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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(COMM) 816/2023, I.A. 22525/2023 & I.A. 22528/2023**  
**WOW MOMO FOODS PRIVATE LIMITED** ..... Plaintiff  
Through: **Mr. Shashwat Rakshit, Adv.**

versus

**ASHOK KUMAR/JOHN DOE & ORS.** ..... Defendants  
Through: **Mr. Mrinal Ojha, Mr. Debarshi Datta**  
**and Ms. Tanya Chaudhry, Adv. for**  
**D-2.**  
**Mr. Harish Vaidyanathan Shankar,**  
**CGSC with Mr. Srish Kumar Mishra,**  
**Mr. Alexander Mathai Paikaday and**  
**Mr. Krishnan V., Adv.**

**CORAM:**  
**HON'BLE MR. JUSTICE ANISH DAYAL**

% **ORDER**  
**20.02.2024**

**I.A. 22525/2023 (under Order XXXIX Rule 1 & 2 of the Code of Civil Procedure, 1908)**

1. In this suit filed by the plaintiff, defendant No.1 is arrayed as Ashok Kumar/John Doe, being unidentified parties who are infringing the trademark 'WOW MOMOS' of the plaintiff in registering domain names using the said trademarks. Defendant Nos.2-5 are domain name Registrars who had registered their infringing/impugned domain names. Defendant No.6 is the Department of Telecommunications, Government of India.
2. Counsel for the plaintiff informs that they have filed fresh process for service of defendant Nos. 3 and 5. Defendant Nos. 4 and 6 stand served.



Counsel for defendant No.2 has entered appearance.

3. This Court passed an injunction order on 09<sup>th</sup> November, 2023 in the following terms:

*“20. As such, till the next date of hearing, the following interim injunctive orders are passed:*

*(i) There shall be an order of interim injunction restraining anyone from using, advertising, directly or indirectly dealing in*



*the trade mark “*  
*wowmomos.in, wowmomo.co.in, wowmomofood.co.in,*  
*wowmomofoodfranchise.com, wowmomofoods.co.in,*  
*wowmomofood.co.in, wowmomofranchise.co.in,*  
*wowmomofranchise.in, wowmomofranchise.org,*  
*//wowmomofranchise.shop/ and www.wow-momo.shop/ or any*  
*other website or domain name which may be identical or*  
*deceptively similar to the plaintiff’s registered trademark*



*and WOW! MOMO.*

*(ii) The owners of the websites wowmomos.in, wowmomo.co.in, wowmomofood.co.in, wowmomofoodfranchise.com, wowmomofoods.co.in, wowmomofood.co.in, wowmomofranchise.co.in, wowmomofranchise.in, wowmomofranchise.org, //wowmomofranchise.shop/, www.wow-momo.shop/ are directed to immediately take down the said websites.*

*(iii) Defendants 2 to 5 are directed to lock/suspend access to the websites/domain names wowmomos.in, wowmomo.co.in, wowmomofood.co.in, wowmomofoodfranchise.com, wowmomofoods.co.in, wowmomofood.co.in, wowmomofranchise.co.in and wowmomofranchise.org.*

*(iv) Should the plaintiff come across any other website or*



*domain name which contains the mark WOW MOMO, which is registered by any of the said Defendants 2 to 5, it is permitted to intimate Defendants 2 to 5 in that regard. On being so intimated, the concerned defendant shall immediately lock/suspend access to the said domain name. The plaintiff is directed, immediately thereupon, to file an affidavit before this Court to the said effect.*

*(v) Defendant 6 is directed to issue a notification to the various internet and telecom service providers registered under it to block access to the websites wowmomos.in, wowmomo.co.in, wowomomofood.co.in, wowomomofoodfranchise.com, wow.momofoods.co.in, wow.momofood.co.in, wowmomofranchise.co.in, wowmomofranchise.in and wowmomofranchise.org.”*

4. Counsel for the plaintiff states that there has been compliance by the Domain Name Registrars (defendant Nos.2-5) in relation to the directions passed in para 20(iii) by this Court as noted above.

5. However, counsel for defendant No.2 (*Godaddy.com*) points out that the direction was passed to “lock/suspend access” to the impugned domain names/websites whereas ‘lock’ and ‘suspend’ are two different actions which can be taken by Domain Name Registrars. To ‘lock’ a domain name is to prohibit and deny transfer of the said domain name whereas the ‘suspend’ access is to deny access to the said domain names/websites. She therefore seeks clarification to that extent of order dated 09<sup>th</sup> November, 2023, in that the direction may be to “lock and suspend”.

6. Accordingly, para 20 (iii) of the order dated 09<sup>th</sup> November, 2023 will be read as:

*“Defendant Nos. 2 to 5 are directed to lock and suspend access to the websites/domain names wowmomos.in, wowmomo.co.in, wowomomofood.co.in, wowmomofoodfranchise.com,*



wowmomofoods.co.in, wowmomofood.co.in, wowmomofranchise.co.in and wowmomofranchise.org.”

7. Further direction had been passed in 20 (iv) in relation to any domain names which the plaintiff comes across, subsequent to the said order being passed, which can be communicated to defendant Nos.2 to 5 who shall lock/suspend access to the said domain names. Aside from the same objection in relation to the term “lock and suspend” made by counsel for defendant No.2, she has further stated that they would abide by the orders of the Court in this regard, in the event they have reservations regarding the request of the plaintiff.

8. Accordingly, directions in para 20 (iv) of the order dated 09<sup>th</sup> November, 2023 are modified to read as under:

*“Should the plaintiff come across any other website or domain name which contains the mark WOW MOMO, registered by any of the said defendant Nos.2-5, it is permitted to communicate through written communication/email to defendant Nos.2-5 in that regard. If any of the defendant Nos.2-5 have reservations in this regard they shall revert back to the plaintiff who shall be at liberty to file an appropriate application before this Court. Otherwise, defendant Nos.2-5 shall immediately lock and suspend access to the said domain name. The plaintiff shall file an affidavit before this Court for every subsequent request which is made to defendant Nos.2-5 in respect of any domain name which contains the mark WOW MOMO.”*

9. It is stated by counsel for defendant No.2 that in respect of two websites, that the plaintiff has communicated to them, pursuant to the order dated 09<sup>th</sup> November, 2023, are as under:

wowmomofranchise.org.in



*wowmomoindiafranchises.in*

10. Defendant No.2 is directed to lock and suspend access to these domain names within a period of 1 week.
11. Counsel for the plaintiff seeks liberty to array National Internet Exchange of India (NIXI), as a party, for seeking directions to them to not permit any domain names/websites to be opened under the .co.in or .in extensions using the mark WOW MOMO.
12. Liberty is granted.
13. The order dated 09<sup>th</sup> November, 2023 is made absolute, read with the modifications noted above.
14. Application is disposed of.

**I.A. 22528/2023 (seeking extension of time for filing court fees)**

1. This application has been filed for enlargement of time for filing court fee. Counsel for the plaintiff informed that the court fee has already been filed.
2. Accordingly, the application is disposed as being infructuous.

**CS(COMM) 816/2023**

1. List before Joint Registrar on 01<sup>st</sup> May, 2024.
2. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**FEBRUARY 20, 2024/MK/ig**