a part of corporate name but the business of the infringers is in goods/services other than those for which the mark is registered, if the registered proprietor satisfies the threshold of reputation under Section 29(4), it can restrain an infringer. In ***Ashok Leyland Limited, 1, Sardar Patel Road, Guindy, Chennai-600 032, represented by its General Manager-Legal and Constituted Attorney, Mr. S. Venkataraman v. Blue Hill Logistics Pvt. Ltd., 171, 2nd Floor, Nilgiri's Building, Brigade Road, Bengaluru-560 001 and Another, 2010 SCC OnLine Mad 6126***, the Madras High Court has held that Section 29(4)(c) has been carefully enacted not to incorporate the expression 'well-known trademark' and use the expression 'reputation' and therefore, provision does not expect the registered trademark of the Plaintiff to be a declared well-known mark within the meaning of Section 2(1)(zg) of 1999 Act and reputation in India is



the essential parameter that is required to be met. This judgment was followed by this Court in *Pepsico, Inc. (supra)*. Comparative table of the rival trade names is as follows:-

Plaintiff's subject trademark/name	Defendants' infringing mark/name
NINTENDO CO. LTD.	NINTENDO INDIA PRIVATE LIMITED

18. Looking at the formidable reputation and goodwill of the Plaintiff spanning over decades, it is *prima facie* evident that the adoption of the impugned name is with an objective of encashing on the goodwill and reputation of the Plaintiff so as to misrepresent to the public that Defendants No. 1-3 have some connection/affiliation/nexus with the Plaintiff and this is resulting in irreparable harm and injury to the Plaintiff.

19. In light of the above, it is directed that till the next date of hearing, Defendants No. 1-3, including Defendant No. 4 (John Doe) and all others acting on their behalf are restrained from using the impugned trade name 'NINTENDO INDIA PRIVATE LIMITED' and/or the mark NINTENDO in any manner whatsoever, amounting to infringement of the NINTENDO trademarks.

20. Plaintiff shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from today.

JYOTI SINGH, J

JULY 29, 2026/RW