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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO(OS) (COMM) 192/2025 CM APPL. 74022/2025 CM APPL.

74023/2025 CM APPL. 74024/2025

4GROUP SAFEGUARD AND SECURITY SERVICES PVT. LTD.

& ANR.

.....Appellant

Through: Appearance not given.

versus

G4S LIMITED & ANR.

.....Respondent

Through: Ms Swathi Sukumar, Sr. Adv. with
Mr. Essenese Obhan, Ms Yogita
Rathore and Ms Urvika Aggarwal,
Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE VINOD KUMAR

ORDER

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03.12.2025

1. The challenge in this appeal filed under Section 13 of the Commercial Courts Act 2015 read with Order XLIII Rule 1 and Section 151 of the Code of Civil Procedure, 1908 CPC against the impugned order dated 26.09.2025 passed in IA No. 7433/2024 in CS (COMM) 276 of 2024, whereby the learned Single Judge while considering the application filed by the respondent (plaintiff herein) under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 has granted interim injunction. The present appeal has been filed with the following prayers:

“a. Set aside or modify the impugned order dated 26.09.2025 passed in CS (COMM) No. 276 of 2024;

b. Declare that the Appellant's adoption of “4GS” was bona fide, discontinued upon notice, and that the Appellant is entitled to carry on business under its lawful corporate name “4 Group Safeguard and Security;

c. Pass such other and further orders as this Hon'ble Court may deem fit and proper in the interest of justice.”



2. The submission of learned counsel for the appellant is primarily that the appellant is a duly incorporated company, established in 2015 and is engaged in the business of providing trained manpower for security, housekeeping and facility management services across Delhi NCR. The name “4Group Safeguard & Security” was conceived by its four founders to reflect their partnership and commitment to professional services. The corporate name was duly approved and registered by the Registrar of Companies after ensuring that no identical or deceptively similar entity existed. It is his submission that in mid 2022, the appellant adopted a short form abbreviation “4GS” for digital and branding purposes derived transparently from its own name i.e. “4Group Safeguard and Security”. The abbreviation was adopted in good faith without any intent to imitate or derive benefit from the respondent’s mark “G4S”. He also submits that the appellant has filed a trademark application for “4GS” under Class 45 of the Trade Mark Act, 1999 and purchased the domain “4gs.co.in” to host its website. It is his submission that the respondent is a multinational corporation engaged primarily in high-end corporate security consultancy under the mark “G4S” subsequently objected to the appellant’s trade mark. He states that in their own plaint, the respondent admitted that they came to know about the appellant only upon publication of its trademark application confirming that the appellant had not acted with prior knowledge or dishonest intent. Upon receipt of the respondent’s legal notice dated 20.12.2023, the appellant promptly responded on 03.01.2024, clarifying that “4GS” was derived from its own name and, to avoid dispute, voluntarily ceased all use of abbreviation, reverting to its original trade identity. He submits that in facts of this case, the learned Single Judge was not correct to



grant an injunction against the appellant and in favour of the respondent herein.

3. Having heard the learned counsel for the parties and also perused the impugned order, we are of the view that the impugned order passed the learned Single Judge in the facts of this case does not require any interference. We agree with and affirm the analysis and findings of the learned Single Judge in the impugned order more specifically in paragraph 5 to 14 which reads as under :

“5. A Trade Mark indicates the source of the goods or services, in respect of which it is used. A Trade Mark is an indicator of origin, distinguishing the goods and services of a party from those of its competitors. Thus, a Trade Mark is said to possess a distinctive character, when it serves to identify and distinguish the goods or services of a party from those of others. In the present case, the Plaintiffs’ Marks serves as a source indicator for the services provided by the Plaintiffs. Therefore, the Plaintiffs’ Marks have attained a distinctive character and have become identifiers and distinguish the services of the Plaintiffs from those of other parties, including, from those of the Defendants. By extensive, continuous, and prolonged usage, the public at large

commonly associates the Marks ‘G4S’, ‘’, and ‘’, with the Plaintiffs. The Impugned Marks are deceptively similar to the Plaintiffs’ Marks.

6. The Defendants’ submission is that the Impugned Marks are being used pursuant to the approval of their Trade Names by the Ministry of Corporate Affairs and the Registrar of Companies. It was further contend that the Mark ‘4GS’ is merely an abbreviation of the Trade Name ‘4Group Safeguard & Security Services Private Limited’, and that Defendant No. 1 is therefore using the abbreviation of its Trade Name as a Trade Mark. This submission does not constitute a valid defence against infringement or passing off. Under Section 29(5) of the Trade Marks Act, the use of a registered Trade Mark as a Trade Name itself amounts to infringement of the registered Trade Mark. The present position has been affirmed in the decisions of the Supreme Court in Laxmikant V. Patel (supra) and by this Court in Inder Raj (supra).

7. Further the test of confusion is to be seen from the perspective of an average person with imperfect recollection getting confused and in view of the Plaintiffs’ Marks and the Impugned Marks being almost similar,



any

ordinary person would get confused and would not be able to distinguish between the Plaintiffs' Marks and the Impugned Marks.

8. Having considered the submissions advanced by the learned Counsel for the Plaintiffs, the pleadings and the documents on record, a strong prima facie case has been made out on behalf of the Plaintiffs for grant of interim injunction.

9. The Plaintiffs are the registered proprietor of the Plaintiffs' Marks



with the earliest registration for the Mark '  ' in India was in the

year 2005. The Plaintiffs have been using the Mark '  ' in India continuously since the year 2005 with respect to delivery of security and related services. The Plaintiffs have demonstrated the goodwill and reputation acquired by the Plaintiffs' Marks. The Plaintiffs have spent a considerable amount on advertising and business promotion and recorded an expenditure of ₹1,49,00,000/- for advertising and business promotion in the Financial Year ("FY") 2022-23 and earned a revenue of ₹2907,27,73,558/- for FY 2022-23. The Defendant's use of the Impugned Marks is dishonest and nothing but an attempt to ride the goodwill and reputation of the Plaintiffs' Marks so as to cause confusion in the market.

10. The Plaintiffs have established its prior user as well as goodwill and reputation, on the basis of the documents on record. Injunction is a relief in equity, and in view of the aforesaid discussion, the same is in favour of the Plaintiffs and against the Defendants. Further, the balance of convenience also lies in favour of the Plaintiff and against the Defendants and grave prejudice is likely to be caused to the Plaintiffs if interim injunction as prayed for is not granted in favour of the Plaintiffs and against the Defendants.

11. This is a case of triple identity where the Marks are identical, the product category is identical and the trade channel as also the consumer base is identical. The Plaintiffs being the prior user, adopter of the Mark 'G4S'

are entitled to protection. The identity in the Impugned Marks is so close to the Plaintiffs' Marks that they are indistinguishable.

12. In view of the above, injunction granted in favour of the Plaintiffs and against the Defendants vide Order dated 03.04.2025 is confirmed and made absolute and shall continue during the pendency and till final disposal of the present Suit.

13. Further, the Defendants, their directors, proprietors, partners, associates, assigns or assignee in interest, heirs, successors or successors in interest, permitted assigns, sister concerns or group companies, distributors, dealers, wholesalers, retailers, stockists, agents and all others acting for and on their behalf are restrained from using,



soliciting, manufacturing, selling, offering for sale, importing, exporting and advertising in any manner including on the internet and e-commerce platform, directly or indirectly dealing in security and related services



under the Marks, '4GS' and and using the Impugned Trade Names, '4Group Safeguard & Security Services Private Limited' and '4GS Security Services (India) Private Limited' or any other Trade Mark or Trade Names which are deceptively similar to the Plaintiffs' Marks,

'G4S', 'GS' and thereby amounting to infringement or passing off of the Plaintiffs' Marks during the pendency and till final disposal of the present Suit.

14. With the aforesaid directions, the present Application is allowed and is accordingly, disposed of."

4. Accordingly, the appeal is dismissed.

V. KAMESWAR RAO, J

VINOD KUMAR, J

DECEMBER 03, 2025

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