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

+ **CS (COMM) 303/2022, I.As.7302/2022, 7307/2022, 17365/2022, 19451/2022, 21036/2022, 169/2023, 1932/2023, 1933/2023, 3319/2023, 7338/2023, 8120/2023, 11597/2023, 13276/2023, 17896/2023, 24159/2023, 720/2024, 3785/2024, 42225/2024**

**BURGER KING CORPORATION** ..... Plaintiff

Through: Mr. Mukul Kochhar, Advocate.  
Mr. Raunaq Kamath & Mr. Sauhard Alung, Advs. (M: 9425341404)

versus

**SWAPNIL PATIL & ORS.** ..... Defendants

Through: Mr. Shashi Shekhar Dixit, Advocate  
Mr Amit Mahaliyan, Adv. for Bank of Maharashtra. (M:9899491980)  
Ms. Yashika Kapoor and Mr. Prashant Arora, Advocates for D-14.  
Mr. Alipak Banerjee, Mr. Parva Khare, Mr. Brijesh Ujjainwal, Advocates for D-16 (M:9987115749).  
Ms. Shivani Shah, Mr. Amandeep Singh, Ms. Amrita Rana, Mr. Vinay Ranjan, Mr. Manu Pratap Singh, Advs for D-20 (M: 9005669985).  
Ms. Radhika Bishwajit Dubey, CGSC, Ms. Gurleen Kaur Waraich & Mr. Karan Khetani, Advs.  
Ms. Asmita Kumar, Adv. for D-12. (M:8709271180)

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

**% 15.02.2025**

1. This hearing has been done through hybrid mode.

**I.A.3995/2025 (for Stay)**



2. The present application has been filed by the Plaintiff under Order XXXIX Rules 1 & 2 read with Section 151 of Code of Civil Procedure, 1908 seeking an injunction against further sub-domains and domain names, illegally portraying themselves to be related to the Plaintiff.

3. The present suit relates to the Plaintiff's trade mark 'BURGER KING', in conjunction with its distinctive logo, which is being used by various unknown Defendants for running fake franchise/dealership websites. Such operators of the domain names are also collecting money from innocent and gullible consumers and customers. It is stated that the websites available at these domain names prominently display the Plaintiff's 'BURGER KING' trade marks and device and solicit franchise applications from the general public.

4. In this suit, earlier, many unknown Defendants were known to have obtained registration of domain names, which were a variation of the words 'BURGER KING', 'INDIA', 'FRANCHISE' or 'FRANCHISES', etc. It is stated that these websites available at these domain names prominently displayed the Plaintiff's 'BURGER KING' trade mark and devices and solicited franchise applications from the unsuspecting general public. Further, it is stated that upon receiving a franchise application, the unknown Defendants appeared to have sent emails to the unsuspecting victims, in the guise of representatives of the master franchisee of the Plaintiff's exclusive licensor in the Asia-Pacific region viz. Restaurant Brands Asia Limited. These unknown Defendants also have been known to circulate various forged and/ fabricated documents including 'approval letters', 'letters of intent', and 'invoices' all prominently bearing the Plaintiff's trade marks.



5. In furtherance to the forgery and fabrication, the unknown Defendants asked the victims to transfer monies for payment of 'registration fees', 'franchise fee', 'equipment fee' etc., for procuring a 'BURGER KING' franchise. Once the victims transferred such monies, the unknown Defendants would cease all contact with the victims and stop responding to their calls and/ or emails.

6. In the present suit, injunctions have already been granted by this Court in favour of the Plaintiff vide orders dated 10th May 2022, 28th July 2022, 24th November 2022, 21st December 2022, 22nd December 2022, 6th January 2023, 1st February 2023, 20th February 2023, 19th April 2023, 27th April 2023, 21st June 2023, 21st July 2023, 15th September 2023, 4<sup>th</sup> December, 2023 and 16th February, 2024 in respect of various illegal domain names.

7. The present application has been moved by the Plaintiff, seeking injunction against domain names and phone number, the same are enumerated hereunder:

| <b>Sr. No.</b> | <b>Domain names</b>                                                                                                                                                                   | <b>Domain Name Registrar</b> | <b>Date of Registration</b> |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| 1.             | <a href="http://www.bkfranchise.in">www.bkfranchise.in</a> associated with EMAIL ID: <a href="mailto:info@bkfranchise.in">info@bkfranchise.in</a>                                     | OVI Hosting Pvt. Ltd.        | 21st November, 2024         |
| 2.             | <a href="http://www.burgerkingfranchise.net">www.burgerkingfranchise.net</a> associated with EMAIL ID: <a href="mailto:info@burgerkingfranchise.net">info@burgerkingfranchise.net</a> | GoDaddy.com LLC              | 7th May, 2024               |
| 3.             | <a href="http://www.burgerkingindia.co">www.burgerkingindia.co</a> associated with EMAIL ID: <a href="mailto:info@bkpartner.in">info@bkpartner.in</a>                                 | GoDaddy.com LLC              | 18th January, 2025          |
| 4.             | <a href="http://www.bkpartner.in">www.bkpartner.in</a> associated with EMAIL ID:                                                                                                      | GoDaddy.com LLC              | 17th December,              |



|    |                                                                    |                    |                          |
|----|--------------------------------------------------------------------|--------------------|--------------------------|
|    | <a href="mailto:info@bkpartner.in">info@bkpartner.in</a>           |                    | 2024                     |
| 5. | <a href="http://www.www-burgerking.com">www.www-burgerking.com</a> | GoDaddy.com<br>LLC | 13th<br>January,<br>2025 |

| S.<br>No | Phone No.      | Network Provider                         |
|----------|----------------|------------------------------------------|
| 1.       | +91 9038233772 | Bharti Airtel Limited (Defendant No. 10) |

8. The prayers in this application are for restraint orders against the said domain names and also for blocking of the said mobile number being used by the Defendants to contact gullible consumers.

9. Considering the previous orders which have been passed, and the near identity in the Plaintiff's marks and the impugned domain names, the following orders are issued, in respect of the following domain names:

a) Suspension of the following domain names –

- [www.bkfranchise.in](http://www.bkfranchise.in)
- [www.burgerkingfranchise.net](http://www.burgerkingfranchise.net)
- [www.burgerkingindia.co](http://www.burgerkingindia.co)
- [www.bkpartner.in](mailto:info@bkpartner.in)
- [www.www-burgerking.com](http://www.www-burgerking.com).

by GoDaddy.com LLC and OVI Hosting Pvt. Ltd., as the case may be. The domain name [www.www-burgerking.com](http://www.www-burgerking.com) is not to be confused with '[www.burgerking.com](http://www.burgerking.com)', which belongs to the Plaintiff.

b) Suspension of the following email addresses:

- [info@bkfranchise.in](mailto:info@bkfranchise.in)
- [info@burgerkingfranchise.net](mailto:info@burgerkingfranchise.net)
- [info@bkpartner.in](mailto:info@bkpartner.in)

by GoDaddy.com LLC and OVI Hosting Pvt. Ltd., as the case may be. and respective Domain Name Registrar (s), as the case may be.



c) Directions to GoDaddy.com, LLC to disclose the identity of the registrant of the following domain names:

- [www.burgerkingfranchise.net](http://www.burgerkingfranchise.net) and email address [info@burgerkingfranchise.net](mailto:info@burgerkingfranchise.net)
- [www.burgerkingindia.co](http://www.burgerkingindia.co) and email address [info@bkpartner.in](mailto:info@bkpartner.in)
- [www.bkpartner.in](http://www.bkpartner.in) and email address [info@bkpartner.in](mailto:info@bkpartner.in)
- [www.www-burgerking.com](http://www.www-burgerking.com)

along with all associated Whois details available in their records.

d) Directions to OVI Hosting Pvt. Ltd. to disclose the identity of the registrant of the following domain names:

- [www.bkfranchise.in](http://www.bkfranchise.in) and email address [info@bkfranchise.in](mailto:info@bkfranchise.in)

e) Directions to Ministry of Communications and Ministry of Electronics & Information Technology respectively, to issue directions to all ISPs to block the websites available at the following domain names:

- [www.bkfranchise.in](http://www.bkfranchise.in)
- [www.burgerkingfranchise.net](http://www.burgerkingfranchise.net)
- [www.burgerkingindia.co](http://www.burgerkingindia.co)
- [www.bkpartner.in](http://www.bkpartner.in)
- [www.www-burgerking.com](http://www.www-burgerking.com)

f) Directions to Defendant No.10-Bharti Airtel Limited to block and file an affidavit providing the CDR cell ID along with complete identity, i.e., names, address, phone numbers, email addresses, billing and payment details, KYC documents of the following phone numbers:

- +91 9038233772



10. Issue summons in suit and notice in this application to the said sub-domain/domain holders. Service is permitted through all means, including e-mail. Compliance under Order XXXIX Rule 3 within one week.
11. List before the Joint Registrar on 3<sup>rd</sup> March, 2025.
12. List before the Court on 5<sup>th</sup> April, 2025 along with batch matters.

**PRATHIBA M. SINGH, J.**

**FEBRUARY 15, 2025/dk/ms**