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

+ **CS(COMM) 303/2022 & I.A. 15916/2025**

BURGER KING CORPORATIONPlaintiff

Through: Mr. Raunaq Kamath, Ms. Asavari Jain, Ms. Himani & Mr. Aakriti Jain, Advs. (M:8860959528)

versus

SWAPNIL PATIL & ORS.Defendants

Through: Mr. Rishabh Dev Mishra, Adv. for D-10 (8527830269)
Mr. Amit Mahaliyan, Adv. for D-20 (9899491980)
Ms. Sreeja Sengupta, Adv. for D-16 (M: 9830776856)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **20.08.2025**

1. This hearing has been done through hybrid mode.

I.A. 19711/2025 (for stay) in CS(COMM) 303/2022

2. The present application has been taken up for consideration upon being mentioned by the Id. Counsel for the Plaintiff.

3. The present application under Order XXXIX Rules 1 & 2, Code of Civil Procedure, 1908 (hereinafter “CPC”) has been filed on the ground that the Plaintiff’s Indian Master Franchisee has received a new complaint reporting another instance of fraud using infringing domain names.

4. 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' trademarks and device and solicit franchise applications from the general public.

5. 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, 4th December, 2023, 16th February, 2024, 15th February, 2025 and 18th July, 2025 in respect of various illegal domain names.

6. The present application has been filed in respect of the domain names <https://burgerkingindiafranchisee.com/>, <https://burgerkingindiafranchise.com> and www.bk-india.co.in, and the email addresses which are also being used by the Defendants with connected bank accounts in respect of the said domain names. The details whereof are given hereinbelow:-

“12. Details of these 3 domain names, 2 email addresses, and 3 bank accounts are captured below:

*a. **Domain** **name-**
<https://burgerkingindiafranchisee.com/>*

i. A Whois search of the domain name <https://burgerkingindiafranchisee.com/>, has revealed that it was registered on July 14, 2025.

ii. All the contact details have been masked by the domain name registrar. A Whois printout of this domain name is being filed with the present application.



iii. The website available at this domain name prominently displays the Plaintiff's registered BURGER KING trade marks and as in the case of all other previous domain names, invites applications from members of the general public to apply for a "BURGER KING" franchise. Printouts of the website available at this domain name are filed along with the present application.

b. Domain name-
<https://burgerkingindiafranchise.com/>

i. A Whois search of the domain name <https://burgerkingindiafranchise.com/> has revealed that it was registered on July 07, 2025.

ii. All the contact details have been masked by the domain name registrar. A Whois printout of this domain name is being filed with the present application.

iii. Pertinently, this Hon'ble Court vide order dated 03.04.2024 had already passed directions for blocking/suspension of the said domain name (Defendant No. 24) to the then Registrar, i.e. Defendant No.23 (Hostinger, UAB). However, despite the said order, the domain name has been registered again through a new domain name registrar. A copy of the said order is being filed with the present application.

iv. The domain name does not resolve to an active website.

c. Domain name - www.bk-india.co.in

i. A Whois search of the domain name- www.bk-india.co.in, has revealed that it was registered on May 05, 2025.



ii. The registrant name of this domain name as per the Whois details are:

Organisation	Restaurant Brands Asia Limited
State	Maharashtra

All other contact details of the registrant such as address, phone number and email address have been masked by the relevant domain name registrar being Endurance Digital Domain Technology Private Limited. A Whois printout of this domain name is being filed with the present application.

iii. The domain name does not resolve to an active website.

d. Email address- support@burgerkingindiafranchise.com

i. The complaint received by the Plaintiff's Indian master franchisee also revealed that the Main Defendants are using the email address support@burgerkingindiafranchise.com. This calculated misrepresentation creates a false impression of legitimacy, enabling the Main Defendants to perpetuate their fraudulent activities through alternative domain names and email addresses.

e. Email address- info@burgerkingindiafranchise.com

i. The complaint received by the Plaintiff's Indian master franchisee also revealed that the Main Defendants are using the email address info@burgerkingindiafranchise.com. This calculated misrepresentation creates a false impression of legitimacy, enabling the Main Defendants to perpetuate their fraudulent activities through alternative domain names and email addresses.



f. Bank account number 60527949952 registered with Defendant No. 20 (Bank of Maharashtra)

i. The details of the bank account are as follows:

Name:	Account Number:
Account No.:	<u>60527949952</u>
IFSC:	MAHB0000311
Branch Name:	Andheri East, Mumbai
Bank Name:	Bank of Maharashtra

” ii. The Plaintiff’s Indian master franchisee has received a complaint alleging that the Main Defendants had issued a letter of intent to an individual towards opening a ‘BURGER KING’ outlet in Aligarh, Uttar Pradesh. Based on the letter of intent issued by the Main Defendants, the said individual was asked to make a payment of Rs. 2,65,500/- (Rupees Two Lacs Sixty Five Thousand Five Hundred only) to the Main Defendants’ bank account registered with Defendant No. 20 (Bank of Maharashtra). A copy of the letter of intent has been filed along with this application.

g. Bank account number 26240200000386 registered with Bank of Baroda

i. The details of the bank account are as follows:

Name:	Account Number:
Account No.:	<u>26240200000386</u>
IFSC:	BARB0ANDEAS
Branch Name:	Andheri East, Mumbai
Bank Name:	Bank of Baroda

ii. The Plaintiff’s Indian master franchisee has received a complaint alleging that the Main Defendants had issued a letter of intent to an individual towards opening a ‘BURGER KING’ outlet



in Srikakulam, Andhra Pradesh. Based on the letter of intent issued by the Main Defendants, the said individual was asked to make a payment of Rs. 2,65,500/- (Rupees Two Lacs Sixty Five Thousand Five Hundred only) to the Main Defendants' bank account registered with Bank of Baroda. A copy of the invoice has been filed along with this application.

h. Bank account number 172401000065412 registered with Indian Overseas Bank

i. The details of the bank account are as follows:

Name:	Account Number:
Account No.:	<u>172401000065412</u>
IFSC:	IOBA0000089
Branch Name:	Mumbai (Thane)
Bank Name:	Indian Overseas Bank

ii. The Plaintiff's Indian master franchisee has received a complaint alleging that the Main Defendants had in the pretext of selling a BURGER KING franchise asked the said individual to make a payment of Rs. 2,65,500/- (Rupees Two Lacs Sixty Five Thousand Five Hundred only) to the Main Defendants' bank account registered with Indian Overseas Bank. A copy of the payment invoice filed along with this application."

7. The printouts of one of the said websites have been annexed with the application and the same have also been seen by this Court. The relevant printouts are extracted below:



Steps to Start Your Own Burger King Franchise Business and Succeed

APPLY NOW →



BURGER KING FRANCHISE INDIA

ABOUT US

Burger King, founded in 1954, is a global fast-food chain known for its flame-grilled burgers, including the iconic Whopper. With a commitment to quality, the brand has expanded worldwide, offering a diverse menu of burgers, chicken, salads, and breakfast options. Its innovative marketing and focus on customer satisfaction have made it a leader in the fast-food industry.

HOW TO BECOME A BURGER KING FRANCHISE PARTNER

If you want to open a Burger King Franchise in India, follow these simple steps. First, visit our official Dealer/Channel Development

<https://burgerkingindiafranchise.com>

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Burger King Franchise Application

Interested in learning more about business opportunities with Burger King®? Simply complete the Form, and a member of our business development team will reach out to you with all the details. Start your journey with one of the world's most recognized brands today!

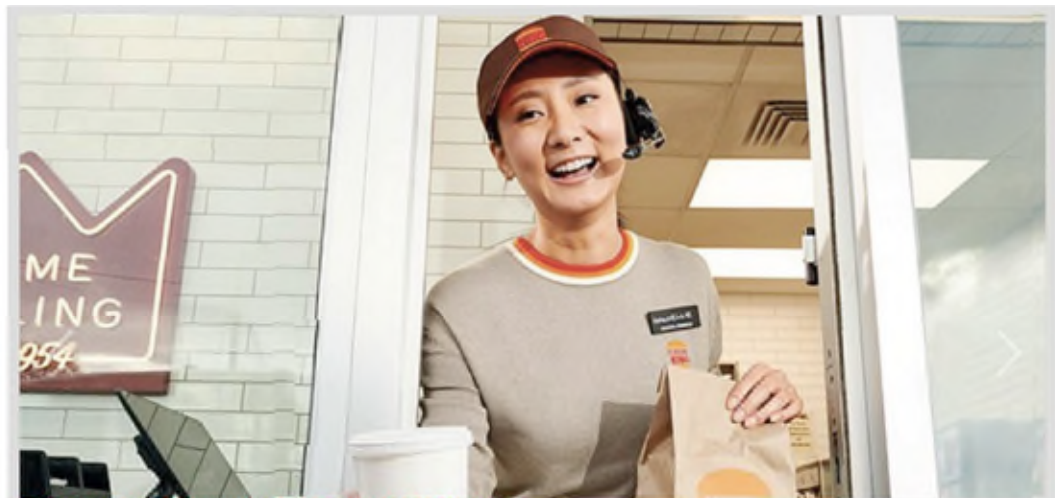
AP
NG

About

Burger King® is a global fast-food chain known for its flame-grilled burgers, including the iconic Whopper®. With a commitment to quality and customer satisfaction, Burger King® continues to offer delicious meals worldwide.

<https://burgerkingindiafranchisee.com/apply-now.php>

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THE ADVANTAGE OF OWNING A BURGER KING® RESTAURANT

Beyond our global brand recognition, strong ties to families and communities, and beloved menu offerings, Burger King® is also part of one of the fastest-growing industries in the world. With the growing demand for quick-service dining and our commitment to quality, innovation, and customer satisfaction, franchise owners are positioned to capitalize on these trends. Burger King® have the opportunity to build successful businesses by tapping into a proven, scalable model in a dynamic market. It's clear that joining the Burger King® family offers a promising path to growth and profitability.

About

Burger King® is a global fast-food chain known for its flame-grilled burgers, including the iconic Whopper®. With a commitment to quality and customer satisfaction, Burger King® continues to offer delicious meals worldwide.

Quick Link

- › Home
- › About Us
- › Enquiry Form

Other Link

- › Contact Us
- › Privacy Policy

Address

📍 Burger King India.
Unit Nos.1003 to 1007, 10th Floor, Mittal Commercial, Asan Pada Road,
Chimatpada, Marol, Andheri (E) Mumbai, MH - 400059.

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<https://burgerkingindiafranchisee.com>

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8. A perusal of the infringing website pages would show that there are several errors. For example, in the address portion it is shown as '*Burger King Inida*' instead of '*Burger King India*'. Moreover, the website also shows that this is a completely fraudulent use of the mark, logo, website content, etc belonging to the Plaintiff.

9. It is stated that the domain names <https://burgerkingindiafranchise.com/> and www.bk-india.co.in presently do not appear to be active websites. However, the said domain names are stated to have been registered by the main defendants which infringe the trademark of the Plaintiff.

10. It is also stated that through the said domain names/ websites, letters of Intent are being issued to prospective franchisees and amounts are being collected illegally. In one instance, an individual in Andhra Pradesh was asked to make payment of Rs.2,65,000/- in respect of a letter of intent. The emails sent by the Defendants in this regard have also been placed on record.

11. Issue notice. Ld. Counsel for the Defendant Nos. 10, 16 and 20 accept notice.

12. Issue notice to the other Respondents.

13. The Court is convinced that such illegal use of the mark '*BurgerKing*' and collection of amounts under the said name cannot be permitted. Accordingly, the following reliefs are granted:-

- a. The domain names <https://burgerkingindiafranchisee.com/>, <https://burgerkingindiafranchise.com/> and www.bk-india.co.in in shall be suspended by the respective domain name registrar.
- b. The email addresses support@burgerkingindiafranchise.com and



info@burgerkingindiafranchise.com shall be suspended by the respective domain name registrar.

- c. Defendant Nos. 6 and 7, i.e., Ministry of Communications and Ministry of Electronics & Information Technology, respectively, are directed to issue directions to all ISPs to block the websites available at the domain names <https://burgerkingindiafranchisee.com/>, <https://burgerkingindiafranchise.com/> and www.bk-india.co.in and also file an affidavit of compliance within two weeks..
- d. The Bank of Maharashtra shall immediately freeze the bank account number 60527949952, the Bank of Baroda shall immediately freeze the bank account number 26240200000386, and the Indian Overseas Bank shall immediately freeze the bank account number 172401000065412 and file an affidavit of compliance confirming within one week that it has frozen the said bank account.

14. Compliance of Order XXXIX Rule 3, CPC be done within one week.

15. List **I.A. No. 15916/2025** and **I.A. No. 19711/2025** before the Roster Bench on 10th October 2025.

PRATHIBA M. SINGH, J.

AUGUST 20, 2025/dj/msh