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

+ **CS(COMM) 808/2022**

**G4S LIMITED & ANR.**

**..... Plaintiffs**

Through: Mr. Essenese Obhan, Ms. Yogita  
Rathore, Ms. Ayesha Guhathakurta  
& Ms. Anjori Saxena, Advs.

versus

**M/S GREEN SEALS SECURITY SERVICES PRIVATE LIMITED**

**..... Defendant**

Through: None

**CORAM:**

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

**ORDER**

**26.04.2024**

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1. Counsel for plaintiff points out that defence of defendant no.1 was struck down on 8<sup>th</sup> August 2023 and opportunity of proposed defendant nos. 2 and 3 to file reply was also closed by the very order. Proposed defendant no.4 was served by way of publication on 21<sup>st</sup> July 2023 but did not file any reply and opportunity to file reply was closed as well on 3<sup>rd</sup> October 2023 read with order dated 25<sup>th</sup> January 2024.

2. In light of these facts, counsel for plaintiff requests for a decree in favour of plaintiff.

3. It is noted that an *ad interim* injunction was passed by this Court on 22<sup>nd</sup> November 2022 in the following terms:

*“20. The Defendant shall accordingly stand restrained from using the mark 'G3S' and the accompanying G3S logos, devices, or any other mark, which is identical or deceptively similar to the Plaintiffs' mark 'G4S', for providing security services, related services or any other cognate/allied services,*



*with effect from 1st January, 2023. The Defendant is however free to use its complete corporate name which is M/s. Green Seals Security Services Private Limited for rendering its services.”*

4. The facts and circumstance on which the injunction was premised were recorded in the aforesaid order which are extracted below:

*“11. Issue notice. The Plaintiffs - G4S Limited, a UK based company and its Indian subsidiary - G4S Secure Solutions (India) Pvt. Ltd. have preferred the present suit seeking a permanent injunction in respect of the mark 'G4S', which is extensively used for security services. The Plaintiffs are aggrieved by the use of the mark 'G3S' for the identical services by the Defendant - M/s. Green Seals Security Services Private Limited.*

*12. The case of the Plaintiffs is that the Plaintiffs run a global, integrated security services business of providing security and related services to their customers across the world. Plaintiff No. 1- G4S Limited carries on business in 85 countries with approximately 4,90,000 employees. The range of services offered by the Plaintiffs include security solutions, facilities management, security systems, training, risk management, monitoring services, recruitment & placement services etc. The Plaintiffs started their business in India initially in the year 1988 as M/s. Group 4 Securitas Hindustan Private Limited and thereafter in 2005, the mark 'G4S' was adopted. Since 2005, the said mark has been used in respect of all services provided by the Plaintiffs. 'G4S' mark is written in a distinctive form, which is set out below:*



*13. The case of the Plaintiffs is that they have registered the domain names [www.g4s.com](http://www.g4s.com) and [www.g4s.in](http://www.g4s.in) in 1999 and 2005 respectively and market their business through websites hosted on the said domain names. The Plaintiffs also have a presence in social media platforms*



including Facebook, Instagram, Twitter, LinkedIn and YouTube. The Plaintiffs own various trademarks for the mark 'G4S' since 2005 in several classes, which were filed as multi-class applications including a word mark registration in class 45. The aggregate sales turnover of Plaintiff No. 2- G4S SECURE SOLUTIONS (INDIA) PVT. LTD. for the financial year 2020-21 was approximately INR 2458 crores INR 24.5 billion and expenditure on advertising for the same financial year is stated to be approximately INR 85,00,000 INR 8.5 million. The Plaintiffs have also received various awards and recognitions in the security services segment.

14. The Plaintiffs have protected the mark 'G4S' against misuse by other entities as well. Copies of the orders protecting the mark 'G4S', passed in the suits concerning the use of the marks 'C4S', 'G4EX', 'S4S' and 'G2S' by other entities have been filed along with the plaint.

15. The Plaintiffs are aggrieved by the Defendant's adoption and use of the device mark 'G3S'. The Plaintiffs claim to have first acquired knowledge of the Defendant's use of the impugned mark, trade mark application of the Defendant was noticed in the Trade Marks journal. The said application was filed on a 'proposed to be used' basis. The Plaintiff immediately on 5th March, 2018 filed an opposition in respect of the Trade Mark application of the Defendant bearing application no. 3643020.

16. Recently, on 8th April, 2022, however, the Defendant is stated to have started advertising its services online and also uploaded an amended logo on its Facebook page which also uses the mark 'G3S'. The two device logos of the Defendants are set out below:



17. When in April, 2022, the Plaintiffs came across the Defendant's online presence, a legal notice dated 22nd April, 2022 was issued, which received no reply. A reminder was also issued on 10th May, 2022, which has also received no reply. Ms. Sukumar, Id. Counsel for the Plaintiffs submits that the Defendant did not take any specific stand in the counter statement in the opposition proceedings as to their user details except simply pleading that they are users since 2017, when the mark was applied on proposed to be used basis.

18. Heard the counsel for the Plaintiffs. A perusal of the documents on

record shows that the mark 'G4S' has been extensively used, both in India and foreign countries for security related services. The said mark 'G4S' is a distinctive mark, which is an unusual combination of two letters with a numeral in a red, black and white colour combination. The Defendant's mark 'G3S' is clearly an imitation of the Plaintiff's mark 'G4S'. One of the device marks used by the Defendants is strikingly similar. The Defendant being in the business of offering security services appears to have deliberately adopted the impugned mark with complete knowledge of the existence of the mark of the Plaintiffs. It is clear to this Court prima facie that the mark 'G3S' has been adopted by the Defendant only in order to imitate the Plaintiffs mark and cause confusion.

19. Considering the nature of services that are being provided by the Defendant i.e. security services, which are also sensitive in nature for customers, it would not be out of place to mention that even a remote chance of confusion ought to be completely avoided. The use of the mark 'G3S' may result in confusion as to sponsorship



*and affiliation with the Plaintiffs. The Court has perused the notice of opposition and the counter statement. In the counter statement, no details as to sales figures and advertisement figures have been given by the Defendant except the bald averment that the mark was adopted in 2017 and has been in use. There are no details of sales turnover or advertisement figures etc. Moreover, the legal notice addressed to the Defendant, which has gone unreplied, would clearly lead to the inference that the Defendant is lacking any plausible defence. The marks are phonetically and deceptively similar. The services are identical. Considering the Plaintiffs' registration for the word mark 'G4S' and the deceptively similarity of the mark 'G3S', the word mark G3S and the accompanying device marks of the Defendant would be liable to be enjoined. A strong prima facie case has been made out by the Plaintiff. Balance of convenience is also in favour of granting an injunction owing to the nature of the marks and the services. Irreparable injury would be caused if the injunction is not granted."*

5. This Court has perused the said averments, pleadings, and documents on record. Considering that defendants have not entered appearance, plaintiffs are entitled to a decree in their favour.
6. Directed accordingly.
7. Registry shall draw up decree sheet in terms of para 53 (1) and (2) of the plaint, extracted as follows:



53. It is humbly prayed that a decree be passed in favour of the Plaintiffs and against the Defendant to the following effects:

- (i) For a permanent injunction restraining the Defendant including but not limited to, the Defendant's directors, agents, sister concerns, servants, representatives and all other persons acting on its behalf from infringing the well-known trademarks "G3S" and "G4S" and/or any other trademark deceptively similar thereto in relation to the services of the Plaintiffs being security services and any related services and from using or adopting any deceptively similar prefixes, which consists in whole, or part, of the abbreviation "G3S", for its trademark, trade name,

including but not limited to the uniforms of the security guards and on any company profiles and literature;

- (ii) For a permanent injunction restraining the Defendant, including but not limited to, the Defendant's directors, agents, sister concerns, servants, representatives and all other persons on its behalf from passing off its business

under the infringing trademarks: "G3S", " " and "



" and/or any other trademark deceptively similar thereto in relation to the impugned services of the Plaintiffs being all kinds of security services as that of the Plaintiffs and any other services cognate and allied thereto and from using or adopting any deceptively similar prefixes, which consists in whole, or part, of the abbreviation "G3S", for their trademark, corporate name, including but not limited to the uniforms of the security guards and on any company profiles and literature;

8. The suit stands disposed of with these directions.
9. Date of 11<sup>th</sup> July 2024 already earlier stands cancelled.

**I.A. 9284/2024 (under Section 151 CPC)**

1. This application has been filed by plaintiff seeking directions to various social media sites to take down the infringing content regarding which defendants have been restrained from by the decree passed in this suit as noted above.
2. It is stated that the infringing marks are displayed on social media account on Facebook, Instagram, and LinkedIn and on search engine platform JustDial in the following URLs:



- i. Facebook: <https://ru.facebook.com/g3sghaziabad/>
- ii. Instagram: [https://www.instagram.com/g3s\\_ghaziabad/?hl=en](https://www.instagram.com/g3s_ghaziabad/?hl=en)
- iii. LinkedIn: <https://www.linkedin.com/company/g3sghaziabad/>
- iv. Just Dial: [https://www.justdial.com/Delhi/M-S-Green-Seals-Security-Services-Pvt-Ltd-Near-Jaipuria-Mall-Indirapuram/011PXX11-XX11-140210130748-K6J7-BZDET?catid=10426615&area=&search=Top%20M%20S%20Green%20Seals%20Security%20Services%20Pvt%20Ltd%20Near%20Jaipuria%20Mall%20Indirapuram%20in%20Delhi&mcname=M%20S%20Green%20Seals%20Security%20Services%20Pvt%20Ltd%20Near%20Jaipuria%20Mall%20Indirapuram&search\\_id=254fd7b652b7971c028260afab8a1b73edbe9aa2233901a43b076e5fa95c1e5d&abd\\_btn=&abd\\_heading=&isFreetxt=1&bd=2](https://www.justdial.com/Delhi/M-S-Green-Seals-Security-Services-Pvt-Ltd-Near-Jaipuria-Mall-Indirapuram/011PXX11-XX11-140210130748-K6J7-BZDET?catid=10426615&area=&search=Top%20M%20S%20Green%20Seals%20Security%20Services%20Pvt%20Ltd%20Near%20Jaipuria%20Mall%20Indirapuram%20in%20Delhi&mcname=M%20S%20Green%20Seals%20Security%20Services%20Pvt%20Ltd%20Near%20Jaipuria%20Mall%20Indirapuram&search_id=254fd7b652b7971c028260afab8a1b73edbe9aa2233901a43b076e5fa95c1e5d&abd_btn=&abd_heading=&isFreetxt=1&bd=2)

3. In view of the decree passed in favour of plaintiffs, the platforms are directed to take down these above noted listings. Upon receiving such information from the plaintiff, the concerned online platforms shall take down the said listings, within 36 hours, in terms of Rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, failing which, the said platforms would be liable for violation of the orders of this Court. Plaintiffs are at liberty to serve a copy of this order on social media sites.

4. It is directed that in case any of these platforms have any reservations regarding the said directions, they shall send a written communication to plaintiffs who will be at liberty to approach this Court for suitable directions.

5. Application stands disposed of with these directions.

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

**ANISH DAYAL, J**

**APRIL 26, 2024/sm/sc**