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

% Judgment delivered on: 09.01.2026

+ **CS(COMM) 121/2025, I.A. 3774/2025 & I.A. 3777/2025**

**IMPRESARIO ENTERTAINMENT AND HOSPITALITY PVT.
LTD.**Plaintiff

versus

**M/S THE SHAKE SOCIAL THROUGH ITS
PROPRIETOR**Defendant

Advocates who appeared in this case

For the Plaintiff : Ms. Shikha Sachdeva, Mr. Kriti Rathi &
Ms. Annie Jacob, Advocates.

For the Defendant : None.

**CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA**

JUDGMENT

TEJAS KARIA, J

1. The present Suit has been filed seeking permanent and mandatory injunction against infringement of Trade Marks, 'SOCIAL' and
S(#)CIAL, ("Plaintiff's Marks") Copyright infringement, passing off, dilution, unfair competition, rendering of accounts and damages.



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PROCEEDINGS IN THE PRESENT SUIT:

2. *Vide* Order dated 13.02.2025, Summons were issued in the present Suit, however, despite service to the Defendant, none appeared on behalf of the Defendant and nor has the Written Statement been filed on behalf of the Defendant and accordingly *vide* Order dated 02.07.2025, the right of the Defendant to file the Written Statement was closed.

3. None appeared for the Defendant again on 14.08.2025, and the Defendant was therefore directed to be proceeded *ex-parte*. *Vide* Order dated 13.11.2025, after conclusion of arguments by the Plaintiff, the judgment was reserved.

SUBMISSIONS ON BEHALF OF THE PLAINTIFF:

4. The learned Counsel for the Plaintiff made the following submissions:
- 4.1. The 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 in the year 2011-2012, thought of a unique concept of blending the best of office and cafe by offering to the general public a collaborative workspace and a multi cuisine menu. The Plaintiff's Marks were adopted in respect of such cafes. The first restaurant / bar under the Plaintiff's Mark, 'SOCIAL' was opened in the year 2014 in Bengaluru.
- 4.2. Since the business model of the Plaintiff was to open multiple restaurants / bars under the Plaintiff's Marks in one city, they coined the unique concept of prefixing the Plaintiff's Marks with the particular area of the city in which the restaurant / bar



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would be located. The Plaintiff coined the name of the restaurant / bar according to the area of the city in which the restaurant / bar was being opened, to indicate to the general public the area in which the cafe was located in each city and would be nearest to them for a visit.

- 4.3. At present, the Plaintiff has set up and is managing and operating fifty five restaurants / bars pan India under the Plaintiff's Marks. The Plaintiff's restaurants / bars have become very popular in India and have also received several awards for excellent services in the Industry. The Plaintiff has invested considerable time and money in developing the manner of serving its food and beverages at the restaurants / bars under the Plaintiff's Marks. The Plaintiff unique manner of presentation / serving and the same have become immensely popular among the general public and is associated only with the Plaintiff.
- 4.4. The Plaintiff also owns and operates an exclusive website at www.socialoffline.in ("**Plaintiff's Website**"). The Plaintiff's Website is dedicated solely to the Plaintiff's business, products, restaurants and / or bars under the Plaintiff's Marks. The said Plaintiff's Website is accessible throughout the world, including in India. Through the Plaintiff's Website, the Plaintiff reaches out to the general public at large, including its present and potential customers, and promotes restaurants / bars and products under the Plaintiff's Marks. The Plaintiff's Website also provides the details of the various outlets of the Plaintiff under the Plaintiff's Marks across India.



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- 4.5. The Plaintiff's Marks also enjoy extensive and widespread social media presence. The Plaintiff is very active on popular social networking sites such as Instagram, Facebook, Twitter and YouTube. The Plaintiff's social media handles / accounts under the Plaintiff's Marks also invite substantial public attention such that it boasts of a large number of views / followers / subscribers on these social media websites, which further establishes its fame and reputation among the general public. The Plaintiff's restaurants / bars are also listed on several third-party restaurant search engine guides such as Zomato, Swiggy, Dineout, Eazydiner etc.
- 4.6. The Plaintiff has incurred significant expenses promoting the restaurants / bars under the Plaintiff's Marks. The promotion expenditure of the Plaintiff in the Financial Year ("FY") 2023-24 was ₹29,93,18,789/-. The total turnover for the Plaintiff from dealing under goods and services under the Plaintiff's Marks in FY 2023-24 was ₹4,75,17,86,921/-.
- 4.7. On account of such continuous, extensive and exclusive use and publicity by the Plaintiff, the Plaintiff's Marks have acquired immense goodwill, reputation and fame, such that the use of any identical and / or deceptively similar Mark, especially comprising of the word 'SOCIAL' by another trader not connected to the Plaintiff, in respect of any goods whatsoever, is bound to cause confusion and deception in the minds of the consuming public and members of trade. Such confusion is bound to lead public and the members of the trade to falsely



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believe that such third-party goods / services originate from the Plaintiff and / or have some connection with the Plaintiff, when no such connection exists. The Plaintiff on a regular basis gets enquiries from all over the country, for the possibility of franchising / licensing the Plaintiff's Marks to third parties.

- 4.8. In or around August 2022, the Plaintiff learnt that the Defendant is operating a restaurant / cafe under the Mark, 'THE



SHAKE SOCIAL' / ' ('**Impugned Mark**')

in Valsad, Gujarat. the Defendant is operating restaurants / cafe under the Impugned Mark and is offering sale and delivery of a wide variety of beverages and desserts at its outlets in Valsad and Navsari, Gujarat. Upon conducting an internet search, the Plaintiff was further appalled to note that the Defendant is advertising / promoting its restaurants / cafe with the Impugned Mark through various interactive restaurant search engine guides including Zomato and Swiggy, third-party websites such as Google Maps, Magicpin, Restaurant Guru, Justdial as well as on popular social networking platforms being Facebook and Instagram. Such promotion by the Defendant further exacerbates the possibility of confusion and deception.

- 4.9. On a perusal of the reviews and ratings posted by the general public with respect to the products as offered by the Defendant bearing the Impugned Mark, the same shows that the quality of the products being offered by the Defendant are substandard,



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which further adversely effects the goodwill of the Plaintiff's high-quality brand. Upon a search conducted on the records maintained by the Trade Marks Registry, the Plaintiff learnt that the Defendant has applied for registration of the Impugned Mark under Trade Mark Application No. 5567507 in Class 43.

4.10. The Plaintiff sent various correspondences and Legal Notices to the Defendant directing the Defendant to cease and desist the use of the Impugned Mark and withdraw the Application for registration of the Impugned Mark, however, the Defendant has refused to comply with the directions of the Plaintiff. The Defendant is operating in the same industry, being restaurant and hospitality services. The fame and repute of the Plaintiff's Marks is spread over the length and breadth of the country. Therefore, it is implausible that the Defendant was unaware of the existence of the Plaintiff's chain of restaurants / cafes / bars under the Plaintiff's Marks. The Impugned Mark has been adopted dishonestly by the Defendant with the sole intent of riding upon the goodwill and reputation painstakingly earned by the Plaintiff and reaping undue benefits therefrom.

4.11. In view of the submissions made and documents on record, the Plaintiff has been able to establish a case for infringement and / or passing off of the Plaintiff's Marks by the Defendant and further the Plaintiff has been able to establish that the Plaintiff's Marks have fulfilled the criteria for being declared as well-known Marks within the meaning of Section 2(1)(zg) of the Trade Marks Act, 1999 ("Act").



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ANALYSIS AND FINDINGS:

5. In view of the fact that the Defendant has not entered appearance and no Written Statement has been filed on behalf of the Defendant, all the averments made in the Plaint have to be taken to be admitted. Further, since no Affidavit of Admission / Denial has been filed on behalf of the Defendant in respect of the documents filed with the Plaint, in terms of Rule 3 of the Delhi High Court (Original Side) Rules, 2018, the same are deemed to have been admitted.

6. From the averments made in the Plaint and the evidence on record, the Plaintiff has been able to prove that the Plaintiff is the registered proprietor of the Plaintiff's Marks. Due to its long and extensive use, the Plaintiff has also been able to demonstrate and prove its goodwill and reputation in respect of the same.

7. Having considered the submissions advanced by the learned Counsel for the Plaintiff, the pleadings and the documents on record, a case of infringement and passing off of the Plaintiff's Marks has been made out by the Plaintiff and the acts attributed to the Defendant are likely to cause confusion in the course of trade of the Plaintiff, such that the consumers may associate the services of the Defendant with those of the Plaintiff, leading to erosion of consumer trust and dilution of the goodwill and reputation of the Plaintiff amongst the members of the trade and public.

8. The Defendant is capitalising on the substantial goodwill and reputation established by the Plaintiff, and is seeking to create an association or connection with the Plaintiff where none exists. There is a significant risk that consumers may mistakenly engage the services of the Defendant under the impression they originate from the Plaintiff, which adversely affects both



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the Plaintiff's reputation and the interests of consumers who may be misled into utilising potentially inferior services. The Defendant offers identical services, and operates through the same trade channels and serves the same consumer base as the Plaintiff.

9. In view of the above, a clear case of infringement of the Plaintiff's Marks is made out. The Defendant has taken unfair advantage of the reputation and goodwill of the Plaintiff's Marks and has also deceived the unwary consumers into believing their association with the Plaintiff by dishonestly adopting the Impugned without any plausible explanation. Therefore, the Plaintiff has established a case of passing off as well.

10. In addition to a Decree against the Defendant, the Plaintiff has pressed for declaration of the Plaintiff's Marks as well-known Marks within the meaning of Section 2(1)(zg) of the Act.

11. The Plaintiff has been using the Plaintiff's Marks continuously and uninterruptedly at least since the year 2014. The Plaintiff has been expanding its foothold in the hospitality industry. The Plaintiff has further obtained Registrations for the Plaintiff's Marks. The Plaintiff has earned considerable goodwill and reputation in India which is evident from the enormous revenue earned by the Plaintiff since FY 2014-15. The total turnover for the Plaintiff from dealing under goods and services under the Plaintiff's Marks in FY 2023-24 was ₹4,75,17,86,921/-. The Plaintiff has also spent a large amount of money as promotional expenditure between the FY 2014-15 and 2023-24, the promotion expenditure of the Plaintiff in the FY 2023-24 was ₹29,93,18,789/- and has led to the Mark 'SOCIAL' becoming synonymous with the Plaintiff alone.



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12. The Plaintiff's Marks have attained substantial recognition and are widely associated with the hospitality industry among relevant stakeholders. The Plaintiff's enduring reputation and persistent utilization of these Marks nationwide signify a sustained and notable commercial presence. Records further demonstrate that the Plaintiff's Marks have been actively used and promoted, with significant investment in marketing activities and consistent visibility within India's hospitality sector. The recognition accorded to the Plaintiff's Marks by industry associations in India, evidence of consistent enforcement of the Plaintiff's rights in the Plaintiff's Marks before the Courts in India reinforces the Plaintiff's Marks' distinctiveness and reputation.

13. Considering the averments and documents on record, the Plaintiff has established that the Plaintiff's Marks, 'SOCIAL' and '**S(#)CIAL**', have acquired the status of Well-Known Marks within the meaning and scope of Section 2(1)(zg) of the Act. Hence, it is declared accordingly.

14. In view of the above, the Suit is decreed in favour of the Plaintiff in terms of Paragraph No. 70 (A) to (C) of the Plaint. Let a Decree Sheet be drawn accordingly.

15. No orders as to costs and damages. The Suit and pending Applications stand disposed of.

TEJAS KARIA, J

JANUARY 9, 2026

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