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

+ CS(COMM) 712/2024 & I.A. Nos. 37217/2024, 37218/2024,
37219/2024 & 37220/2024

RPFAS TECHNOLOGIES PRIVATE LIMITEDPlaintiff

Through: Mr. Vipin Tyagi with Ms. Sanjana
Jain, Advocates.
Email: vipin.tyagi@appartners.in

versus

MINISTRY OF COMMUNICATIONS AND ORS.Defendants

Through: None.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
23.08.2024

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I.A. 37219/2024 (Exemption from filing clearer copies of documents)

1. The present is an application under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), on behalf of the plaintiff, seeking exemption from filing clearer copies/documents with correct margins.
2. Exemption is granted, subject to all just exceptions.
3. Applicant shall file legible, clear, and translated copies of the documents, on which the plaintiff may seek to place reliance, before the next date of hearing.
4. Accordingly, the present application is disposed of.

I.A. 37220/2024 (Exemption from advance service to the defendant nos. 1 and 2)



5. The present is an application under Section 151 CPC, seeking exemption from advance service to the defendant nos. 1 and 2.

6. The plaintiff seeks urgent interim relief. Therefore, in the peculiar facts and circumstances of this case, exemption from effecting advance service upon the defendant nos. 1 and 2, is granted.

7. For the reasons stated in the application, the same is allowed and disposed of.

I.A. 37218/2024 (Application seeking leave to file additional documents)

8. This is an application under Order XI Rule 1(4) read with Section 151 CPC as amended by the Commercial Courts Act, 2015, seeking leave to file additional documents.

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

10. The application is disposed of, with the aforesaid directions.

CS(COMM) 712/2024

11. Learned counsel appearing for the plaintiff submits that urgent relief in the matter is sought for. Further, he submits that directions are being sought against defendant no. 10, who is John Doe/Ashok Kumar, unknown persons. Therefore, it is submitted that Pre-Litigation Mediation is not possible and that exemption may be granted accordingly.

12. Considering the aforesaid submission, exemption is granted from Pre-Litigation Mediation

13. Accordingly, let the plaint be registered as suit.

14. Upon filing of the process fee, issue summons to the defendants by all permissible modes. Summons shall state that the written statement be filed



by the defendants within thirty days from the date of receipt of summons. Along with the written statement, the defendants shall also file affidavit of admission/denial of the plaintiff's documents, without which, the written statement shall not be taken on record.

15. Liberty is given to the plaintiff to file replication within thirty days from the date of receipt of the written statement. Further, along with the replication, if any, filed by the plaintiff, an affidavit of admission/denial of documents of the defendants, be filed by the plaintiff, without which, the replication shall not be taken on record. If any of the parties wish to seek inspection of the documents, the same shall be sought and given within the timelines.

16. List before the Joint Registrar (Judicial) for marking of exhibits, on 16th October, 2024.

17. List before the Court on 16th December, 2024.

I.A. No. 37217/2024 (Application under Order XXXIX Rules 1 and 2 CPC)

18. The present suit has been filed for permanent injunction restraining infringement of trademarks, passing off, dilution, damages, rendition of accounts, delivery up etc.

19. Learned counsel appearing for the plaintiff submits that the present suit has been filed by the plaintiff restraining the ever-expanding and extremely fraudulent fake business run by certain unknown persons, who have been impleaded as John Doe/Ashok Kumar, who are misusing the trademarks of the plaintiffs and operating fake and fraudulent websites under the name of the plaintiff company, and are deceiving the general public in order to secure wrongful gains for themselves.





20. It is submitted that the plaintiff's platform is one of the leading Virtual Digital Asset ("VDA") exchanges in the country. VDAs essentially relate to virtual assets which can be traded, transferred or used for payment, such as cryptocurrencies. It is submitted that the plaintiff essentially provides an online trading platform to trade VDAs, which are also known as virtual financial assets, cryptographic tokens, digital tokens, and/or cryptographic currency and derivatives linked to VDAs or indices thereof. The buyers and sellers place orders on the plaintiff's platform Mudrex.

21. It is submitted that the plaintiff also explicitly mentions in its terms and conditions that the services and all technology, content and other materials used, displayed or provided in connection with Mudrex, along with all intellectual property rights therein, are protected by copyrights, patent, trademark and other applicable laws.

22. Learned counsel appearing for the plaintiff submits that the plaintiff has filed applications for registration of its trademark, details of which are as follows:-

S. No	Trademark	Jurisdiction	Application No.	Hearing details
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1.	Mudrex 	India (CGPDT)	5647788	A hearing with the Trademarks registry is scheduled for 24.07.2024
2.	Mudrex 	India (CGPDT)	5647789	The Trademarks registry is yet to set up a hearing.
3.	MUDREX	USA (USPTO)	9779760 3	The mark has passed the examination stage and the USPTO did not have substantial bars to the registration. However, the application has been suspended until the Indian registration is completed.
4.	MUDREX	USA (USPTO)	9779760 4	The mark has passed the examination stage and the USPTO did not have substantial bars to the registration. However, the application has been suspended until the Indian registration is completed.

23. It is submitted that the marks of the plaintiff are used extensively for conducting its business activities and interacting with users across the country. By virtue of the registrations, the plaintiff is conferred with the sole and exclusive right to the use the marks in relation to the services offered by it.

24. It is submitted that it has recently come to the attention of the plaintiff



that the following websites have been using the trademark of the plaintiff:-

- a. <https://www.mudrexbz.com/#/>
- b. <https://mudrexbv.com/#/>
- c. <https://mudrexbn.com/#/>
- d. <https://mudrexvw.com/#/>
- e. <https://mudrexvq.com/#/>
- f. <https://mudrexvu.com/>
- g. <https://www.mudrexvp.com/>
- h. <https://mudrexvg.com/>
- i. <https://www.mudrexvh.com/>
- j. <https://mudrexvd.com/>
- k. <https://mudrexvq.com/#/>
- l. <http://www.mudrexvw.com/>
- m. <https://mudrexvc.com/>
- n. <https://www.mudrexvt.com/>
- o. <https://www.mudrexvy.com/>
- p. <http://mudrexvu.com/>
- q. <https://mudrexvi.com/>
- r. <https://www.mudrexvf.com/>
- s. <https://www.mudrexvg.com/>
- t. <https://mudrexvh.com/>
- u. <https://www.mudrexvi.com/>
- v. <https://mudrexvj.com/>
- w. <https://www.mudrexvm.com/#/>
- x. <https://mudrexvn.com/#/>



- y. <https://mudrexxw.com/#/>
- z. <https://www.mudrexxr.com/#/>
- aa. <https://mudrexxe.com/#/>
- bb. <https://mudrexxt.com/>
- cc. <https://www.mudrexxi.com/>
- dd. <https://www.mudrexxu.com/>
- ee. <https://www.mudrexxo.com/#/>
- ff. <https://mudrexxp.com/#/>
- gg. <https://mudrexxs.com/#/>
- hh. <https://mudrexxf.com/>
- ii. <https://mudrexxd.com/>
- jj. <https://www.mudrexxh.com/>
- kk. <https://mudrexxg.com/>
- ll. <https://www.mudrexxc.com/>

25. It is submitted that the domain name registrar of these websites is defendant no. 3.

26. It is submitted that from the modus operandi of the defendant no. 10, it is clear that infringing websites are reaching the people through defendant no. 9, promising them work opportunities, and by giving them tasks of Google reviews and rewarding them with money on finishing the task. The modus operandi of defendant no. 10 in detail has been explained by an aggrieved user in his complaint dated 29th April, 2024, where he has detailed how he lost lakhs of rupees to the scam perpetrated by defendant no. 10.

27. It is submitted that under the garb of investment and completion of tasks, defendant no. 10 through the infringing websites is duping innocent customers into investing lakhs of rupees on their fraudulent websites, as well as sharing sensitive documents such as their Aadhar Card, Pan Card, bank statement, property papers, etc., post which, they stop responding to them



and cause them wrongful loss, while sullyng the good name of the plaintiff.

28. It is submitted that the plaintiff has also recently learnt of several complaints from various members of the public, who have purportedly been duped by defendant no. 10. Thus, the present suit has been filed seeking injunction restraining these infringing activities.

29. Learned counsel appearing for the plaintiff submits that ever since the plaintiff has become aware of the misuse of its marks and name by defendant no. 10, the plaintiff has issued a number of advisories and posts on its official handles on 'X', LinkedIn, Instagram and emails to its users, cautioning the general public against potential scammers, who are misusing the plaintiff's name.

30. It is further submitted that the plaintiff has also sent emails to its registered users, cautioning them against any potential scam and fraud.

31. It is further submitted that defendant no. 10 is misusing, without any authorization whatsoever, the plaintiff's name and marks, thereby violating the plaintiff's statutory and common law rights in the Marks. Further, defendant no. 10 has also engaged itself in registering infringing domain names incorporating the Marks, including but not limited to the name 'Mudrex' and operating fake websites on such domain name, inviting the general public to invest on these websites, collecting monies from them illegally and frequently, without any permission and authorisation from the plaintiff.

32. It is submitted that defendant no. 10's acts of using the marks for defrauding people and making illegal gains, is patently dishonest. The defendant no. 10's acts of using the plaintiff's mark without authorization, clearly amounts an act of infringement of the plaintiff's trademark under



Section 29 of the Trade Marks Act, 1999, as well as a violation of the common law rights of the plaintiff in these trademarks.

33. It is submitted that defendant no. 10's activities are extremely clandestine, as they are likely using fake names and aliases in their interactions.

34. It is submitted that owing to these infringing acts, defendant no. 10 has made and are continuing to make illegal profits and are causing losses to the plaintiff. The defendant no. 10's aforesaid infringing acts have also caused and continue to cause undue harm and injury to the reputation and goodwill to the plaintiff and its marks.

35. Having heard learned counsel appearing for the plaintiff, the plaintiff has demonstrated a *prima facie* case for grant of injunction and in case, no ex-parte ad-interim injunction is granted, the plaintiff will suffer irreparable loss. Further, the balance of convenience also lies in favour of the plaintiff and against the defendants.

36. Accordingly, till the next date of hearing, defendant no. 10, their associated companies, subsidiaries, directors, wholesalers, distributors, partners or proprietors, as the case may be, its officers, servant and agents, are restrained from using in any manner whatsoever for any goods or services the plaintiff's marks and/or any mark deceptively similar to the plaintiff's trademarks, amounting to infringement of the plaintiff's trademarks and passing off.

37. Defendant no. 10 is directed to take down the infringing websites within 48 hours of passing this order. In case, the defendant no. 10 does not take any action for taking down the infringing websites, then defendant nos. 4 to 8 shall take immediate steps to block access to all the infringing



websites.

38. It is further directed that defendant nos. 1 and 2 shall ensure that the infringing websites are blocked by defendant nos. 4 to 8.

39. Issue notice to the defendants by all permissible modes, upon filing of process fees, returnable on the next date of hearing.

40. Reply be filed within a period of four weeks, from the date of service.

41. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

42. Compliance of Order XXXIX Rule 3 CPC, be done, within a period of one week, from today.

43. List before the Court on 16th December, 2024.

MINI PUSHKARNA, J

AUGUST 23, 2024

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