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O.A.Nos.809 to 812 of 2022
and O.A.Nos.156 to 159 of 2023
in C.S.(Comm.Div).No.248 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.04.2023

PRONOUNCED ON : 07.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

O.A.Nos.809 to 812 of 2022
and O.A.Nos.156 to 159 of 2023
in C.S.(Comm.Div).No.248 of 2022

O.A.No.809 of 2022:

PHONEPE PRIVATE LIMITED

Having its Registered office at Unit No.001,
Ground Floor, Boston House, Suren Road,
Off Andheri-Kurla, Andheri (East)
Mumbai – 400 093

Also having its branch office at
#51/117, Nelson Tower, Nelson Manickam Road,
Aminjikarai, Chennai – 600029
Rep. by its Authorised Signatory Mr.Vijay Arora ... Applicant/Plaintiff

VS

1.DIGIPE FINTECH PRIVATE LIMITED

C-25, First Floor, Sector 8, Noida,
Gautam Buddha Nagar, Uttar Pradesh-201301
E-mail: vysyaa@gmail.com: care@DigiPe.com
Rep. by its Directors



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2.SANKAR RAO VYSYARAJU
DIRECTOR AT DIGIPE FINTECH PRIVATE LIMITED
C-25, First Floor, Sector 8, Noida,
Gautam Buddha Nagar, Uttar Pradesh-201301
E-mail: vysyaa@gmail.com: care@DigiPe.com

3.VYSYARAJU SREENIVASRAO
DIGIPE FINTECH PRIVATE LIMITED
C-25, First Floor, Sector 8, Noida,
Gautam Buddha Nagar, Uttar Pradesh-201301
E-mail: vysyaa@gmail.com: care@DigiPe.com ... Respondents/Defendants

Prayer: Original Application is filed praying to grant interim injunction restraining the defendants, its proprietor/directors/partners/officers, dealers, distributors, successors-in-business, servants agents, employees, representatives and all other persons claiming through or under them from in any manner from infringing the registered trademarks PhonePe of the plaintiff by using the DigiPe Marks viz., DigiPe and/or any other mark identical and/or deceptively similar mark in any manner whatsoever.

For Applicant : Mr.Sathish Parasaran
Senior Advocate
for M/s.P.Giridharan

For Respondents : Mr.R.Sathishkumar

COMMON ORDER



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The original applications in O.A.Nos.809 and 810 of 2022 are filed by the applicant/plaintiff seeking injunction restraining the respondents/defendants from infringing registered Trade Mark of the plaintiff 'PhonePe' and also for injunction restraining the respondents from passing off the Trade Mark 'PhonePe' by use of their mark 'DigiPe'.

2. The original application in O.A.No.811 of 2022 is filed by the applicant/plaintiff seeking injunction restraining the respondents from using the domain name DigiPe.com etc.

3. The original application in O.A.No.812 of 2022 is filed by the applicant/plaintiff seeking an injunction restraining the respondents/defendants from passing off the trade dress/copying the contents of the plaintiff's domain name.

4. The original applications in O.A.Nos.156 to 159 of 2023 are filed by the applicant/plaintiff seeking injunction directing the respondents to take



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down/block access to DIGIPE Apps namely DIGIPE MERCHANTT, DIGIPE AGENT, DIGIPE CAPTAIN and DIGIPE SMART CARD on the Google Play Store Platform.

5. The learned counsel for the applicant submitted that the registered Trade Mark of the applicant namely 'PhonePe' is a distinctive mark conceived and adopted by the applicant as early as September-2015. The registered Trade Mark of the applicant is a combination of two words namely 'Phone' and 'Pe'. The word 'Pe' is not having any meaning in English. The word 'Pe' was adopted as the synonym of Hindi Word 'पर' meaning "on". It is also stated by the applicant that the Hindi equivalent of the word 'Pe' namely 'पे' is also registered with the Trade Mark Registry.

6. It is also the case of the applicant that it has got registrations in various classes for its 'PhonePe' Trade Mark. It is the specific case of the applicant that by virtue of long and wide spread usage from 2015, the applicant's registered Trade Mark 'PhonePe' has acquired distinctiveness and secondary meaning and consequently, interim protection given to the applicant



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shall be continued and made absolute pending disposal of the suit.

7. It is also stated by the applicant that the applicant has got 40% share in UPI business in India. It is also stated that prior to filing of the suit, the applicant issued a cease and desist notice on 05.08.2022 to the respondents and the respondents came up with a reply admitting applicant's Trade Mark was a well known Trade Mark in the market and expressed their willingness to settle the issue amicably. Notwithstanding the said reply, clandestinely the respondents applied for registration of the offending mark 'DigiPe' on 26.09.2022 and the said Act of respondents necessitated filing of the present suit seeking permanent injunction restraining the respondents from committing trade mark infringement/passing off and other reliefs with prayer for interim protection.

8. It is the main contention of Mr.Sathish Parasaran, learned Senior Counsel for the applicant that the respondents had admitted that the plaintiff's registered mark 'PhonePe' was a well known mark and the word 'Pe' conceived and adopted by the applicant is the dominant element in the registered Trade



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Mark of the applicant and therefore, the usage of the same suffix 'Pe' in the Trade Mark of the respondents' 'DigiPe' would cause confusion in the minds of the general public with average intelligence and imperfect recollection. In support of his contention, the learned Senior Counsel relied on the following judgments:-

- (i) ***Cadila Healthcare Limited vs. Cadila Pharmaceuticals Limited*** reported in ***(2001) 5 SCC 73***.
- (ii) ***South India Beverages Pvt Ltd vs. General Mills Marketing Inc & anr*** reported in ***2014 SCC Online Del 1953***.
- (iii) ***Blue Hill Logistics Private Ltd vs. Ashok Leyland Limited and anr*** reported in ***2011 (4) CTC 417***.
- (iv) ***Bennet, Coleman and Company Ltd vs. Vnow Technologies Private Ltd and another*** reported in ***(2023) SCC Online Del 864***.
- (v) ***Newberg Hitech Labouratory Pvt Ltd and or vs. Ganesan's Hitech Diagnostic Centre Pvt Ltd*** reported in ***MANU/TN/5682/2022***.



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9. Per contra, Mr.R.Sathishkumar, the learned counsel appearing for the respondents countered the argument of the learned Senior Counsel for the applicant on the ground that the applicant does not have any registration for the expression 'Pe' but the applicant got registration of it's equivalent in Hindi/Devanagari script ' पे '.

10. In nutshell, it is the submission of the learned counsel for the respondents that the expression 'Pe' in English is not registered and therefore, the applicant cannot claim any protection for the expression 'Pe' as if, it is a registered Trade Mark. The learned counsel further submitted that even as per averments of the applicant in their plaint 'Pe' in Hindi means “on” and therefore, 'PhonePe' means on the phone. The customers, who uses the 'PhonePe' App make payment by utilising the App on the phone. In such view of the matter, the expression 'PhonePe' can only be termed as generic expression and consequently, it cannot be a registered mark under Section 9(1)(a) of the Trade Marks Act, 1999.

11. The learned counsel further submitted that the applicant is guilty of



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suppression of material facts and consequently, he is not entitled to any interim protection. The learned counsel further submitted that the fact applicant moved Delhi High Court against the third party for infringement of its registered Trade Mark 'PhonePe' and failed to get an interim order of injunction was not disclosed in the affidavit filed in support of these applications, though the said fact was slightly touched upon in Para 77 of the plaint. The learned counsel relied on the judgement in ***PhonePe Private Limited vs. Ezy Services and another*** reported in ***2021 (86) PTC 437 [Del]*** in this regard.

12. The learned counsel for the respondents also brought to the notice of this Court, the judgment of the Division Bench of Bombay High Court in ***Resilient Innovations Private Limited vs. PhonePe Private Limited*** reported in ***2022 SCC Online Bom 521*** and submitted that applicant filed another case of infringement of its registered Trade Mark 'PhonePe' against a third party for the offending mark 'PostPe' and when the learned Single Judge was dictating the order refusing to grant *exparte* injunction, the applicant



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withdrew the suit and an appeal filed against that order was dismissed as not maintainable.

13. The learned counsel also brought to the notice of this Court that an order passed by the Bombay High Court in Interim Application (L) No.25032 of 2021 in Commercial IP Suit No.160 of 2022 dated 6th April, 2023 wherein the plaintiff in an infringement suit sought for interim injunction against use of offending mark 'PostPe' by the respondents therein. The interim injunction petition filed by the applicant was dismissed by the Bombay High Court holding that the applicant failed to establish the *prima facie* case. The learned counsel for the respondent further submitted that the applicant failed to mention the dismissal of the interim application filed by the applicant before the Delhi High Court and Bombay High Court wherein injunction was sought for mainly on the ground that the word 'Pe' is a dominant element in the registered mark of the plaintiff and usage of the very same suffix by the respondent therein was not permissible.



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14. The learned counsel also relied on the judgment of the Delhi High Court in *Marico Limited vs. Agro Tech Foods Limited* reported in **2010 SCC Online Del 3806** for the proposition that in an interlocutory stage, Court cannot go into the question of validity of the registration.

15. As per the admitted case, the applicant is having registration for the combination of the words namely 'PhonePe'. In other words, the expression 'Pe' is not registered. However, the Hindi equivalent of the expression 'Pe' is registered with the Trade Mark Registry. On the other hand, the English expression 'Pe' which is part of the registered Trade Mark of the applicant *Per se* is not registered.

16. It would be appropriate to refer to the following provisions of the Trade Marks Act, 1999 in this regard:-

(i) Section 17. Effect of registration of parts of a mark.

—(1) When a trade mark consists of several matters, its registration shall confer on the proprietor exclusive right to the



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use of the trade mark taken as a whole.

(2) Notwithstanding anything contained in sub-section (1),
when a trade mark—

(a) contains any part—

(i) which is not the subject of a separate application by
the proprietor for registration as a trade mark; or

(ii) which is not separately registered by the proprietor as
a trade mark; or

(b) contains any matter which is common to the trade or is
otherwise of a non-distinctive character,
the registration thereof shall not confer any exclusive right in the
matter forming only a part of the whole of the trade mark so
registered.

(ii) Section 29. Infringement of registered trade marks.

—(1) A registered trade mark is infringed by a person who, not
being a registered proprietor or a person using by way of
permitted use, uses in the course of trade, a mark which is
identical with, or deceptively similar to, the trade mark in relation
to goods or services in respect of which the trade mark is
registered and in such manner as to render the use of the mark
likely to be taken as being used as a trade mark.

(2) A registered trade mark is infringed by a person who,



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not being a registered proprietor or a person

using by way of permitted use, uses in the course of trade, a mark which because of—

(a) its identity with the registered trade mark and the similarity of the goods or services covered by such registered trade mark; or

(b) its similarity to the registered trade mark and the identity or similarity of the goods or services covered by such registered trade mark; or

(c) its identity with the registered trade mark and the identity of the goods or services covered by such registered trade mark,

is likely to cause confusion on the part of the public, or which is likely to have an association with the registered trade mark.

(3) In any case falling under clause (c) of sub-section (2), the court shall presume that it is likely to cause confusion on the part of the public.

(4) A registered trade mark is infringed by a person who, not being a registered proprietor or a person using by way of permitted use, uses in the course of trade, a mark which—

(a) is identical with or similar to the registered trade mark; and

(b) is used in relation to goods or services which are not



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similar to those for which the trade mark is registered; and

(c) the registered trade mark has a reputation in India and the use of the mark without due cause takes unfair advantage of or is detrimental to, the distinctive character or repute of the registered trade mark.

(5) A registered trade mark is infringed by a person if he uses such registered trade mark, as his trade name or part of his trade name, or name of his business concern or part of the name, of his business concern dealing in goods or services in respect of which the trade mark is registered.

(6) For the purposes of this section, a person uses a registered mark, if, in particular, he—

(a) affixes it to goods or the packaging thereof;

(b) offers or exposes goods for sale, puts them on the market, or stocks them for those purposes under the registered trade mark, or offers or supplies services under the registered trade mark;

(c) imports or exports goods under the mark; or

(d) uses the registered trade mark on business papers or in advertising.

(7) A registered trade mark is infringed by a person who applies such registered trade mark to a material intended to be used for labelling or packaging goods, as a business paper, or for



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advertising goods or services, provided such person, when he applied the mark, knew or had reason to believe that the application of the mark was not duly authorised by the proprietor or a licensee.

(8) A registered trade mark is infringed by any advertising of that trade mark if such advertising—

(a) takes unfair advantage of and is contrary to honest practices in industrial or commercial matters; or

(b) is detrimental to its distinctive character; or

(c) is against the reputation of the trade mark.

(9) Where the distinctive elements of a registered trade mark consist of or include words, the trade mark may be infringed by the spoken use of those words as well as by their visual representation and reference in this section to the use of a mark shall be construed accordingly.”

17. A reading of Section 17 of the Trade Marks Act, 1999 makes it clear that the registration of the Trade Mark confer a right on the Proprietor of the said mark exclusive right to use the same taken as a whole. In other words, a registered owner of the trade mark is not entitled to claim any exclusive right over the part of the trade mark. In the case on hand, the applicant has no



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registration of the expression 'Pe' but it has registration only for the combination of the word 'PhonePe'. Hence, the applicant cannot claim any exclusive use over the expression 'Pe'.

18. The learned Senior Counsel for the applicant mainly submitted that the expression 'Pe' is a dominant element in the applicant's Trade Mark and usage of said expression by the respondent as part of their trade mark would cause irreparable injury to the applicant. The learned Senior Counsel also submitted that the applicant by virtue of its usage from-2015 had acquired distinctiveness and secondary meaning and therefore, entitled to protection.

19. Whether the applicant acquired distinctiveness and secondary meaning by long usage is a matter for trial and the same cannot be decided at interlocutory stage. In view of Section 17 of the Trade Marks Act, 1999 *prima facie*, the applicant cannot claim any statutory right in respect of the part of its registered Trade Mark namely 'Pe'.



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20. A reading of Section 29(5) of the Trade Marks Act, 1999 would make it clear that a registered mark is infringed by a person when he uses such registered trade mark, as part of it's trade name. In the case on hand, the registered trade mark of the applicant is 'PhonePe'. The respondents are only using a part of the registered trade mark namely 'Pe' as part of their trade mark. In such circumstances, there is no statutory bar for a person to use the part of the registered trade mark, as part of it's business name or trade mark. Therefore, this Court comes to a *prima facie* conclusion that mere use of the expression the 'Pe' as part of the respondent trade mark cannot be treated as infringement of registered trade mark of the applicant.

21. Now, this Court has to see whether the registered trade mark of the applicant 'PhonePe' is, as a whole, similar to the trade mark of the respondents. On cursory look of the trade mark of the applicant 'PhonePe' with that of the respondents 'DigiPe', I can come to a definite conclusion that the respondents' trade mark is not identical to that of the applicant. The next



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question would be whether the respondents' Trade Mark is similar to that of the applicant. If the applicant's Trade Mark 'PhonePe' is compared with the respondents' Trade Mark 'DigiPe' except the suffix 'Pe' there is no other similarities. A distinct prefix used by the parties make an ocean of difference and hence, if both the trade marks are compared as a whole, it cannot be said, *prima facie*, they are similar to each other. The registered trade mark of the applicant namely 'PhonePe' is neither visually nor phonetically similar to the trade mark of the respondents' 'DigiPe'. While coming to the *prima facie* conclusion with regard to the similarities of the Trade Mark, I should also bear-in-mind the targeted group of population which is expected to use the applications. It is the case of the applicant that the 'PhonePe' is rated as number one financial app available in Google Play Store and Apple App Store and used by gross section of the society for UPI transactions.

22. According to the respondent, the 'DigiPe' App developed by them facilitates services only to Merchant establishment and the same is not meant for individual customers. It is also stated that the person, who downloads the



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mobile application of the respondents has to provide the details like merchant name, address, business name, PAN Number, GST Registration and Aadhar apart from images of the establishment and bank account details. It is also stated the details uploaded by the prospective user would be verified by the Quality Check Team of the respondents and only if they are found to be true and satisfactory the prospective user would be allowed to use the services of the respondents. Therefore, the targeted population of the respondent's app appear to be literate, merchant establishment whereas, the application of the applicant is offered to the entire society at large. In view of various steps involved in downloading and installing the application of the respondents, it may not be possible for the illiterate, individual customers of the applicant to download the application of the respondent and start using the same, even assuming they are misled or carried away by the suffix 'Pe' used by the defendant.

23. As far as the averment of the applicant it acquired distinctiveness and secondary meaning by virtue of long and wide usage is concerned, it is a matter which has to be decided at the time of trial and in the said



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circumstances, the applicant has not made out a strong prima facie case for grant of injunction. In this context, it would be appropriate to refer to the orders passed by the Delhi High Court and Bombay High Court dismissing the similar applications moved by the applicant seeking similar relief against third parties.

24. In ***PhonePe Private Limited vs. Ezy Services and another*** reported in **2021 (86) PTC 437 [Del]** while dismissing the similar application moved by the applicant, the Delhi High Court observed as follows:-

“70. Applying the above principles to the facts on hand, the following position emerges, in my prima facie opinion:

(i) "PhonePe" and "BharatPe" are both composite marks.

(ii) Ordinarily, therefore, these marks cannot be dissected into "Phone" and "Pe" in the case of the plaintiff and "Bharat" and "Pe" in the case of the defendants.

(iii) The plaintiff cannot claim exclusivity solely over the "Pe" suffix, as no infringement can be claimed on the basis of part of a registered trademark.

(iv) There may be substance, however, in the claim of the



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plaintiff that the "Pe" suffix constitutes the dominant part or the essential feature of the "PhonePe" and "BharatPe" marks, especially as the suffix "Pe" is written with a capital "P".

(v) "Pe", as used by the plaintiff, admittedly connotes the expression, and meaning, "pay".

(vi) Inasmuch as the plaintiff - as well as the defendants - provides services by which online payments can be made, the expression "pay" is clearly descriptive of the services provided by the plaintiff and the defendants.

(vii) Had, instead of "Pe", the plaintiff used the suffix "Pay", i.e. had its registered trade mark been "PhonePay", the plaintiff would clearly not have been able to claim any exclusivity, over the "Pay" suffix, or bring a case for infringement against the defendants, had their trademark been "BharatPay".

(viii) By misspelling "Pay" as "Pe", the legal position cannot change. The plaintiff would, therefore, be as entitled to claim exclusivity over the suffix "Pe", as it would have been, had the suffix in its trademark been "Pay".

(ix) Were the plaintiff to establish that the "Pe" suffix had acquired distinctiveness, and a secondary meaning, to the extent that the consuming public would invariably associate the "Pe" suffix as relating only to services provided by the plaintiff,



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it may, nevertheless, have been able to make out a case of infringement. This, however, is essentially a matter of trial. The evidence presently at hand insufficient to come to a definitive conclusion that the "Pe" suffix would, in the public consciousness, indelibly be associated with the plaintiff's services. The plaintiff has been in business only since 2016, using the "PhonePe" mark. The defendants have also claimed extensive use of their "BharatPe" mark. This, too, inhibits the Court from arriving at any prima facie conclusion that the "Pe" suffix had acquired secondary meaning, invariably associated with the plaintiff.

(x) Barring the common "Pe" suffix, it cannot be said that the "PhonePe" trademark of the plaintiff and the "BharatPe" trademark of the defendant are confusingly or deceptively similar. As words, they are entirely different, except for the "Pe" suffix. "Phone" and "Bharat" are not even phonetically similar. [Refer J.R. Kapoor²¹ supra] Besides, the triangular device is unique to the defendants, and is not to be found in the plaintiff's mark. Indeed, the case set up by the plaintiff is essentially on the basis of the "Pe" suffix. Deceptive similarity, between the plaintiff's and defendants' marks is claimed, apart from the common "Pe" suffix, only on the ground that both are in purple colour, and in similar font.



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Besides the fact that these are, prima facie, insufficient to make out a case of confusing or deceptive similarity, it does not appear, at a plain glance, that the colouring of the letters in the two marks, or their font, is the same.

(xi) Besides, the nature of services provided by the plaintiff and the defendant's is also different. The plaintiff provides a plaintiff online payment portal. The written statement of the defendants, on the contrary, avers that the defendants provide a single QR code, on the basis of which the customer could work with all consumer UPI-based applications, including the "PhonePe" application of the plaintiff. Consumers who deal with such applications may be expected, prima facie, to know the difference. No prima facie case of passing off can, therefore, be said to exist, even on this ground."

25. It appears, as submitted by the learned counsel for the applicant and respondents, this order was challenged by the applicant before the Division Bench of Delhi High Court and the said appeal was subsequently withdrawn.



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26. It is gathered from ***Resilient Innovations Private Limited vs. PhonePe Private Limited*** reported in ***2022 SCC Online Bom 521***, a similar application was moved by the applicant against a third party in respect of its mark PostPe, application for interim injunction filed by the applicant against the respondent therein was withdrawn by the applicant when the Court was about to dictate the order dismissing the application. Challenging the order passed by the learned Single Judge dismissing the interim application as dismissed with liberty to file fresh suit, the respondent therein filed an appeal and the same was dismissed as not maintainable in the above mentioned case.

27. This Court also informed that subsequently, the applicant filed a fresh suit against the same third party, seeking injunction restraining it from using its trade mark postpe. An interim injunction application moved by the applicant in Interim Application No.25032/2021 in Commercial IP.No.160/2022 was dismissed by the Bombay High Court on 06.04.2023. The relevant observation of the Bombay High Court in this regard is as follows:-



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“30. In the present case, it is an admitted position that the plaintiff did not place before this Court its own stand when the Registrar of Trademarks in the examination report had observed that there were earlier similar trademarks such as, 'Phone Pe Deal', 'Phone Pe Store', 'Phone Pe Crore', 'pe', 'pay' etc. The plaintiff had taken a stand that such cited marks were not similar to its mark 'PhonePe' for the reason that the mark 'PhonePe', taken as a whole, was distinct from such marks viz. 'Phone Pe Deal', 'Phone Pe Store', 'Phone Pe Crore' etc.

31. Having taken such a stand, it was a factor relevant to the controversy in the present case, for the reason that the trademark of the defendant is 'postpe'. This Court is of the opinion that by not placing its own stand taken before the Registrar of Trademarks in respect of cited marks like 'Phone Pe Deal', 'Phone Pe Store', 'Phone Pe Crore', etc., the plaintiff dis-entitled itself to grant of discretionary reliefs under Order XXXIX, Rules 1 and 2 of the CPC. The test in such cases is that if the defendant is likely to suffer prejudice due to such suppression on the part of the plaintiff, discretionary relief ought not to be granted. In the present case, this Court is of the opinion that prejudice was certainly caused to the defendant, but for the defendant itself making enquiries and bringing the material before this Court as regards the stand taken by the



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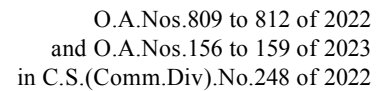
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plaintiff in the proceedings before the Registrar of Trademarks.

When the plaintiff had claimed before the Registrar of Trademarks that its mark 'PhonePe', taken as a whole, cannot be said to be the similar to marks like 'Phone Pe Deal', 'Phone Pe Store', 'Phone Pe Crore' etc., it was clearly relevant for the stand taken in the present case that the mark of the defendant 'postpe', taken as a whole, can be said to be deceptively similar to the registered trademark of the plaintiff 'PhonePe', taken as a whole.

32. Hence, this Court is of the opinion that the principle of prosecution history estoppel is correctly invoked by the defendant in the present case. The plaintiff cannot successfully claim discretionary reliefs in the backdrop of such conduct.”

28. The dismissal of the interim application on merit by Delhi High Court, the relevant observation and the withdrawal of the interim application when the Court was about to dismiss the same were not mentioned in the affidavit filed in support of the present applications. The applicant in his plaint, incidentally referred to the pendency of the suit filed by him before the Delhi High Court, Bombay High Court and Madras High Court. However, nothing was stated by the applicant in respect of dismissal of the interim



29. Moreover, neither the pendency of the suits in other High Courts with similar prayer against third parties nor the dismissal of the interim applications by Delhi and Bombay High Courts were referred in the affidavit filed in support of the present injunction applications. Hence, there is a force in the argument made by the learned counsel for the respondent that the applicant herein failed to approach this Court with true facts and clean hands.

30. In view of the discussions made earlier, the applicant failed to make



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out a *prima facie* case for grant of interim injunction in it's favour. Further, he failed to disclose material facts concerning dismissal of the similar interim applications filed against third parties before the other High Courts which, if disclosed, will have a bearing on the out come of the present applications.

31. It is settled law that the person, who seeks equitable relief of injunction must approach the Court with clean hands. He is not only expected to approach the Court with clear hands, he is also expected to approach the Court with open hand to inform the Court his hands are clean. The applicant herein failed to do so by withholding certain information regarding proceedings pending before the other High Courts.

32. In these circumstances, this Court is of the firm view that the applicant is not entitled to interim protection as prayed for and consequently, the order passed by this Court on 23.12.2022 granting exparte ad-interim injunction, which was extended from time to time is vacated.



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and O.A.Nos.156 to 159 of 2023
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33. The Original Applications Nos.809 to 812 of 2022 are dismissed.

34. The Original Applications Nos.156 to 159 of 2023 are filed with a prayer to take down/block access to the respondent's app on Google Play Store Platform/Apple App Store. In view of the dismissal of the applications for interim prayer, no further orders are necessary in these applications, therefore, the Original Applications Nos.156 to 159 of 2023 are dismissed as unnecessary.

07.06.2023

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dm

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