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

+ **CS(COMM) 949/2023 & I.A. 26295/2023**

LIVING MEDIA INDIA LIMITED & ANR. Plaintiffs

Through: **Mr. Rahul Beruar and Ms. Jyotsana
Sinha, Advs.**

versus

JAY JAYESHBHAI TANK & ORS. Defendants

Through: **Mr. Kunal Rakwar, Advocate for D-
1
for**

**D-2.
Ms. Mamta Jha, Ms. Shruttima
Ehersha and Mr. Roshan Ahuja,
Advs. for D-4.
Mr. Ninad Dogra, Adv. for D-11.
Mr. Saurabh Kumar and Ms. Rose
Sebi, Advocates for Defendant No. 8
- LinkedIn(saurabhk@luthra.com)**

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

ORDER

**%
12.01.2024
I.A. 26292/2023 (under Order XXXIX Rule 1 & 2 CPC)**

1. Pursuant to the previous order directing plaintiff to ensure service of notice on the defendants, Mr. Kunal Rakwar, Advocate has appeared through VC on behalf of defendant no.1.
2. Defendant nos. 2 and 3, domain name Registrars (DNRs) and defendant no. 4, 5 and 6, social media platforms are represented through



counsel before the Court. Counsel for defendant no. 8, LinkedIn Corporation is also present through VC. Rest of the defendants are served, as per the counsel for the plaintiff, but no one appears on their behalf.

3. The essential grievance of the plaintiff is against the defendant no.1 using trademark “AAJ TAK WATCH NEWS” (YouTube channel) (impugned mark) and multiple social media profiles under ‘AAJ TAK WATCH NEWS’ (impugned mark) under the domain names www.aajtakwatch.in and www.aajtakwatchnews.com and publication titled "AAJTAK WATCH". As per the plaintiff, use of said marks is infringing the trademarks of the plaintiff as they are deceptively similar. The plaintiffs claim to be a part of the well-reputed and well-established India Today Group which is one of India's most respected and diversified media conglomerate, available in both print and electronic media. It is engaged in diverse business activities ranging from printing and publishing of magazines, journals, periodicals and newspapers, infotainment programmes, organizing conferences, seminars, music shows, and other related activities. Plaintiff no. 2, in particular is a subsidiary of plaintiff no. 1, operates popular electronic news channels, including the news channel 'AAJ TAK' as well as FM radio channels.

4. The marks of the plaintiffs "AAJ TAK"/ आज तक have all been registered vide the following details :



Sl. No.	Trade Mark No.	Trade Mark	Registered Proprietor	Class	Status
i.	1242922	AAJ TAK	Plaintiff No. 1	38	Registered & valid up to 13/05/2033
ii.	1242921	AAJ TAK	Plaintiff No. 1	41	Registered & valid up to 13/05/2033
iii.	1962876	AAJ TAK	Plaintiff No. 1	35	Registered & valid up to 10/05/2030

iv.	5143445	AAJ TAK	Plaintiff No. 1	9	Registered & Valid up to 22/09/2031
v.	5143446	AAJ TAK	Plaintiff No. 1	16	Registered & Valid up to 22/09/2031
vi.	5143440	आज तक	Plaintiff No. 1	9	Registered & Valid up to 22/09/2031
vii.	5143441	आज तक	Plaintiff No. 1	16	Registered & Valid up to 22/09/2031
viii.	5143442	आज तक	Plaintiff No. 1	35	Registered & Valid up

					to 22/09/2031
ix.	5143443	आज तक	Plaintiff No. 1	38	Registered & Valid up to 22/09/2031
x.	5143444	आज तक	Plaintiff No. 1	41	Registered & Valid up to 22/09/2031
xi.	3941238		Plaintiff No. 1	1 to 45	Registered & valid up to 11/09/2028
xii.	680926		Plaintiff No. 1	9	Registered & valid up to 20/09/2025

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xiii.	5143436		Plaintiff No. 1	16	Registered & Valid up to 22/09/2031
xiv.	5143435		Plaintiff No. 1	9	Registered & Valid up to 22/09/2031
xv.	5143437		Plaintiff No. 1	35	Registered & Valid up to 22/09/2031
xvi.	5143438		Plaintiff No. 1	38	Registered & Valid up to 22/09/2031
xvii.	5143439		Plaintiff No. 1	41	Registered & Valid up to 22/09/2031

					to 22/09/2031
xviii.	5143430		Plaintiff No. 1	9	Registered & Valid up to 22/09/2031
xix.	5143431		Plaintiff No. 1	16	Registered & Valid up to 22/09/2031
xx.	5143432		Plaintiff No. 1	35	Registered & Valid up to 22/09/2031
xxi.	5143433		Plaintiff No. 1	38	Registered & Valid up to 22/09/2031

xxii.	5143434		Plaintiff No. 1	41	Registered & Valid up to 22/09/2031
xxiii.	3684619		Plaintiff No. 2	38	Registered & valid up to 22/11/2027
xxiv.	3843450		Plaintiff No. 2	38	Registered & valid up to 25/05/2028
xxv.	3843452		Plaintiff No. 2	38	Registered & valid up to 25/05/2028
xxvi.	3976061		Plaintiff No. 2	38	Registered & valid up to 25/05/2028

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					to 17/10/2028
xxvi	990586		Plaintiff No. 1	9	Registered & valid up to 15/02/2031
xxvi	1081233		Plaintiff No. 1	16	Registered & valid up to 18/02/2032
xxix	1346131		Plaintiff No. 1	16	Registered & valid up to 22/03/2025
xxx.	1346132		Plaintiff No. 1	38	Registered & valid up to 22/03/2025

xxx.	1346133		Plaintiff No. 1	41	Registered & valid up to 22/03/2025
xxx.	3052075		Plaintiff No. 1	9	Registered & valid up to 10/09/2025
xxx.	3052077		Plaintiff No. 1	16	Registered & valid up to 10/09/2025
xxx.	3052083		Plaintiff No. 1	38	Registered & valid up to 10/09/2025
xxxv	3052085		Plaintiff No. 1	41	Registered & valid up

					to 10/09/2025
xxxv	1468788		Plaintiff No. 2	38	Registered & valid up to 11/07/2026
xxxv	1468802		Plaintiff No. 2	41	Registered & valid up to 11/07/2026
xxxv	696249	CINEMA AAJ TAK	Plaintiff No. 1	9	Registered & valid up to 30/01/2026
xxxv	696252	KHEL AAJ TAK	Plaintiff No. 1	9	Registered & valid up to 30/01/2026

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xl.	1367832	AAJ TAK TEZ	Plaintiff No. 1	9	Registered & valid up to 30/06/2025
xli.	1367833	AAJ TAK TEZ (Word Perse)	Plaintiff No. 1	16	Registered & valid up to 30/06/2025
xlii.	1367834	AAJ TAK TEZ	Plaintiff No. 1	38	Registered & valid up to 30/06/2025
xliii.	1367835	AAJ TAK TEZ	Plaintiff No. 1	41	Registered & valid up to 30/06/2025
xliv.	2898173	AAJ TAK BAZAAR	Plaintiff No. 1	25	Registered & valid up

					to 11/02/2025
xliv.	2898171	AAJ TAK BAZAAR	Plaintiff No. 1	9	Registered & valid up to 11/02/2025
xlvi.	2898175	AAJ TAK BAZAAR	Plaintiff No. 1	38	Registered & valid up to 11/02/2025
xlvi.	2898176	AAJ TAK BAZAAR	Plaintiff No. 1	41	Registered & valid up to 11/02/2025
xlvi.	2898159	AAJ TAK SHOP	Plaintiff No. 1	9	Registered & valid up to 11/02/2025

xliv.	2898160	AAJ TAK SHOP	Plaintiff No. 1	16	Registered & valid up to 11/02/2025
i.	2898162	AAJ TAK SHOP	Plaintiff No. 1	35	Registered & valid up to 11/02/2025
ii.	2898163	AAJ TAK SHOP	Plaintiff No. 1	38	Registered & valid up to 11/02/2025
iii.	2898164	AAJ TAK SHOP	Plaintiff No. 1	41	Registered & valid up to 11/02/2025
liii.	3052076	AAJ TAK DESH	Plaintiff No. 1	9	Registered & valid up

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					to 10/09/2025
liv.	3052078	AAJ TAK DESH	Plaintiff No. 1	16	Registered & valid up to 10/09/2025
lv.	3052082	AAJ TAK DESH	Plaintiff No. 1	35	Registered & valid up to 10/09/2025
lvi.	3052084	AAJ TAK DESH	Plaintiff No. 1	38	Registered & valid up to 10/09/2025
lvii.	3052086	AAJ TAK DESH	Plaintiff No. 1	41	Registered & valid up to 10/09/2025

lviii.	3843451		Plaintiff No. 2	38	Registered & valid up to 25/05/2028
lix.	4188177		Plaintiff No. 2	9, 16, 25, 35, 38 and 41	Registered & valid up to 27/05/2029
lx.	3654533		Plaintiff No. 2	38	Registered & valid up to 11/10/2027

5. Further, the plaintiff has applied for declaration of their trademark "AAJ TAK"/ आज तक" as a well-known trademark. The Trademark Registry had issued an advertisement in Trademarks Journal dated 12th June, 2023 allowing a period of 30 days for any opposition. Counsel for the plaintiff informs that, as per their instructions, no such opposition was



received and the mark being declared as a "well-known" trademark is now a mere formality.

6. Further, the counsel has drawn attention to the fact that infringing mark being used by the defendant, who is broadcasting on a YouTube Channel, as well as publishing a newspaper in the name of "AAJTAK WATCH", through State of Gujarat, has also applied for a trademark *vide* application No. 5553325 in class 16", on "proposed to be used basis". The same was discovered in November, 2023 by the plaintiff during a review of the Trademark Registry's online records. The said search revealed that the application was filed on 1st August, 2022 and as mentioned, was on "proposed to be used basis". The website www.aajtakwatch.in also uses the infringing mark and through the WHOIS records it was learnt to be registered in the name of defendant no.1 organization only since 6th July 2022. On further investigation it was revealed that the defendant no.1's YouTube channel "AAJ TAK WATCH NEWS" was also available on the platform hosting a number of news programmes. The *About*' section of the said YouTube channel reveals that the said YouTube channel was established on 17th October 2022. An email id aajtakwatch07@gmail.com was also discovered on the YouTube page which also mentioned an associated website www.aajtakwatchnews.com. Defendant No. 3, DNR is listed as the Registrar of the impugned domain name aajtakwatchnews.com and defendant No.2, is DNR for aajtakwatch.in.

7. The plaintiff further discovered defendant no.1's social media profiles on Facebook, X (Twitter), Instagram, LinkedIn, Telegram, Koo and other social media channels, which have been duly arrayed as defendants. The details of the said handles are listed as under in para 60 of the petition:



"a. Facebook profile titled "AAJTAK WATCHNEWS", created in February 2023 and operating under the handle "@AajTakWatchNews" and accessible at

<https://www.facebook.com/profile.php?id=100089936876935;>

b. Twitter profile titled "Aajtak Watch News", established in October 2022 and operating under the handle "@Aajtakwatch07" and accessible at

<https://twitter.com/Aajtakwatch07?t=81cnXKBTlaR6KTG8AHi3Vg&s=09;>

c. Instagram profile titled "aajtakwatchnews" accessible at

<https://www.instagram.com/aajtakwatchnews/?igshid=Mzc0YWU1OWY%3D>;

d. LinkedIn profile titled "Aajtak Watch News", established in February 2023 and accessible at

<https://www.linkedin.com/in/aajtak-watch-news-aa9a6a265;>

e. Telegram group titled "Aajtak Watch News", accessible at

<https://t.me/+zZBWVAjUGqJhMGNl>;

f. Kooapp profile titled "Aajtaj Watch News", operating under the handle "@aajtak_watch_news" and accessible at

https://www.kooapp.com/profile/aajtak_watch_news;

g. Moj app profile titled "Aajtak Watch News", operating under the handle "@aajtakwatchnews" and accessible at

<https://mojapp.in/@aajtakwatchnews?referrer=TX9MkcbC75XCx>;

h. Vimeo, content sharing app, profile titled "Aajtak Watch News", accessible at <https://vimeo.com/797982083>;

i. ShareChat profile titled "Aajtak Watch News", accessible at

<https://sharechat.com/profile/2122394398?d=n>;

J. Tumblr profile titled "Aajtak Watch News", accessible at

<https://www.tumblr.com/aajtakwatchnews?source=branch>;

k. Chingari profile titled "Aajtak Watch News", accessible at

<https://chingari.io/aajtakwatchnews>. "



8. Counsel for the plaintiff states that the device which is sought to be registered by the defendant no.1, is in fact deceptively similar not only to the

plaintiff's mark but uses the logo  that is used by ABP News, ABP Pvt. Ltd., registration details of which have been handed up in the Court today.

9. Counsel for the plaintiff further contends that similar orders relating to correction of the mark of the plaintiff have been passed by this Court, *inter alia*, in ***Living Media India Ltd v. Satbir Bhardwaj & Ors***, CS (COMM) 235/2022 and in ***Living Media India Ltd v. www.news-aajtak.co.in & Ors.***, CS (COMM) 395/2020.

10. Counsel for the defendant no.1, on instruction, states that they have been publishing the newspaper "AAJ TAK WATCH" since 2015 from Surat, Gujarat. He further states that defendant no.1 is registered with RNI for the purposes of newspaper. Defendant no.1 shall furnish details of registration and use in their reply. Counsel for the defendant no.1 further states that as regards the digital media, they have been broadcasting news on these digital platforms since 2022. Defendant no.1 shall file a reply to this application within next 4 weeks with a copy to the opposing counsel, who may file rejoinder thereafter, before the next date.

11. In view of the above contentions and post perusal of the pleadings and documents, this Court is of the view that the plaintiff has made out *prima facie* case for grant of *ad interim injunction*, balance of convenience lies in favour of plaintiff and it is likely to suffer irreparable loss in case injunction, as prayed for, is not granted.

12. Accordingly, till the next date of hearing, defendant no.1, through their promoters, partners, managers, employees, principals, agents,



associates, affiliates, licensees, distributors, or any and all others acting on its behalf, directly or indirectly, are restrained from using the plaintiff's marks "AAJ TAK"/आज तक", or any other trademark identical or deceptively similar to plaintiff's registered trademarks, in any manner, in relation to any digital media platform including websites, social media and any other content sharing digital platform. In this regard, defendant is further restrained from using the said impugned marks in any promotional material for their digital platform, till the next date of hearing.

13. The defendant no.1 is further restrained from using the said mark "AAJ TAK" as part of their domain name and as also their email address, and will immediately de-activate the same. Defendant no.1 is further directed to immediately de-activate all social media handles which use the impugned marks of plaintiff. Defendant no.1 shall file an affidavit of compliance in this regard within the next 2 weeks before this Court with a copy to the counsel for the plaintiff.

14. In the event defendant no.1 does not comply with these directions in para 12 above, for any reason whatsoever, the DNRs, being defendant nos.2 and 3 are directed to take steps to suspend / de-activate / block the said domain names of defendant no.1 which are using word mark "AAJ TAK " as part of their domain names i.e. 'ajtakwatch.in' and 'ajtakwatchnews.com'. Also, defendant nos. 4 shall ensure that the YouTube channel of the defendant no. 1 is accordingly de-activated/ suspended till the next date of hearing. Defendant nos. 5, 6, 8-14 shall ensure that social media handles of the defendant no. 1, as noted above, are accordingly de-activated/ suspended till the next date of hearing. In this regard, plaintiff is entitled to address a communication through email to the said defendants, in the event of lack of compliance by defendant no.1.



15. List before the Joint Registrar on 19th March, 2024.

16. List before this Court on 6th May 2024.

I.A. 26291/2024 (exemption from pre-litigation mediation)

1. This application has been filed seeking exemption from pre-litigation mediation, as the same will defeat the very purpose of the relief claimed by the plaintiffs.

2. Having regard to the facts of the present case and in light of the judgement of Division Bench of this Court in **Chandra Kishore Chaurasia v. R.A. Perfumery Works Private Ltd.** FAO (COMM) 128/2021, exemption from attempting pre-institution mediation is allowed.

3. Accordingly, the application stands disposed of.

I.A. No.26293/2024 (seeking leave to file additional documents)

1. By this application under Order XI Rule 1(4), Code of Civil Procedure, 1908 ("CPC") as applicable to commercial suits under the Commercial Courts Act, 2015, plaintiff seeks time to place on record additional documents.

2. The plaintiffs, if they wish to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

3. Application stands disposed of accordingly.

I.A. No.26294/2024 (exemption)

1. Exemption is granted, subject to all just exceptions.

2. Applicant shall file legible, clear, and original copies of the documents on which the applicant may seek to place reliance within four weeks from today/before the next date of hearing.



3. Application stands disposed of accordingly.

CS(COMM) 949/2023

1. Let the plaint be registered as suit.
2. Mr. Kunal Rakwar, Advocate on behalf of defendant no.1, counsel for defendant nos. 2 and 3, counsel for defendant no.4, counsel for defendant nos. 5 and 6, counsel for defendant no.8 accept notice.
3. Upon filing of process fee, issue summons to remaining defendants by all permissible modes. All served and unserved defendants, upon completion of service, shall file their respective written statement within 30 days from the date of receipt of summons. Along with the written statements, the defendants shall also file affidavits of admission/denial of the documents of the plaintiff, without which the written statement shall not be taken on record.
4. Liberty is given to the plaintiff to file replications within 15 days of receipt of the written statements. Along with the replications, if any, filed by the plaintiff, affidavit(s) of admission/denial of documents of the defendants be filed by the plaintiff, without which the replications shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
5. As requested by counsel for defendant no.8, who appears through VC, copy of plaint be supplied to him during the course of the day.
5. List before the Joint Registrar for marking of exhibits on 19th March, 2024.
6. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.
7. List before the Court on 6th May, 2024.



8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 12, 2024/sm/vp