



2025:DHC:11874

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

+ **CS(COMM) 193/2019 & I.A. 31775/2024**

COLGATE PALMOLIVE COMPANY & ANR. Plaintiffs

Through : Mr. Saif Khan, Advocate (through
VC) with Mr. Rohil Bansal and
Mr. Swastik Advocates.

versus

NIXI & ANR. Defendants

Through : Ms. Akshita Jain, Advocate (through
VC) for D-1.
Ms. Mrinal Ojha, Ms. Debarshi Datta
and Ms. Tanya Chaudhary, Advocates
for D-3.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **26.06.2024**

I.A. 31775/2024

1. The present application has been filed *inter alia* for a direction to defendant no.3, i.e., GoDaddy.com LLC to permanently and for all times to come, block and not further register and/or make available for registration the domain www.colgatepalmolive.work.
2. The present suit has been filed for directions, permanent injunction, restraining infringement of trademarks, copyright and passing off, restraining infringement of copyright, damages, rendition of accounts, delivery up etc., and for complete exposition of facts, delivery etc.
3. Mr. Saif Khan, learned counsel appearing for the plaintiffs submits that the main defendants in the present case were using the domain name www.colgatepalmoliveindia.in and email IDs hr@colgatepalmoliveindia.in, vishal@colgatepalmoliveindia.in and info@colgatepalmoliveindia.in It is



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submitted that the main defendants, whose name and contact details were unknown were essentially impersonating as the plaintiffs and contacting fresh graduates from universities and colleges promising them job with the plaintiffs, i.e., the Colgate Group against the security deposits in their bank. Thus, it is submitted that, this Court through its earlier orders dated 12th April, 2019 and 6th May, 2019, was pleased to freeze and block the said bank accounts, emails, domain/website and the domain/website, i.e., www.colgatepalmoliveindia.in.

4. It is further submitted that the defendants and their accomplice are continuing with their illegal and infringing activities and have registered yet another domain, i.e., www.colgatepalmolive.work of which again GoDaddy.com LLC, i.e., defendant no.3 is the Domain Registrar. It is submitted that the said domain appears to have been registered on 12th June, 2023. A copy of the whois page of the said domain, i.e., www.colgatepalmolive.work has been filed along with the present application.

5. It is submitted that the defendants have continued to approach unwary jobseekers by using email ID info@colgatepalmolive.work by impersonating as the plaintiffs, while unauthorizedly using the plaintiffs' registered and well-known trademark Colgate. Through the fraudulent domain and website www.colgatepalmolive.work, as well as fake email ID, i.e., info@colgatepalmolive.work and other resources being used by the defendant and their accomplice, forged interview call letter and letter heads in the name of the plaintiffs are being sent.

6. Attention of this Court has been drawn to the forged interview call letters issued by the defendants, one of which, reads as under :



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COLGATE-PALMOLIVE

Colgate

Colgate-Palmolive (India) Limited.

Dated :- 31/05/2024

Ref No:- COLPAL/7LK689/047U4AM6/2024

Dear Candidate,

We are glad to inform you that you have been selected on behalf of your resume for an HR interview in our company by our direct recruitment cell. We have shortlisted "35" experience candidates for "25" vacancies in "Sales & Marketing, Mechanical Support, Human Resources, Financial strategy, Legal, Logistic, Operations, Manufacturing & Production, Research & Management" etc. for Pan India.

As your resume is found satisfactory, we are inviting you for an interview at our company HR office. Place and time of your venue are as per follows:

Date of Interview: 15/06/2024

Interview Venue: 1006, Naurang House, KG Marg, Atul
Grove Road, Janpath, Connaught Place,
New Delhi, Delhi 110001

Time: 10:30

You will have to come with the following documents for attending the interview:

Mark sheets & Certificates of 10th & 12th mark sheet (As a Age Proof)

Diploma holders could come along with the degree or diploma and other qualification certificates.

Degree certificates of graduation and post-graduation.

Experience letter/certificates from past companies.

Salary offered for these posts varies between 55,700/- to 5, 20,000/- INR Monthly (HRA + D.A + other benefits).

Air tickets according to the location of the candidates & accommodation will be provided by the company.

One extra person is allowed with Female candidate. Tickets for the person accompanying will also be provided by the company.

NOTE:- Candidates have to deposit a refundable security amount Rs. 8,750/- by NEFT/RTGS/IMPS into the CANARA BANK.

REASON FOR SECURITY DEPOSIT- Company is not taking any charge from any candidates it's just for surety that candidate will not skip their interview and the company can provide the air tickets and other expenses for candidates.

Last date of security deposit will be 03/06/2024. Your hall ticket and air ticket will be delivered after receiving your confirmation of security deposited in Bank.

Security amount will be refunded to all the candidates after the interview without any deduction.

For brief job description, expected CTC and work location contact our senior HR or reply on same mail

Note: Candidates are invited to their location, eligibility and our requirements.

Note :- The interview location or procedure will not be changed so the security amount to ensure that if the company is providing the tickets to candidates they should be present at the time of interview.

Hope that you will accept this job offer and look forward to welcoming you on interview venue.

Regards
HR Department

Mr. Ashok Dayal

+91-8929937028





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7. Learned counsel appearing for the plaintiff submits that a victim of the fraud, one Dr. Sheena Devasia, addressed an email dated 10th June, 2024, to the plaintiffs informing them that she had been defrauded by the defendants by impersonating as the plaintiffs. The defendants offered her job with plaintiffs for the post of Research Manager with the plaintiffs and in this regard, the defendants also took a payment of ₹ 8,750/- from the said Dr. Sheena Devasia, as security deposit, promising that the said amount shall be refunded at the time of the interview. The said Dr. Sheena Devasia, also shared the bank account details of the defendants, as follow:-

“xxx xxx xxx

10. *The Defendants’ bank account details as provided to the Plaintiffs by the said Dr. Sheena Devasia are given below:*

(a) Account Name: COLGATE PALMOLIVE LTD

(b) Account Number: 110155260225

(c) IFSC Code: CNRB0002756

xxx xxx xxx”

8. It is submitted that, Dr. Sheena Devasia further informed the plaintiff that a person by the name of Ashok Dayal, having mobile no. 8929937028, had spoken with her regarding her interview with the plaintiffs and asked her for making the security deposit for further processing her interview. The plaintiffs confirm that they do not have any HR person by the name of Ashok Dayal and he is clearly an impersonator. It is submitted that an online search reveals that the aforesaid mobile number is a prepaid number registered with the Reliance Jio, i.e., Reliance JIO INFOCOM Limited.

9. Learned counsel appearing for the plaintiffs further submits that another victim by the name of Ayan Kumar Dutta, contacted the plaintiffs and informed that he too had been cheated and he had also deposited the



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security amount of ₹ 8,750/- in the above mentioned account of the scamster.

10. To substantiate the same, attention of this Court has been drawn to the E-mail received from the said Ayan Kumar Dutta.

11. Further, a person by the name of Nandhakumar P also addressed an E-mail dated 13th June, 2024 to the plaintiffs, stating that he received an interview call from the defendants and from the E-mail ID info@colgatepalmolive.work, promising him a job with the plaintiffs. A similar E-mail dated 13th June, 2024 was received from yet another victim i.e. one Prem Kishore.

12. It is submitted that the defendants do not have any website parked on the domain www.colgatepalmolive.work and the same is being used solely for the purpose of using E-mail servers and sending E-mails with E-mail ID with the extension “@colgatepalmolive.work”, so that unwary job seekers can easily be duped of their hard-earned money by promising job with the plaintiffs.

13. It is submitted that respondent no.3-GoDaddy.com LLC is the Registrar of all the above named infringing and fraudulent domain names. The Registrants of the said domain have purchased the said domains from GoDaddy.

14. It is an admitted position that the plaintiffs are the owners and the registered proprietor of the well known trademarks, COLGATE, COLGATE PALMOLIVE, COLPAL etc.

15. Thus, it is submitted that GoDaddy has allowed unknown persons to register domain names containing the plaintiffs’ well-known trademarks, without consulting the plaintiffs, and without even checking whether the said person had any right over the said trademarks, and whether the plaintiff



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have authorized them to use the said trademarks as part of the said domains. It is submitted that, consequently, unwary jobseekers are cheated by the persons running such domains by promising jobs with the plaintiffs, against payment of security deposit etc. and the plaintiffs are paying for such illegality and infringing activities. It is further submitted that the plaintiffs have no control over such activities and the victims not only blame the plaintiffs once cheated, but the same also leads to diluting the immense brand value and distinctiveness associated with the plaintiffs' well known trademarks, i.e., COLGATE, COLGATE PALMOLIVE, COLPAL etc.

16. Learned counsel for the plaintiffs has also drawn the attention of this Court to the order dated 20th October, 2023 passed by the Roster Bench, wherein, in similar circumstances directions had been issued in favour of the plaintiffs.

17. Issue notice to the defendants. Ms. Mrinal Ojha, Advocate accepts notice on behalf of defendant no.3.

18. Having heard learned counsels for the parties, this Court is inclined to pass interim directions in favour of the plaintiffs.

19. Accordingly, it is directed that there shall be injunction against the use of the domain name www.colgatepalmolive.work. It is directed that defendant no.3, i.e., GoDadday.com LLC shall block and suspend the domain www.colgatepalmolive.work.

20. Since the identity of the user of www.colgatepalmolive.work has been masked by defendant no.3, it is directed that defendant no.3 GoDadday.com LLC, shall provide the plaintiffs with all the details of the registrant/owner of the domain www.colgateindia.in, including but not limited to their names, mobile number, E-mail ID, IP address used while registering/purchasing the



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said domain, debit card, credit card or any other bank details used, while purchasing the said domain.

21. Considering the fact that by previous orders as well, there have been directions that defendant no.3 shall not offer for sale to any third party, the infringing domain name, it is directed that defendant no.3, i.e., GoDaddy.com LLC, shall not further register and/or make available for registration, the domain name www.colgatepalmolive.work.

22. At this stage, learned counsel for the defendant no.3 submits that against the similar order passed by the predecessor Bench of this Court, appeals have been filed. However, Mr. Saif Khan, learned counsel for the plaintiffs submits that though appeals have been filed by defendant no.3, however, there is no stay in the said appeal.

23. Accordingly, the aforesaid directions have been passed by this Court.

24. It is further directed that Canara Bank, Patparganj Ganj Branch (IFSC Code CNRB0002756), shall file before this Court, on an affidavit, the complete details, including the name and the contact details of the person holding the Bank Account No.110155260225, the referral, the complete bank statement, copies of government issued ID proofs submitted by the account holder and other KYC details, including any other documents, etc. It is further directed that the aforesaid bank account shall be frozen, forthwith.

25. Similarly, Reliance JIO INFOCOMM Limited is also directed to file, on an affidavit, before this Court all the particulars with respect to mobile number 8929937028, including the name, contact details, copies of government issued ID proofs submitted by the person in whose name the said mobile number is registered, including her/his KYC details and other documents.



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26. Re-notify before the Roster Bench on 08th July, 2024, i.e., the date already fixed.

**MINI PUSHKARNA, J
(VACATION JUDGE)**

JUNE 26, 2024
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