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

+ CS(COMM) 71/2026, I.A. 2042/2026, I.A. 2043/2026, I.A. 2044/2026
I.A. 2045/2026, I.A. 2046/2026 & I.A. 2047/2026

MEDIAMONKS MULTIMEDIA HOLDING B.VPlaintiff

Through: Mr. Mohit Goel, Mr. Sidhant Goel, Mr.
Deepankar Mishra, Mr. Karan Kamra
and Mr. Arpit Pundir, Advs.

versus

SYSTEMRY GLOBAL TECH (OPC) PVT. LTDDefendant
Through: None.

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **23.01.2026**

I.A. 2044/2026 (Exemption)

1. This is an application filed on behalf of the plaintiff under section 151 of the Code of Civil Procedure, 1908 (“CPC”) for exemption from filing clear copies of dim documents.
2. The clear and typed/translated copies of the documents with proper margins of the dim annexures be filed within four weeks with an advance copy to the defendants.
3. Accordingly, the application stands disposed of.

I.A. 2043/2026 (Additional Documents)

4. The present application has been filed on behalf of the plaintiff under Order XI Rule 1(4) of the CPC as applicable to Commercial Suits under the Commercial Courts Act, 2015 (“CC Act”) seeking leave to place on record additional documents.
5. The plaintiff is permitted to file additional documents in accordance



with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.

6. Accordingly, the application stands disposed of.

I.A. 2045/2026 (Exemption from Pre-Institution Mediation)

7. This is an application filed by the plaintiff seeking exemption from instituting Pre-Litigation Mediation under Section 12A of the CC Act.

8. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Keerthi: (2024) 5 SCC 815*, exemption from the requirement of pre-institution Mediation is granted.

9. The application stands disposed of.

I.A. 2046/2026 (Extension of Time to File Court Fees)

10. The present application has been filed by the plaintiff under Section 149 read with Section 151 of the CPC, seeking exemption from payment of Court Fees at the time of the filing of the Suit.

11. Considering the submissions made in the present application, time of ten days is granted for affixing the Court Fees.

12. The application stands disposed of.

I.A. 2047/2026 (Extension of Time for Filing Affidavit)

13. This is an application under Section 63(4)(C) of the Bharatiya Sakshya Adhiniyam, 2023 filed on behalf of plaintiff seeking extension of time for filing affidavit.

14. Considering the submissions made in the present application, time of two weeks is granted to file the said affidavit.

15. The application stands disposed of.

I.A. 2042/2026 (Stay)

16. This is an Application under Order XXXIX Rule 1 & 2 of the CPC seeking *ex-parte ad-interim* injunction against the defendant.



17. It is the case of the plaintiff that the plaintiff is a company incorporated under the laws of the Netherlands having its registered office at Oude Amersfoortseweg 125, 1212 AA Hilversum, Netherlands. The plaintiff claims that the plaintiff, incorporated in the year 2001 is engaged in the business of *inter alia* providing digital services, advertising, marketing, media, technology and software services. The plaintiff further claims that the plaintiff has its office in fifty-seven cities and thirty-three countries across the globe.

18. The plaintiff claims that it has first adopted and commenced use of the trademark “MediaMonks” for all its business activities in the year 2001 and has been using the said mark continuously and uninterruptedly since its first adoption. It further claims that it was the first company to have the motivation to conceptualize and ideate the use of words “Media” and “Monks” jointly to form phonetically, visually and structurally distinctive trademark “MediaMonks”.

19. The plaintiff states that in India, the plaintiff first launched their business activities under the mark “MediaMonks” in the year 2019. It is also the claim of the plaintiff that in July 2024, the plaintiff commenced use of the trademark “Monks” for its business activities.

20. As stated in the pleadings, the relevant trademark registration granted in favour of the plaintiff in India for its “MediaMonks” marks are reproduced below:

Mark	Application Number	Class	Date of Application	Status
MEDIAMONKS (word mark)	3085371	35,41 and 42	24 October 2015	Registered
Class 35: - Advertising and publicity; promotion; services of a media agency, namely strategic market research and advice in order to determine which media where and when has to be purchased and used to reach the right target audience and to achieve marketing goals as well as analysis, evaluation and reporting of advertising campaigns; developing advertising campaigns in all possible formats, whether online; creating and organizing				



advertising campaigns; business management; business administration; office functions; development of advertising, using media campaigns; business management consultancy as well as development of processes for the analysis and the implementation of strategy plans and management projects; consultancy in the field of advertising and digital marketing, including strategy, planning, procurement, optimization and evaluation of all forms of publicity, advertising and marketing; placing and dissemination of advertising materials, also online; business mediation in the context of demand and supply of advertising space on Internet; writing of publicity texts; marketing, market research, also online and market analysis; providing commercial information and information on the commercial management of affairs, using databases; office functions for structured data storage; development of logos and advertising purposes; drafting of publicity material or developing promotional campaigns for business; brand creation services; publicity game production.

Class 41: Direction, production and composition of audio visual productions; media productions, services of recording studios, namely, record mastering; subtitling; creating of master recordings; services of a sound recording studio, such as production of sound recording, editing, mastering and recording special effects; providing entertainment over the Internet through cross media concept; entertainment services for online applications, including the provision of online and downloadable computer games; advice and provision of information concerning the aforementioned services, including through remote communication networks including the Internet; written text editing; photography and photographic services; digital imaging; film and video production; digital processing of audio-visual and video recording; publication and editing of printed matter except for advertising purposes; publication, whether or not online, from a magazine and informative articles; desktop publishing; organization of sporting events for sporting, educational and cultural purposes; desktop publishing (DTP); recording of analog and digital video and audio material in formats like CDs, DVDs, USB, Memory cards.

Class 42: Industrial and graphic design; scientific and technological services, also related research and design services; design, development and maintenance of websites; design and development of online games; design services; graphic and technical drawing; design services for packaging; styling (industrial design); electronic digitizing of photographs into a computer readable media; digital design (graphic design); consultancy in the field of design; designing and developing corporate identities, logos, characters, packaging, slogans, brands, websites, Internet sites and other presentation materials; software development and updating; software design and computer programming for digital applications; design, maintenance and updating of websites, including the design of so-called "banners"; design of multimedia including banners and animation; hosting Web applications and websites; hosting a website with multimedia materials; hosting of multimedia and interactive applications; creating design and realization of 3Dvisualization and animation; design and maintenance of web sites for others; design, development and implementation of (computer) games and software applications; creating, developing and designing graphic icons and computer animation; computer programming; programming of software for internet portals, chat rooms, chat lines and internet forums; automation consultancy for multimedia applications, also in the context of developing strategies and concepts in the field of information and multimedia technologies; automation consultancy for multimedia applications; advice, consultancy and information concerning the



aforementioned the Internet; design and development of computer 3D animations and models for advertising purposes; design and development of online video applications for advertising purposes.

MEDIA.MONKS	5539884	9,16,35,38, 41 and 42	08 January 2022	Deemed to be registered as the time period to oppose expired on 16 January 2025
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Class 09 - Computer software, artificial intelligence software, mobile application software, mobile applications, audio, video, digital and multi-media recordings and electronic publications for, relating to, or in the field of advertising, marketing, promotional and public relations and advertising technology (adtech); downloadable computer games; none of the aforesaid goods relating to cyber-security or data protection.

Class 16 - Printed advertising, marketing, promotional and public relations materials; printed publications.

Class 35 - Advertising, public relations and marketing agency services; advertising, public relations and marketing services; sales promotion for others; digital marketing; internet marketing; direct marketing; developing, creating and organising of advertising and marketing campaigns; copywriting for advertising and promotional purposes; organisation, management and provision of marketing events and sales promotion services; media consulting services, namely, planning, buying and negotiating advertising and media space and time; placing and dissemination of advertising, marketing, promotional and public relations matter; rental of advertising space; production of advertising, marketing, promotional and public relations campaigns; brand creation services, brand positioning and brand strategy services, namely, brand development, brand identity and brand marketing, including production of audio, video, digital and multi-media recordings for such purposes; development of advertising, using media campaigns; consultancy in the field of advertising and digital marketing, including strategy, planning, procurement, optimization and evaluation of all forms of publicity, advertising and marketing; analysis, evaluation and reporting of advertising campaigns; strategic market research and advice; business management; business administration; office functions; business data and market analysis; business consultation and management regarding advertising, marketing, promotional and public relations activities; design of advertising, marketing, promotional and public relations material; providing marketing advice on social media; advertising and marketing services via social media; consultancy, information and advisory services relating to all the aforesaid services; including such services provided on-line via a computer database or via the internet; design services relating to brand creation, brand development, brand identity.

Class 38 - Providing user access to a global computer network (service providers); providing access to databases, web pages, portals, forums and chatrooms; consultancy, information and advisory services relating to all the aforesaid services; including such services provided on-line via a computer database or via the internet; none of the aforesaid services relating to cybersecurity or data protection.



Class 41 - Entertainment services; entertainment services provided online, including the provision of non-downloadable computer games; direction, production and composition of audio, video, digital and multi-media recordings; production of animations; production of animations with special effects for film and video, production and editing of film, video and other media content; services of recording studios, namely, record mastering; subtitling; creating of master recordings; services of a sound recording studio, such as production of sound recording, editing, mastering and recording special effects; written text editing; photography and photographic services; digital imaging [editing of images]; film and video production; education services; publishing services; multimedia publishing services; training services; arranging and/or conducting events, conferences, seminars, workshops and/or exhibitions for cultural, sporting, educational or entertainment purposes; photographic library services; consultancy, information and advisory services relating to all the aforesaid services; including such services provided on-line via a computer database or via the internet.

Class 42 - Design services; design, development and implementation of computer games and software applications; design and development of software for virtual reality (vr) and augmented reality (ar); industrial design services; design services relating to brand creation, brand development, brand identity; graphic design services; design, development and maintenance of websites; design and development of online games; creation, design and realization of 3d visualization and animation; design and development of computer 3d animations and models for advertising purposes; design and development of online video applications for advertising purposes; electronic digitizing of photographs into a computer readable media; graphic design for the compilation of web pages on the internet; compilation of web pages for the internet; creating, maintaining and hosting the websites, apps and social media in relation to social media campaigns of others; programming of software for internet portals, chat rooms, chat lines and internet forums; automation consultancy for multimedia applications; computer services, namely, implementation of software in networks for others in the field of digital advertising and marketing and integration of computer systems and networks for others in the field of digital advertising and marketing; software development and updating; software design and computer programming for digital applications; computer software consultancy; computer technology consulting; consultancy in the design and development of computer hardware; consultancy services in relation to information technology; platform as a service [paas] and software as a service [saas] in the fields of advertising, marketing, promotional and public relations; consultancy, information and advisory services relating to all the aforesaid services; including such services provided on-line via a computer database or via the internet; none of the aforesaid services relating to cyber-security or data protection; design and development of 3d animations and models for advertising purposes; design and development of online games for advertising purposes; digital processing of audio-visual and video recording.

Apart from the above, the plaintiff claims to have statutory protection and recognition of its rights in the “MEDIAMONKS” marks in multiple jurisdictions across the world.

21. It is the case of the plaintiff that it has provided services to various



multinational corporations which are established, recognized and leading companies in their sectors like Google, Samsung, Netflix, Playstation etc., It further claims that it has partnered with market leaders in assisting them reach their end customers by creating advertisements and online content for interaction with prospective customers including Tata Tea, Amazon, Bajaj Auto, Johnnie Walker, Nike etc., The plaintiff also states that it has created sister-concerns/affiliates in various countries to offer and provide its services to the corporations existing within the commercial ecosystem of each such country.

22. The plaintiff states that it has a domain name *www.mediamonks.com*, which was registered on 19.01.2001 and stands in the name of the plaintiff.

23. The plaintiff submits that the plaintiff's net revenue generated from its India operations is to the tune of approximately Rs.117.8 crore in the year 2022 and approximately Rs.31.5 crore in the year of 2021.

24. The plaintiff further claims that on account of the successful business conducted by the plaintiff, coupled with break-through initiatives taken by it, the plaintiff has been the recipient of numerous prestigious national and international awards and recognitions including Webby Awards, Cannes Lions International Festival of Creativity Awards etc. over the last two decades.

25. It is the case of the plaintiff that the plaintiff has been able to garner a significant following on the social media platforms including Instagram, LinkedIn, Twitter (X) due to their continuous social media campaigns and posts.

26. The plaintiff claims that the "MediaMonks" marks have acquired immense goodwill and reputation on account of honest and prior adoption, continuous and extensive use, extensive promotion and statutory recognition.

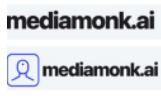
27. The plaintiff claims that the "MediaMonks" marks are highly



distinctive, coined and invented marks and are unique, distinctive and well known in respect of high standard quality of services provided by the plaintiff.

28. The plaintiff contends that the defendant is a one-person company of Shashibala Agarwal incorporated in the year 2024 under the Companies Act, 2013. It is further stated that the defendant is engaged in offering services relating to technologically powered business tools for marketing, sales, content creation and customer support, which are allied and cognate if not identical to plaintiff's business, through the infringing domain name *www.mediamonk.ai*. and is using the marks of the plaintiff, on the website hosted on the said infringing domain name.

29. The plaintiff submits that a comparison of the defendant's infringing marks with the plaintiff's "MediaMonks" mark shows that they are visually, structurally, phonetically and conceptually identical or, at the very least, deceptively similar, the only difference being the deletion of the alphabet "s" from "MediaMonks". The comparison chart between the product of the plaintiff and the defendants carrying the "MediaMonks" trademark are extracted hereunder:

Plaintiff's Marks	Infringing Marks
Word Marks Media.Monks MediaMonks	Word Marks Media Monk MediaMonk
Logo Marks: 	Logo Marks:  
Domain Names www.mediamonks.com monks.com www.mediamonks.net www.mediamonks.nl	Domain Names mediamonk.ai



30. The plaintiff claims that it issued a cease and desist notice on 14.01.2025 *via* email to the defendant to immediately cease use of the infringing marks, however, no response has been received till date, to the best of its knowledge.

31. The plaintiff claims that the essential ingredients of the infringement that is, identity and deceptively similar marks, identity of goods and the likelihood of confusion and association of those impugned in failure goods with the plaintiff are, *prima facie*, established. It also claims dilution and erosion of the distinctiveness of the plaintiff's marks. Plaintiff also claims that such infringement amounts to unfair practices and competition apart from likelihood and confusion amongst the consumers.

32. It is on the aforesaid facts as pleaded, the plaintiff seeks *ex parte ad interim* injunction against the defendants.

33. Having regard to the facts as noted above, it appears that the plaintiff has been able to, *prima facie*, make out a strong case for passing an *ex parte ad interim* injunction against the defendants. The plaintiff is the owner of the registered trademarks "MediaMonks" and the domain name while the mark of the defendant and the domain name are deceptively similar as only the alphabet "s" has been removed from the registered trade mark of the plaintiff. Moreover, the deceptive similarity in the trademark and the domain name is most likely to confuse and deceive an unwary consumer of average intelligence with imperfect recollection from making out fine the distinction between the tradename of the plaintiff from that of the defendant. It is likely that such consumer may be under the impression that the goods/services of the defendant are those of the plaintiff or that the defendant is associated with the plaintiff in some way and be lured to avail of the services/goods being offered by the defendant. The balance of convenience is tilted in favour of the plaintiff and is likely to suffer irreparable loss and injury in case *ex parte ad*



interim injunction as sought is not granted.

34. Accordingly the following directions are passed:

- a) Defendant, its partners, directors, shareholders, employees or proprietors as the case may be, its assigns in business, franchises, affiliates, subsidiaries, licensees and agents are restrained from using in any manner whatsoever, selling, offering for sale, advertising, directly or indirectly dealing in any products or services under the infringing marks namely, “Media Monk”, “MediaMonk”, “ mediamonk.ai” “ mediamonk.ai” <https://mediamonk.ai/> or any other trade mark, logo, domain name or device which is identical or deceptively similar to, or is a deceptive variant of, and includes, the plaintiff’s well-known “MediaMonks” mark.

35. Issue Notice.

36. Let the reply to this application be filed by the defendants within 4 weeks from service and rejoinder, thereto, if any, be filed within 2 weeks thereafter.

37. Rejoinder thereto, if any, be filed within a period of one week thereafter.

38. List before the Joint Registrar (Judicial) for completion of service and pleadings on 25.03.2026.

39. List before this Court on 16.07.2026.

40. Compliance of Order XXXIX Rule 3 of CPC shall be done within a week.

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41. In the above circumstances, let the plaint be registered as a suit.

42. Upon filing of the process fee, issue summons of the suit to the defendant through all permissible modes.



43. The summons shall state that the Written Statement shall be filed by the defendant within 30 days from the date of the receipt of summons. Alongwith the Written Statement, the defendant shall also file an affidavit of Admission/Denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.

44. Liberty is granted to the plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the plaintiff, an affidavit of Admission/Denial of the documents of defendant be filed by the plaintiff, without which the Replication shall not be taken on record.

45. In case any party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

46. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

47. List before the Joint Registrar on 25.03.2026 for completion of service and pleadings.

48. List before Court on 16.07.2026.

TUSHAR RAO GEDELA, J

JANUARY 23, 2026/rl