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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1028/2025**
SAMSUNG ELECTRONICS CO. LTD. & ANR.Plaintiffs
Through: Mr. Pravin Anand, Mr. Saif Khan and
Mr. Prajwal Kushwaha, Advocates.

versus

WWW.SAMUNGSERVICECENTREHVDERABAD.COM &
ORS.Defendants

Through:

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **25.09.2025**

I.A. 24226/2025(Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

I.A. 24222/2025(Exemption from pre-institution Mediation)

3. This is an Application filed by the Plaintiffs seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act (“CC Act”).
4. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC OnLine SC 1382, exemption from the requirement of pre-institution Mediation is granted.
5. The Application stands disposed of.

I.A. 24224/2025(Exemption from advance service to the Defendants)

6. This is an Application filed by the Plaintiffs under Section 151 of the Code of Civil Procedure, 1908 (“CPC”), seeking exemption from advance

service to Defendant Nos. 1 to 3.

7. Mr. Pravin Anand, the learned Counsel for the Plaintiffs, submitted that there is a real and imminent likelihood that Defendant Nos. 1 to 3 may take immediate steps to dispose of, conceal or suppress its infringing business operations and digital footprints bearing the deceptively similar Trade Mark.

8. In view of the fact that the Plaintiffs have sought an urgent *ex-parte ad-interim* injunction, the exemption from advance service to Defendant Nos. 1 to 3 is granted.

9. The Application is disposed of.

I.A. 24225/2025 (for exemption from giving written notice to the government authority)

10. This is an Application filed by the Plaintiffs under Section 80 read with Section 151 of the CPC seeking exemption from serving two months' prior notice under Section 80 of the CPC to Defendant Nos. 7, i.e., the Ministry of Electronics and Information Technology ("MeITY") and Defendant No. 8, i.e., the Department of Telecommunications ("DoT").

11. For the reasons stated in the Application, the same is allowed.

12. The Application stands disposed of.

I.A. 24227/2025(Extension of time to file Court Fees)

13. The present Application has been filed by the Plaintiffs under Section 149 read with Section 151 of the CPC, seeking exemption from payment of Court Fees at the time of the filing of the Suit.

14. Considering the submissions made in the present Application, time of two weeks is granted to deposit the Court Fees.

15. The Application stands disposed of.

CS(COMM) 1028/2025

16. Let the Plaint be registered as a Suit.
17. Issue Summons. Let the Summons be served to the Defendants through all permissible modes upon filing of the Process Fee.
18. The Summons shall state that the Written Statement(s) shall be filed by the Defendants within 30 days from the date of the receipt of Summons. Along with the Written Statement(s), the Defendants shall also file an Affidavit of Admission / Denial of the documents of the Plaintiffs, without which the Written Statement(s) shall not be taken on record.
19. Liberty is granted to the Plaintiffs to file Replication(s), if any, within 30 days from the receipt of the Written Statement(s). Along with the Replication(s) filed by the Plaintiffs, an Affidavit of Admission / Denial of the documents of Defendants be filed by the Plaintiffs, without which the Replication(s) shall not be taken on record.
20. In case any Party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.
21. If any of the Parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.
22. List before the learned Joint Registrar on 25.11.2025 for completion of service and pleadings.

I.A. 24223/2025(Additional Documents)

23. The present Application has been filed on behalf of the Plaintiffs under Order XI Rule 1(4) of the CPC as applicable to Commercial Suits under the CC Act seeking leave to place on record additional documents.

24. The Plaintiffs are permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.

25. Accordingly, the Application stands disposed of.

I.A. 24221/2025(U/O XXXIX Rule 1 and 2 of CPC)

26. Issue Notice. Let the Notice be served through all permissible modes upon filing of the Process Fees.

27. The present Suit is instituted on behalf of the Plaintiffs seeking a permanent injunction against Defendant Nos. 1 to 3 for, *inter alia*, infringement of trade mark, infringement of copyright by Defendant Nos. 1 to 3 by their use of the infringing domain names and infringing contents hosted on such infringing domain names.

28. Plaintiff No. 1 is a company organized and existing under the laws of Korea. Plaintiff No. 2 is a wholly owned subsidiary of Plaintiff No. 1 and has its registered office in India.



29. The learned Counsel for the Plaintiffs made the following submissions:

29.1. Plaintiff No. 1 is a global leader in the field of consumer electronics and telecommunications, enjoying pre-eminence across multiple product categories. Plaintiff No. 1 was incorporated in the year 1969 and has been using the Mark 'SAMSUNG' continuously ever since.

29.2. Plaintiff No. 2 commenced its operations in India in 1995 and has since recorded a substantial turnover establishing itself as a market leader. Plaintiff No. 1 has licensed Plaintiff No. 2 to use the Mark 'SAMSUNG' in India *vide* Trade Mark License and registered User Agreement dated 08.07.2023. The Mark 'SAMSUNG' forms an

integral part of the Plaintiff group companies and has come to be identified solely and exclusively with the Plaintiffs.

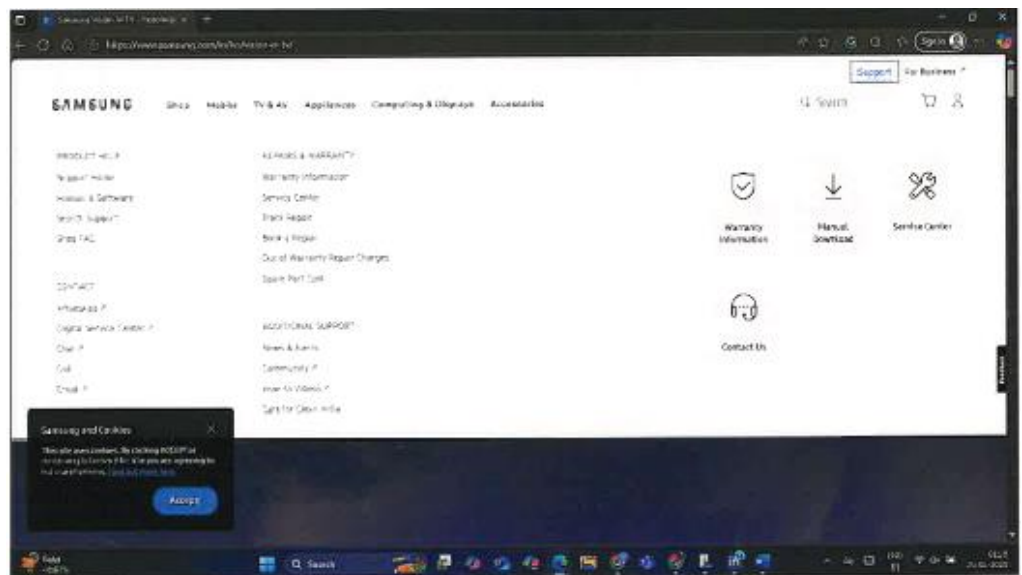
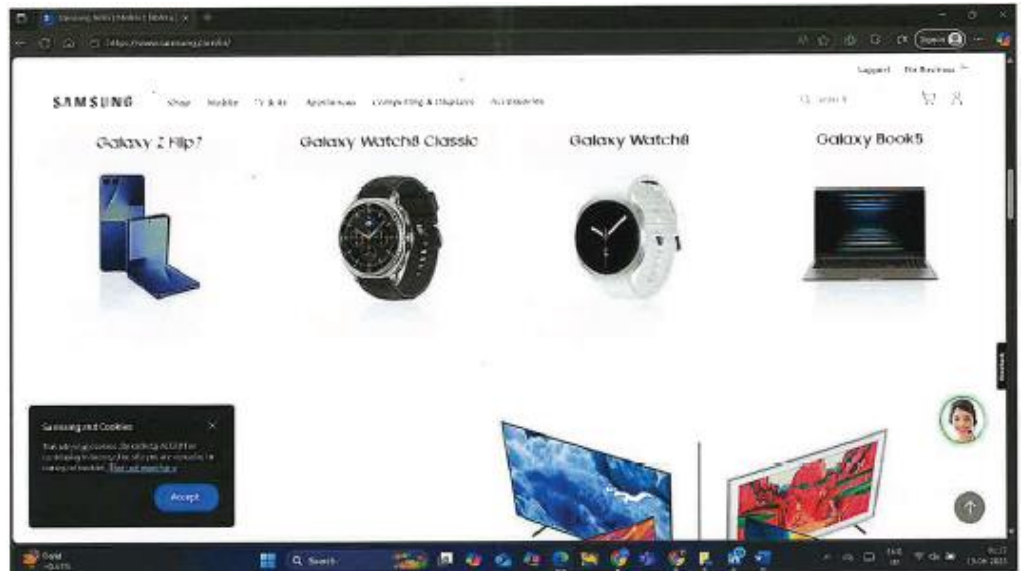
- 29.3. The Plaintiffs' Mark 'SAMSUNG' has been declared a well-known mark within the meaning of Section 2(1)(zg) of the Trade Marks Act, 1999 ("Act") by the Registrar of Trade Marks. The said declaration is a recognition of the extensive reputation, transborder goodwill, and distinctiveness enjoyed by the Plaintiffs' Marks across classes of goods and services.
- 29.4. In India, the Plaintiffs own Trade Mark registrations for over 100 marks including 'SAMSUNG' and its formative marks in various classes. The details of some of the Plaintiffs' registered, valid and subsisting trade marks in India relevant for the present Suit are set out in the Plaint, and the same is reproduced below:

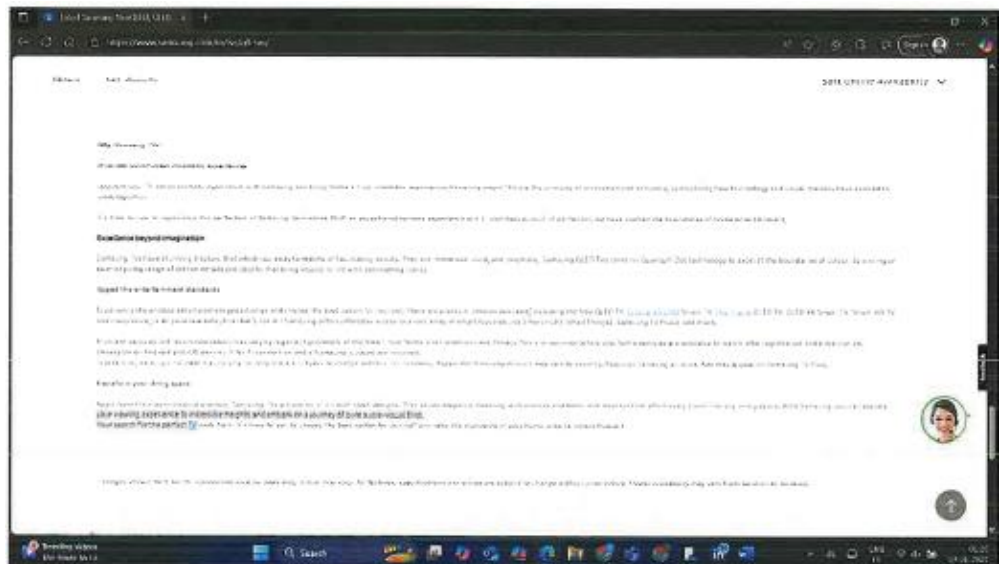
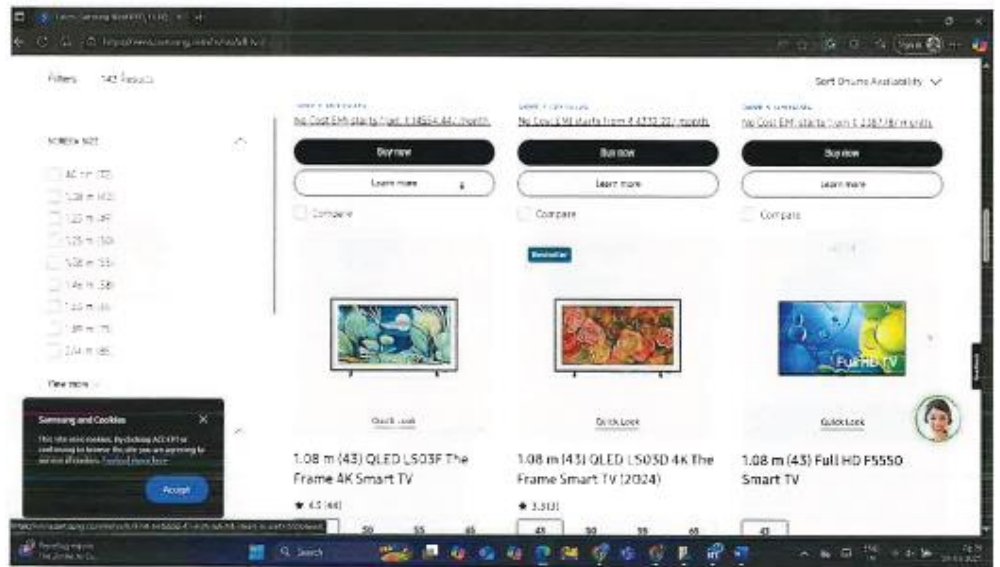
S. No.	Application No.	Mark / Label	Date of Application	Class
1.	368564	 SAMSUNG (Device)	14.11.1980	9
2.	591128	 (Device)	18.02.1993	9
3.	1055555	SAMSUNG (Word)	31.10.2001	9
4.	1240403	SAMSUNG (Word)	29.09.2003	9
5.	1910180	SAMSUNG WAVE (word)	18.01.2010	9

The Mark 'SAMSUNG' forms an essential element of each of the abovementioned registrations, and the above registrations confer exclusive rights to the Plaintiffs to use the word 'Samsung' for relevant goods and services.

- 29.5. Owing to decades of innovation, quality, and consumer trust, the Plaintiffs' Mark 'SAMSUNG' has acquired reputation and goodwill worldwide and has become a household name in India. The Plaintiffs continue to launch and market innovative products in India. The launch of new products highlight the Plaintiffs' sustained market leadership and technological advancements in the Indian market.
- 29.6. The Plaintiffs manage the entirety of products and services under the well-known 'Samsung' brand including consumer appliances such as refrigerators, washing machines, air-conditioners and other home appliances, memory and storage devices, and various applications and software services.
- 29.7. The Plaintiffs manage and operate a dynamic and fully interactive website in the form and name of www.samsung.com, which was created on 29.11.1994 and is accessible throughout the world without any territorial limitation through which customers can purchase the products of the Plaintiffs and download applications, get regular updates regarding the Plaintiffs' upcoming products, customer care support, etc. Extracts from the Plaintiffs' website <https://www.samsung.com/> as appearing in the Plaint are reproduced below:







29.8. Apart from sales through its official website, the Plaintiffs carry on business in India through their partners authorised to run exclusive stores and other channels. The Plaintiffs' reputation is supported by their commitment to service through their vast service network

spanning geographies. The Plaintiffs have retail presence with more than 200,000 retail outlets across India, employing more than 70,000 personnel. In India, the Plaintiffs have also established one of the largest customer service footprints in the electronics industry, comprising over 3,000 service points.

- 29.9. The Plaintiffs have undertaken several marketing and branding endeavours to further promote their registered trade marks associated with the Samsung family of products through virtual and physical means. The Plaintiffs have substantially and consistently invested in several sales and marketing activities for their products in India.
- 29.10. The Plaintiffs recently came across certain unauthorized websites bearing the Plaintiffs' Mark 'Samsung'. These websites are being run by unknown and untraceable entities and are using the Plaintiffs' well-known Mark 'Samsung' and its artistic works to attract traffic on the internet, and are misrepresenting to the public at large as if these websites are authorized by the Plaintiffs.
- 29.11. Defendant Nos. 1 to 3 are infringing and unauthorized websites ("**Impugned Websites**") bearing the Plaintiffs' Mark 'Samsung'. Defendant Nos. 4 to 6 are the respective Domain Name Registrars ("**DNRs**") of the Impugned Websites. The details of the Impugned Websites are as under:

S. No.	Registrar	Domain(s)	Date of registration of the domain	Date of expiry of the domain
1.	Good Domain Registry Pvt. Ltd. (Defendant No. 4)	www.samsungservicecentrehyderabad.com (Defendant No. 1)	19.01.2013	19.01.2026
2.	Hostinger Operations, UAB (Defendant No. 5)	www.samsungservicecenterlucknow.in (Defendant No. 2)	22.02.2025	22.02.2026
3.	Namecheap Inc. (Defendant No. 6)	www.samsungservice.co.in (Defendant No. 3)	20.07.2021	20.07.2026

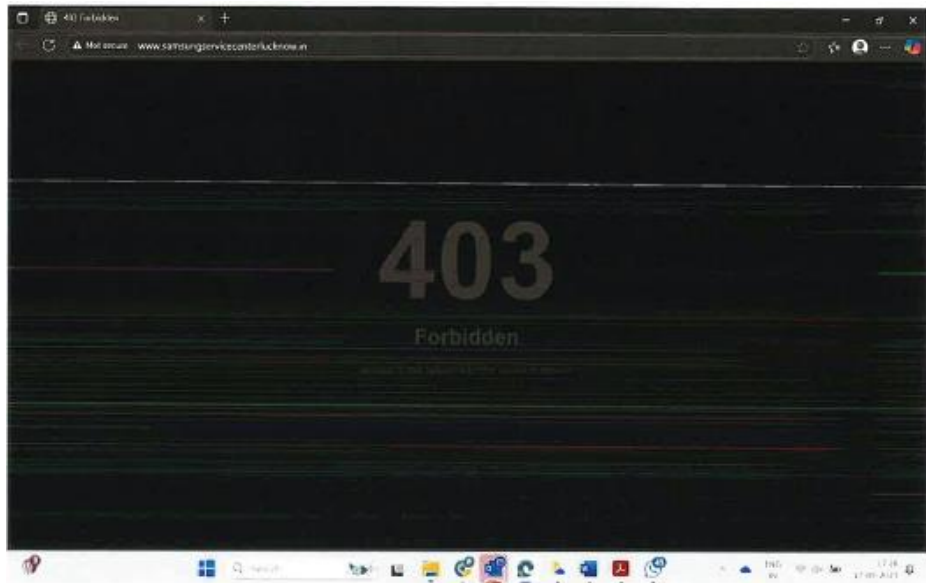
29.12. Defendant No. 1's homepage displays the Plaintiffs' Mark 'SAMSUNG' prominently and promotes itself as a laptop, mobile and tablet service centre. Screenshots from Defendant No. 1 website as appearing in the Plaint are reproduced below:



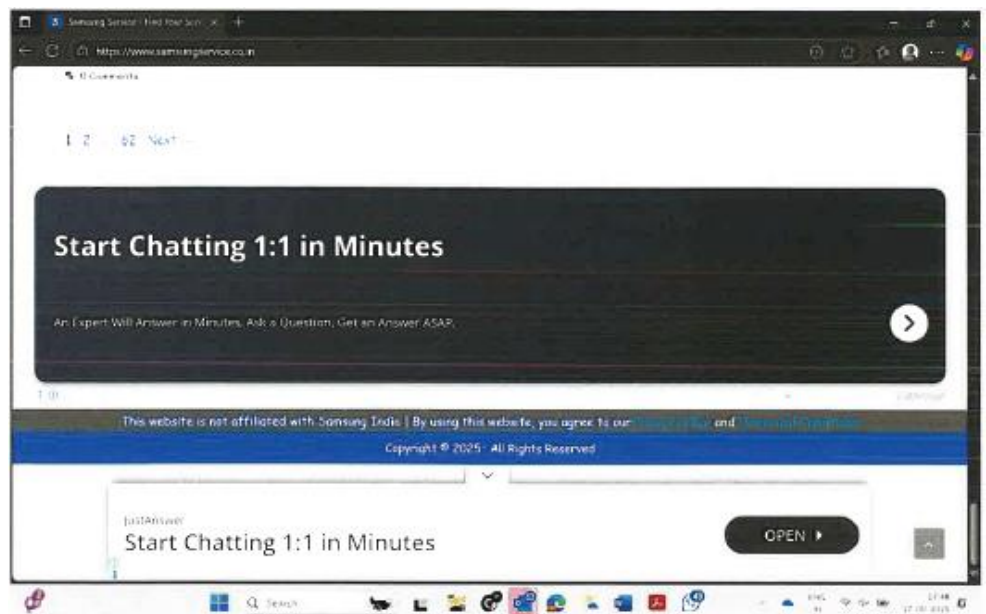
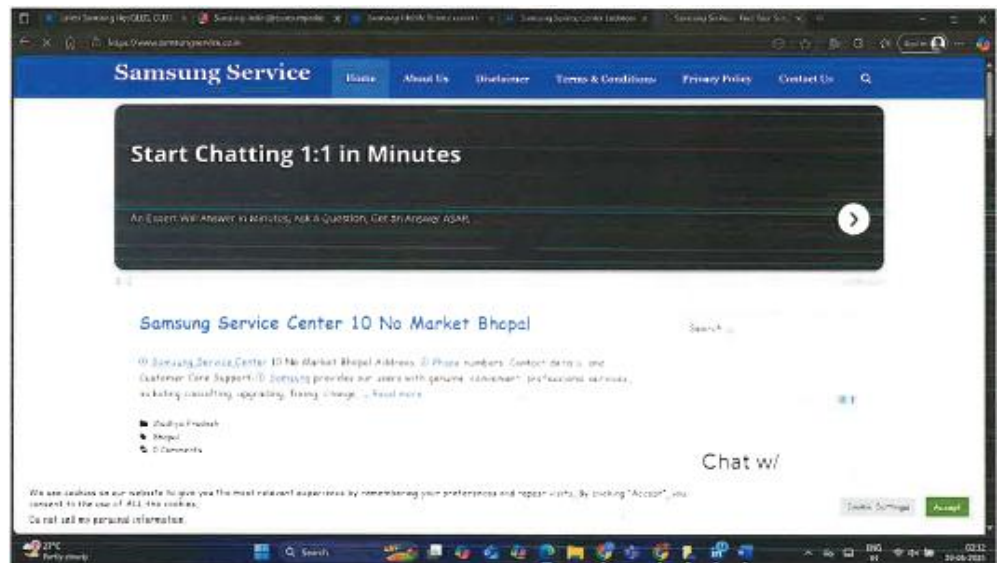


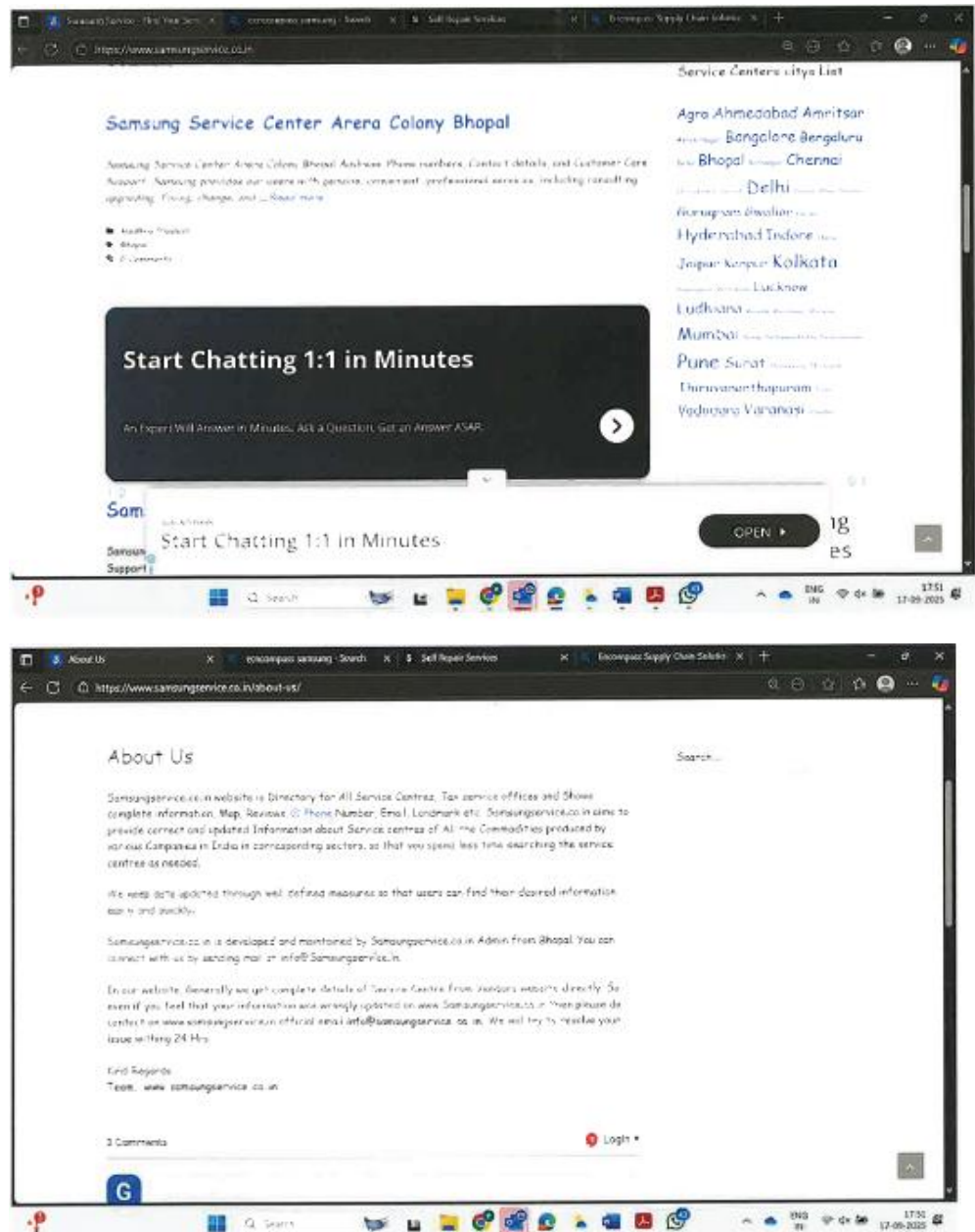
29.13. Defendant No. 2 website is currently not displaying any content. However, the screenshots taken on 29.08.2024 of Defendant No. 2 website displayed the Plaintiffs' Mark 'SAMSUNG'. Screenshots of Defendant No. 2 website as taken on 29.08.2025 and 17.09.2025 are as under:





29.14. Defendant No. 3's homepage displays the Plaintiffs' Mark 'Samsung' and Defendant No. 3 is portraying itself as a Samsung Service provider. The website contains various advertisements asking users to chat with an expert which then redirects to other third party AI chatbots, namely www.justanswer.com. An unwary customer may perceive such chatbots as genuine customer service representatives of the Plaintiffs. The 'About us' page of Defendant No. 3 mentions that Defendant No. 3 website is a directory for all service centres across India. Defendant No. 3 website is using the Plaintiffs' Mark 'SAMSUNG' as part of its domain name to attract traffic on the internet and thereafter redirects them to unauthorized entities in various parts of the country, as if they are authorized 'Samsung' service providers. Screenshots of Defendant No. 3 website are as under:





29.15. The Defendant Nos. 1 to 3 are connected to one another as they are using the Plaintiffs' Mark 'Samsung', along with common terms like 'repair' and 'services' to divert traffic from the internet and redirect *bona fide* users looking for the Plaintiffs' repair services, to

unauthorized service providers. The Defendant Nos. 1 to 3 are deploying identical *modus operandi* to impersonate as the Plaintiffs' genuine service providers.

- 29.16. The Defendant Nos. 1 to 3 are acting in collusion at different levels of a fraudulent scheme involving the unauthorized and infringing use of the Plaintiffs well-known Mark 'SAMSUNG'. In the course of such fraudulent activities, the Defendant Nos. 1 to 3 are luring innocent customers by creating fake websites, misrepresenting themselves as being connected with or authorised by the Plaintiff. The *mala fides* of the Defendant Nos. 1 to 3 are further evident from the content being made available in public, which carry glaring inconsistencies and are designed only to deceive unsuspecting customers.
- 29.17. In June 2025, the Plaintiffs had come across two similar infringing domains, namely www.samsungcaresupport.in and www.samsungrepair.in and had sent a takedown letter to Defendant No. 5 and, thereafter, Defendant No. 5 had blocked the said domain name.
- 29.18. Defendant Nos. 1 to 3 are operating multiple websites to target innocent customers who are surfing internet with a view to avail genuine repair services. The domain of Defendant No. 1 to 3 contains the Plaintiffs' Mark 'SAMSUNG' violating the Plaintiffs' Intellectual Property Rights and posing a threat to the *bona fide* members of public who may get confused and part with their hard earned money, believing that they are availing legitimate services.

- 29.19. The Plaintiffs, thus, have a *prima facie* case for the grant of an *ex-parte ad-interim* injunction. The continued operation of the Impugned Websites infringes the Plaintiffs' Marks and copyright. This unauthorized use is intended to mislead members of the public into believing that the Impugned Websites are operated or endorsed by the Plaintiffs, which is patently false.
- 29.20. The Plaintiff's website, www.samsung.com, has been in existence since 1994 and has acquired significant goodwill and public recognition. The use of the Plaintiffs' Mark 'SAMSUNG' as part of their domain name by Defendant Nos. 1 to 3 shows a clear intent to cause confusion and defraud unsuspecting users. Such conduct violates the Plaintiffs' intellectual property rights and constitutes online fraud.
- 29.21. The infringing acts dilute and damage the Plaintiffs' Marks and online presence and expose the Plaintiffs to reputational risk and potential legal liability from aggrieved customers misled by the Impugned Websites. The balance of convenience lies wholly in favour of the Plaintiffs. If the Defendants are not restrained at this stage, unsuspecting members of the public may continue to fall victim to these fraudulent websites, causing financial loss to the public and severe damage to the Plaintiffs' goodwill and reputation. No irreparable harm will be caused to the Defendants if they are restrained from continuing unlawful and infringing activities.
30. The material placed on record demonstrates that the Plaintiffs' Mark 'SAMSUNG' has acquired goodwill and distinctiveness. The material placed

on record also shows that the Plaintiffs have been using the Mark ‘SAMSUNG’ since their incorporation, with substantial turnover, multiple device and word mark registrations, and recognition across diverse categories of products and services.

31. This is a case where the adoption and use of the Impugned Websites, containing the well-known Mark ‘SAMSUNG’ is dishonest and a calculated attempt intended to create false impression that the Impugned Websites are authorised service centres of the Plaintiffs. Such activities has the tendency to cause confusion, deception and potential reputational loss to the Plaintiffs if any deficiency arises from the services availed through the Impugned Websites, the public would attribute the same to the Plaintiffs.

32. Having considered the submissions made by the learned Counsel for the Plaintiffs and the reputation and goodwill of the Plaintiffs in the Mark ‘SAMSUNG’, the unauthorised use of deceptively similar variants thereto on the Impugned Websites is likely to mislead consumers into believing an association with the Plaintiffs. Therefore, a *prima facie* case is made out by the Plaintiffs. The balance of convenience lies in the Plaintiffs’ favour, and irreparable harm and injury would be caused to the Plaintiffs if the Defendants are not restrained from continuing with their infringing activities.

33. Accordingly, till the next date of hearing, it is directed that:

- a. Defendant Nos. 1 to 3, their proprietor / partners, servants, agents, their affiliates, subsidiaries, and all others acting for and on their behalf are restrained from using the current layout, graphics, look and feel, website design, logo and images of the Plaintiffs and their website, including as part of domain, email ID, social media handle, WhatsApp

display picture or doing any act representing an association of the Defendants with the Plaintiffs thereby leading to infringement of the Plaintiffs' 'SAMSUNG' Marks, infringement of copyright and passing off as the Plaintiffs.

- b. Defendant Nos. 4 to 6 shall lock / suspend / disable access to the impugned domains as specified in the table below within 72 hours of receipt of Notice along with copy of this Order and file in a sealed cover / password protected document, the complete details and particulars relating to issuance of the said domains including records of payments made for purchase of the said domains within four weeks.

Defendant Nos.	Domain Name
Defendant No. 4	www.samsungservicecentrehyderabad.com
Defendant No. 5	www.samsungservicecenterlucknow.in
Defendant No. 6	www.samsungservice.co.in

34. Let the Reply to the present Application be filed within four weeks after service of Notice. Rejoinder thereto, if any, be filed before the next date of hearing.

35. The compliance of Order XXXIX Rule 3 of the CPC be done within two weeks.

36. List before this Court on 28.01.2026.

TEJAS KARIA, J

SEPTEMBER 25, 2025/sms