



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION (L) NO. 7092 OF 2024
IN
COMMERCIAL IP SUIT (L) NO. 6754 OF 2024

Impresario Entertainment And Hospitality
Private Limited

...Applicant/Plaintiff

Versus

M/s. Social Tribe

...Defendant

*Mr. Hiren Kamod, Ms. Shikha Sachdeva, Mr. Rahul Punjabi, Mr. Kranav Kapur,
Ms. Radhika Arora (on VC), Ms. Annie Jacob i/b Mr. Rahul Punjabi for Applicant/
Plaintiff.*

Coram : Sharmila U. Deshmukh, J.

Date : 12th June, 2025.

P. C. :

1. This is an action for trade mark infringement and passing off. The orders dated 26th March, 2024 and 15th April, 2024 records that the Defendant has been served via email and also by speed post and item has been returned unclaimed. Today, none appears for Defendant.
2. It is submitted that Applicant/Plaintiff is engaged in providing restaurant services including but not limited to conducting and managing restaurants and coffee shops; operating restaurants and coffee shops; providing expertise relating to provision of food and drink. The Plaintiff at present runs well-known restaurants and coffee

shops at various places. Business has been commenced by the Plaintiff in the year 2001 and since its inception the Plaintiff has opened various well known and award-winning restaurants under different names including the trade mark "SOCIAL". It is submitted that Plaintiff at present, is managing and operating 50 SOCIAL restaurants/bars pan India and details of the various SOCIAL restaurants/bars are set out in Paragraph No. 12 of the Plaint. The Plaintiff is registered proprietor of the trade mark "SOCIAL" and its variants in classes 43, 42, 41, 35, 33, 32, 30, 25, 21, 16 and 9 and owns over hundred registrations for the trade mark "SOCIAL" and its variants as well as its formatives in class 43 which are listed in Paragraph No. 15 of the Plaint.

3. Mr. Kamod would submit that the fact that the turn over of the Plaintiff cumulatively over the years amounts to Rs. 1,500 crores and the promotional expenses set out in Paragraph 24 of the Plaint amply demonstrates the reputation and goodwill enjoyed by the Plaintiff in restaurant business. He would further submit that the Plaintiff has active presence on social networking sites under its trade mark "SOCIAL". He submits that the Plaintiff has been vigilant in protecting its trade mark which is evident from the various legal proceedings initiated by the Plaintiff before the Delhi High Court in which the Plaintiff has succeeded in restraining the infringement of its trade mark "SOCIAL" and its formatives.

4. It is submitted that in or around July, 2022, the Plaintiff became aware that Defendant is operating a restaurant under registered trade mark "SOCIAL TRIBE" in Mumbai which is identical to the Plaintiff's well-known and registered trade mark "SOCIAL" in its entirety as a part of the Defendant's trade name. He submits that before approaching this Court, Cease-and-Desist notice was issued to the Defendant to which, there was no response. He submits that further opportunity was given by further communications on 27th August, 2022 and 8th December, 2022 to which again Defendant had not responded. He submits that being the proprietor of registered trade mark and its formatives, the Plaintiff has exclusive right to use the same and infringement of the same causes grave harm, loss and prejudice to Plaintiff entitling the Plaintiff for grant of injunctive relief against the Defendant.

5. I have considered the submissions and perused the record.

6. Despite offering several opportunities to the Defendant to cause appearance in the matter, none appears for Defendant. The pleadings, therefore, remains unrefuted. Comparison of the Plaintiff's mark and Defendant's mark is reproduced hereinbelow:

Plaintiff's Trade Marks	Defendant's Manner of Use
SOCIAL	SOCIAL TRIBE
	

7. Perusal of the same would indicate that the Plaintiff's registered trade mark "SOCIAL" has been copied in its entirety by the Defendant. The manner in which Defendant has used the word "SOCIAL" is deceptively similar to the trade mark of the Plaintiff. The suffix word "TRIBE" to the word "SOCIAL" does not take away the fact that the Defendant had attempted to infringe the Plaintiff's registered trade mark by coming as close as possible to the registered trade mark. Similarly, use of the colour scheme of pink, orange, yellow is deceptively similar to that of the Plaintiff's mark. There is also identity in the services provided by Plaintiff and Defendant. *Prima facie*, upon consideration of the rival trade marks, I am of the opinion that the Defendant has attempted to infringe the registered trade mark of the Plaintiff. The Plaintiff being proprietor of the registered trade mark is entitled to exclusive use of the registered trade mark and its formatives and there are various orders passed by the Delhi High Court in favor of Plaintiff. A brazen attempt is made by the Defendant to infringe the said trade mark which requires to be restrained. It also

cannot be disputed that Plaintiff has robust presence in the restaurant business which is *prima facie* demonstrated from the sales turn over figures and promotional expenses set out. In event, the Defendant is not restrained, despite a *prima facie* case being made out, the Plaintiff will suffer irreparable loss, harm and prejudice and the balance of convenience tilts in favor of Plaintiff as the Plaintiff is proprietor of the registered trade mark as well as its formatives.

8. In light of the above, Interim Application is allowed in terms of prayer clauses a) and b) which reads thus:

“a) pending the hearing and final disposal of the Suit, a temporary order and injunction restraining and prohibiting the Defendant and its servants, officers, employees, agents, assignees, distributors and all others claiming through and under the Defendant, from in any manner (directly or indirectly), using, manufacturing, selling, distributing, advertising or displaying any products/ services bearing the Plaintiff’s trade mark/ trade name/ label of “SOCIAL” and its variants (as depicted at Exhibits D and F) and/or using any other identical/deceptively similar trade mark/ trade name/ label/ theme (as depicted at Exhibit N and its variants), so as to infringe upon the Plaintiff’s registered trade marks;

b) pending the hearing and final disposal of the Suit, a temporary order and injunction restraining and prohibiting the Defendant and its servants, officers, employees, agents, assignees, distributors and/or all others claiming through and under the Defendant, from in any manner (directly or indirectly), using, manufacturing, selling, distributing, advertising, displaying, or stocking any products bearing the Plaintiff’s trade mark/ trade name/ label/ theme of ‘SOCIAL’ and its variants (as depicted at Exhibits D and F) and/or using any other identical/deceptively similar trade mark/ trade name/ label/ theme (as depicted at Exhibit N and its variants), so as to pass off the Defendant’s goods, business, activities as that of the Plaintiff’s and in any manner connected or associated with the Plaintiff in any manner whatsoever”

[Sharmila U. Deshmukh, J.]