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

+ **CS(COMM) 424/2026**

GRUPO BIMBO S.A.B. DE C.V. AND ANR. & ANR.Plaintiffs

Through: Mr. Amit Sibal, Senior Advocate with
Ms. Shikha Sachdev, Mr. Shashank
Suresh, Mr. Kranav Kapur, Ms. Anniee
Jacob and Mr. Jaskaran Bindra,
Advocates.

versus

M/S. INDER STORE & ORS.Defendants

Through: Mr. Rahul Singh, Mr. Nishant
Shokeen, Ms. Sumita Singh, Mr. Yash
Bhardwaj and Ms. Ojaswani B. Dixit,
Advocates for D-1/M/s. Inder Store

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **23.04.2026**

I.A. 11091/2026 (Additional Documents)

1. The present application has been filed on behalf of the plaintiffs under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') as applicable to commercial suits under the Commercial Courts Act, 2015 (hereinafter referred to as 'CC Act') seeking leave to place on record additional documents.

2. The plaintiffs are permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.

3. Accordingly, the application stands disposed of.

I.A. 11092/2026 (Pre-Institution Mediation)

4. This is an application filed by the plaintiffs seeking exemption from instituting pre-litigation Mediation under Section 12A of the CC Act.



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

6. The application stands disposed of.

I.A. 11093/2026 (Exemption from filing Original Documents)

7. This is an application filed on behalf of the plaintiffs under Section 151 of CPC seeking exemption from filing original documents.

8. Exemption allowed, subject to just exceptions. However, original/certified/clearer/translated copies of the documents with proper margins be filed within four weeks with an advance copy to the defendant.

9. The application stands disposed of.

I.A. 11090/2026 (Under Order XXXIX Rules 1 & 2)

10. Present application has been filed on behalf of the plaintiffs under Order XXXIX Rules 1 & 2 of CPC, 1908 seeking *ex-parte ad-interim* injunction against the defendant.

11. The plaintiff no.1 (which term includes its predecessors, successors, subsidiaries, assignees, licensees, related companies and affiliates in business, interest and title) claims to be a Mexican multinational company incorporated in the year 1945 under the laws of Mexico. The plaintiff no.1 states that it is engaged in the business of bakery products including bread, cookies and crackers, cakes, pastries, confectionary, savoury snacks, packaged goods, tortillas and other products and today, and is the largest baking company in the world with a global net revenue/sales for the year 2025 worldwide was approximately 426,952 million Mexican Pesos, which is approximately USD 23,968 million. It is stated that the founder of the plaintiff no.1 adopted the trade mark 'BIMBO' sometime in the year 1943. The plaintiff no.1 was incorporated in 1945 and commenced business under the trade mark and



corporate name 'BIMBO', in the year 1945. In the same year, the plaintiff No.1 also adopted the trade mark, OSTIO BIMBO, a bear device , currently



represented in various forms as “



” in respect of its products.

Plaintiff no.1 claims that the trade marks 'BIMBO', 'Osito Bimbo device' and/or their variants have been used by the plaintiff no.1 consistently and without a break globally since then.

12. The plaintiff no.2 is stated to be a company incorporated under The Companies Act, 1956, and existing under The Companies Act, 2013, and that the plaintiff no.2 is the Indian subsidiary of the plaintiff no.1. Plaintiff no.2 claims to be using the trade marks 'BIMBO' and 'Osito Bimbo device' under permission from plaintiff no.1. It is stated that the use of the trade marks 'BIMBO' and 'Osito Bimbo device' by the plaintiff no. 2 provides brand value to plaintiff no.1 as well.

13. The plaintiffs also claims that over the years, the plaintiff no.1's trade mark 'Osito Bimbo' has undergone various changes and has evolved to reflect the changing consumer tastes and contemporary marketing trends, while retaining its core distinctive features as for enhancing brand visibility without



diminishing the mascot's identity, ensuring that 'Osito Bimbo' continues to serve as a unique trade mark and exclusive symbol of the plaintiff no.1's goodwill and reputation accumulated over time. The various stages of evolution of the 'Osito Bimbo' logo over the years and is encapsulated in para 13 of the plaint which is not reproduced here for the prolixity.

14. Plaintiff states that in addition to being the brand mascot, the plaintiffs' 'Osito Bimbo device' also forms part of the plaintiffs' trade mark/logo 'BIMBO'. The table below sets out the evolution of the plaintiffs' trade mark "BIMBO" over the years internationally:-

			
1943/1944	1945/1955	1970	1980
			
1990	2000	2017	

15. It is also stated by the plaintiffs that, since its incorporation in 1945, the plaintiff no.1 has steadily expanded its business and trade, directly under the trade marks 'BIMBO' and 'Osito Bimbo device' and/or its variants. Plaintiff no.1's business growth and expansion under the trade marks 'BIMBO' and 'Osito Bimbo device' is mentioned in para 17 of the plaint which is not reproduced herein for the sake of brevity.

16. It is claimed by the plaintiffs that presently, plaintiff no.1 has presence and operates in about 39 countries across 5 continents, including North



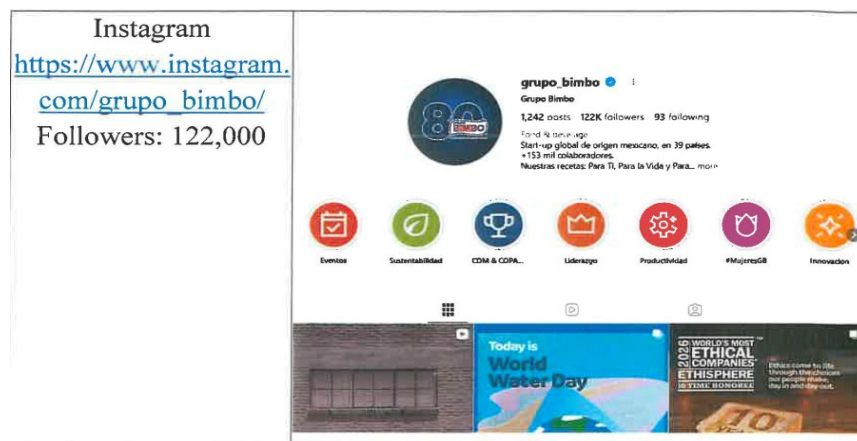
America, South America, Europe, Africa and Asia, and has prestigious industrial clientele across the world, it has an international portfolio of about 100+ brands, 249 bakeries and more than 1,500 sales centres strategically located in 39 countries, and one of the largest direct distribution networks in the world, with more than 3.3 million points of sale, more than 58,000 routes and over 1,52,000 associates approximately. Plaintiff no.1 has stated that they are an industrial leader in high-speed carrier solutions and produces and ships close to 15MM baked foods every day to thousands of QSR restaurants globally. The plaintiffs further claim that 'Osito Bimbo', as the main spokesman of the brand, enjoys significant presence on product packages and advertisements under the trade marks 'BIMBO' and 'Osito Bimbo device' across the world. Some images of select packagings featuring 'Osito Bimbo device' used by plaintiff no. 1 are reproduced hereunder:







17. The plaintiff no.1 claims to operate numerous websites globally, dedicated to its trade marks 'BIMBO', 'Osito Bimbo device' and/or their formatives, with select screenshots and printouts featuring these marks being filed along with the proceedings. Plaintiff no.1 claims to have a significant online presence through its social media platforms, including Facebook, Instagram, Twitter, and YouTube, showcasing its trade marks 'BIMBO' and 'Osito Bimbo device', with relevant screenshots being filed in the proceedings, some of which are reproduced hereunder:





18. The plaintiff claims to have invested huge sum of money on advertising and promotional expense for 2013-2022 which are reproduced hereinunder:

Year	International Promotional Expenses (in Euro)
2013	5,447,537.40
2014	5,260,707.01
2015	3,642,604.93
2016	2,526,637.54
2017	3,496,561.50
2018	5,999,144.60
2019	6,822,807.99
2020	6,992,128.35
2021	8,078,245.03
2022	6,781,593.79

19. The plaintiffs claim to have established a significant presence in India for its 'BIMBO' and 'Osito Bimbo device' marks through various promotional activities, with its social media accounts on Instagram, Facebook, and YouTube having over a million followers. The plaintiffs claim that their sales figures have consistently increased due to extensive advertising, with the table below showing sales revenue earned post-acquisition, including figures for Harvest, Modern, and Kitty Bread in India:



Years	Revenue (in INR in million)
2017-2018	3435.90
2018-2019	3908.40
2019-2020	4337.60
2020-2021	5027.30
2021-2022	9787.90
2022-2023	12889.79
2023-2024	13811.83

20. It is stated that The plaintiff no.1 in India, is the registered proprietor of the trade mark 'BIMBO' , 'Osito Bimbo device' and its variants. The details of the plaintiff no.1's trade mark registrations in India are tabulated in para 47 of the plaint and are not reproduced herein for the sake of brevity. The plaintiffs claim that its registrations for 'BIMBO', 'Osito Bimbo device', and variants are valid and subsisting, granting exclusive rights under Section 28 of the Trade Marks Act, 1999, with the original registration being *prima facie* evidence of validity under Section 31 of the Trade Marks Act, and the 'Osito Bimbo device' is an 'original artistic work' under the Copyright Act, 1957, with copyright vesting with the plaintiffs.

21. The plaintiffs contend that defendant nos.1 & 2, along with John Does i.e., defendant no.3, are infringing its rights by manufacturing, importing, marketing, and selling biscuits/cookies under the brand 'HELLO PANDAA' with a trade dress identical to plaintiff's 'Osito Bimbo device'.

22. In March 2026, the plaintiffs submit that they discovered the defendants' infringing products in Delhi, purchased from defendant no. 1's shop at Shop No 40, INA Market, Sarojini Nagar, New Delhi, and suspect a larger network involved as the salesperson fetched more stock from a nearby shop/warehouse, with an invoice being filed as evidence.

23. Predicated upon the above, the plaintiff seeks *ex-parte ad-interim*



injunction against the defendants.

24. Heard Mr. Amit Sibal, learned senior counsel for the plaintiff and perused the records.

25. At the outset it may be relevant to place the rival marks for visual examination and comparison, a comparison between the Plaintiff's 'Osito Bimbo device' and the Defendant's 'HELLO PANDAA' mark is made below:

Plaintiff's products	Defendant's products
   	   

26. It is noted that the impugned trade dress bears striking similarities with the plaintiff's 'Osito Bimbo device', including:

- The impugned trade dress comprises the Osito Bimbo device in its entirety;



- b. The plaintiffs' Osito Bimbo device has been blatantly and slavishly imitated;
- c. The defendants have even imitated the letter 'B' written in Red on the chef's hat seen on the plaintiffs' Osito Bimbo device, representing the Plaintiffs' trade mark and corporate name BIMBO;
- d. The products are identical and/or allied and cognate and cater to the same target audience, likely causing confusion, deception, and/or association due to the identity and/or deceptive similarity between the trade marks;

27. Issue notice.

28. Notice is accepted by Mr. Rahul Singh, learned counsel for the defendant no.1 who appears on advance service.

29. Mr. Singh, learned counsel for the defendant no.1 states that the defendant no.1 is a small retail shop and is neither manufacturer nor a importer of these products which are subject matter of the Suit. He states that these products which are available with him are small in number and were taken from a wholesaler. He states that after having received the advance copy of the Suit, the defendant is willing to refrain from offering for sale such products. He states that the defendant no.1 shall file an undertaking by way of an affidavit within one week.

30. The defendant no.1 shall also disclose in the affidavit, the stocks of the infringing goods which are available with the proprietor and will also disclose the name of the wholesaler and other retailers. The defendants shall also disclose any other information which may be in his knowledge as to the source of the impugned products from whom these goods were obtained.

31. The said affidavit disclosing the aforesaid details shall be filed within one week with an advance copy thereof be furnished to the learned counsel for the plaintiffs.



32. Mr. Amit Sibal, learned senior counsel while handing over the impugned products over the bench states that while trying to trace the manufacturer, the investigator engaged by the plaintiffs found that the FSSAI which is imprinted on the packaging of the impugned products relates to the defendant no.2, though the manufacturer is indicated as one Bonfire Foods Co. Ltd., Guangdong, China and other products of which the manufacturer is GFS Food Company Ltd., Langfang City in China. He also states that the Investigator was unable to locate the manufacturing units for the reasons that the addresses appear to be incomplete which would be contrary to the packaging disclosure and violative to Rule 6 of the Legal Metrology (Packaged Commodities) Rules, 2011.

33. Apart from the above, having regard to averments of the complaints as also the documents on records the following directions are passed:

A. Defendant no.2 including the defendant no.3/ John Doe, their subsidiaries, any other individuals, its principals, proprietor, partners, directors, officers, employees, agents, distributors/dealers, suppliers, affiliates, subsidiaries, franchisees, licensees, shareholder, representatives, group companies and/or any other person acting on their behalf, are restrained from manufacturing, importing, exporting, distributing, selling, advertising, using, and/or authorizing the manufacture, import, distribution, export, sale or offering for sale, advertising, promoting, displaying and/or using, in any manner whatsoever, the impugned trade mark and/or any other trade mark/trade dress/packaging comprising of the trade mark 'BIMBO' and/or the Osito Bimbo device and/or any other mark identical/deceptively and confusingly similar to the Plaintiffs' registered trade marks as either as a trade mark/trade dress/label and/or any part thereof or in any other manner whatsoever, which would amount to infringement of the



registered trade marks of the Plaintiffs; and

B. Defendant no.2 including the defendant no.3/ John Doe, their subsidiaries, any other individuals, its principals, proprietor, partners, directors, officers, employees, agents, distributors/dealers, suppliers, affiliates, subsidiaries, franchisees, licensees, shareholder, representatives, group companies and/or any other person acting on their behalf, are directed to disclose to the plaintiffs, the details of any entity/person engaged in the manufacture, import, export, promotion, advertising, stocking, wholesale/retail, sale and/or offer from sale the impugned products bearing the impugned trade dress/packaging and/or any other trade mark/trade dress/labels/packaging identical and/or deceptively or confusingly similar to the Plaintiffs' 'Osito Bimbo' in any manner whatsoever.

34. Let a reply to this application be filed by the defendant within four weeks from service. Rejoinder, thereto, if any, be filed within two weeks thereafter.

35. Compliance of Order XXXIX Rule 3 of CPC shall be done within ten days from date.

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36. Let the plaint be registered as a suit.

37. Issue summons.

38. Mr. Rahul Singh, learned counsel for the defendant no.1 accepts summons and waives issuance of the formal summons to the defendants.

39. Written Statement shall be filed by the defendants within 30 days. Alongwith the Written Statement, the defendants shall also file Affidavit of Admission/Denial of the documents of the plaintiffs, without which the Written Statement shall not be taken on record.

40. Liberty is granted to the plaintiffs to file Replication, if any, within 30



days from the receipt of the Written Statement. Along with the Replication filed by the plaintiffs, an Affidavit of Admission/Denial of the documents of defendants be filed by the plaintiffs, without which the Replication shall not be taken on record.

41. 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.

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

43. List before the Joint Registrar (Judicial) on 17.08.2026 for completion of service and pleadings.

44. List before the Court on 09.10.2026.

TUSHAR RAO GEDELA, J

APRIL 23, 2026

Sumit