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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1247/2025 & I.A. 29031/2025 I.A. 29035/2025**
DELHI PUBLIC SCHOOL SOCIETYPlaintiff

Through: Mr. Puneet Mittal, Sr. Adv. with Ms.
Sakshi Mendiratta, Mr. R.P. Singh &
Ms. Kashish Jain, Advs.

versus

DELHI PUBLIC SCHOOL INTERNATIONAL BHIWADI AND
ORS.Defendants

Through: None

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
% **08.12.2025**

I.A. 29035/2025 (under Order XXVI Rule 9)

1. This is an application filed by the Plaintiff under Section 135(2) of the Trademarks Act, 1999, and Section 55(2) of the Copyright Act, 1957, read with Order XXVI Rule 9, Oder XXXIX Rule 7, and Section 151 of the Code of Civil Procedure, 1908 ['CPC'], for appointment of Local Commissioner.
2. This Court is not inclined to appoint a Local Commissioner.
3. In view thereof, the application is disposed of.

CS(COMM) 1247/2025

1. Learned senior counsel for the Plaintiff states that service of summons has been effected on Defendant Nos. 1 and 2 and affidavit of service dated 28.01.2025 has been filed.
2. None appears on behalf of Defendant Nos. 1 and 2.



3. List before the learned Joint Registrar (J) for completion of pleadings on **21.01.2026**.

4. List before Court on **18.05.2026**.

I.A. 29031/2025(application under Order XXXIX Rules 1 and 2 CPC)

5. This is an application filed by the Plaintiff under Order Rule XXXIX, Rule 1 and 2, read with Section 151 of CPC, seeking ex-parte ad interim injunction against the Defendants.

6. The case set up in the plaint is as follows:

6.1. The Plaintiff is a registered society, which was originally registered as Delhi Public School and subsequently renamed Delhi Public School Society in 1962.



6.2. The Plaintiff adopted the logo [‘shield logo’] in 1948, and it comprises a hand holding a torch along the motto ‘Service Before Self’ and the words ‘Delhi Public School’ written inside the shield.



6.3. In 1996-1997, the Plaintiff adopted another logo [‘leaf logo’] which comprises a torch on a book along with the same motto as noted hereinabove.

6.4. The Plaintiff’s earliest registrations are as follows:



i. and DPS [word] bearing TM application no. 1608946 and 1608951 respectively, application dated 08.10.2007 in class 16 with



user claim since 01.12.1948.



- ii. bearing TM application no. 6138185, application dated 06.10.2023 in class 16 with user claim since 01.04.1996.

Details of Plaintiff's trademark registrations under various classes have been set out in paragraph '13' of the plaint.



6.5. Delhi Public School, DPS, , and are hereinafter collectively referred to as the 'Plaintiff's marks'.

6.6. The Plaintiff also has copyright registrations of its shield logo vide registration no. A-95324/2012 dated 21.12.2012 and A-111554/2014 dated 21.08.2014.

6.7. The Trademark Registry vide order dated 03.07.2020 declared the



'Delhi Public School', 'DPS', and ' ' as well-known marks.

6.8. The Plaintiff society operates over two hundred [200] schools worldwide under the name Delhi Public School, commonly referred to as DPS, followed by the respective location of the schools, e.g., DPS Mathura Road, DPS International Saket, DPS Noida, DPS East of Kailash, etc.

Knowledge about the Defendants' infringement

6.9. On 24.10.2025, the Plaintiff received information that Defendant No.1 is a school operating under the name 'Delhi Public School International' with



the logo  as well as 'DPS' ['impugned marks'] in Bhiwadi, Rajasthan, under the management and control of Defendant No.2/Delhi Public School International Educational Society.

6.10. During the visit to the school premises on 25.10.2025, the Plaintiff learnt that Defendant Nos. 1 and 2 are inviting admissions for the academic year 2026-2027 and falsely informing parents¹ about the said Defendants' affiliation with the Plaintiff.

6.11. The Plaintiff also came across the official website of Defendant No.1 operating under the domain name <https://www.dpsibhiwadi.in/> ['impugned domain name'], which has been registered by Defendant No.3/GoDaddy Inc. Defendant Nos. 1 and 2 are also using the dpsinternationalbhiwadi@gmail.com ['impugned email'] as their official email address, which is virtually identical to the Plaintiff's marks.

6.12. Defendant No. 1's director Ms. Dipti Ghosh, in 2015 and 2019, had applied for the registration of their impugned logo in class 41; however, the same were refused by the Trademarks Registry due to conflicting marks cited in the Examination Report.

7. Mr. Puneet Mittal, learned senior counsel for the Plaintiff, states that the impugned mark Delhi Public School International is virtually identical to the Plaintiff's well-known mark Delhi Public School, and Defendant Nos. 1 and 2 have merely added the word 'International' with the intention to draw association with the Plaintiff's schools, specifically DPS International Saket.

¹ Pleading at paragraph '20' of the plaint.



7.1. He states that Defendant Nos. 1 and 2's logo is also virtually identical to the Plaintiff's logo by combining all the essential features and elements- mashaal, crest/shield, creepers, banners. The minor cosmetic changes do not render any distinctiveness to the said Defendants' impugned logo.

7.2. He states that the adoption of virtually identical marks by Defendant Nos. 1 and 2 for dealing in the same field of business will certainly cause confusion, which will lead to significant losses to the Plaintiff. Defendant Nos. 1 and 2 are guilty of violating the Plaintiff's statutory right of exclusive use of its well-known trademarks, and there is no justifiable reason for Defendant Nos. 1 and 2 to adopt virtually identical marks to those of the Plaintiff.

Court's Findings

8. This Court has heard the learned senior counsel for the Plaintiff and perused the record.

9. The matter was first listed on 21.11.2025; however, this Court deemed it appropriate to hear Defendant Nos.1 and 2 before deciding the prayer for injunction and accordingly issued notice in this application.

10. Learned senior counsel for the Plaintiff states that the Defendants have been duly served through email, speed post as well as Dasti and relies upon affidavit dated 28.11.2025. However, none appears on behalf of the Defendants.

11. The comparison chart of the Plaintiff and Defendants marks is as under:



Plaintiff's Well-known Trademarks and Logos	Defendants No. 1 and 2' No. 1 and 2 Impugned Trademark and Logo
DELHI PUBLIC SCHOOL DELHI PUBLIC SCHOOL INTERNATIONAL DPS DPS INTERNATIONAL	DELHI PUBLIC SCHOOL INTERNATIONAL DPS INTERNATIONAL BHIWADI
 	

12. Upon bare perusal of the comparison of the marks, it is prima facie evident that the impugned marks 'Delhi Public School International', 'DPS'



and  are deceptively identical to the Plaintiff's well-known marks. The reputation and goodwill earned by the Plaintiff's schools and its recognition as Delhi Public School and DPS is evident from its recognition as a well-known trademark and the fact that this Plaintiff has over two-hundred [200] schools with this name all over India and in foreign jurisdictions. The first school is stated to have been inaugurated in 1949.

In these facts, Defendant No. 1's Director is bound to have been aware about the reputation and goodwill associated with Plaintiff's marks. Defendant Nos. 1 and 2's adoption of the impugned marks is therefore prima facie neither honest nor bonafide. The fact that Ms. Dipti Ghosh's application for the impugned mark was refused by the Trademark Registry at the examination stage itself also lends credence to the submission of the Plaintiff that the adoption of the marks by Defendant Nos. 1 and 2 is dishonest.



13. This is a case of triple identity where the mark is deceptively similar, the service category is identical, and the trade channel, as well as the consumer base, is identical. The Plaintiff, being the prior user, adopter, and



the registered owner of the marks Delhi Public School, DPS, , and



, is entitled to protection. To an unwary customer of average intelligence and imperfect recollection, the marks are likely to appear identical, thereby leading the customers to associate Defendant Nos. 1 and 2' school with that of the Plaintiff.

14. The non-appearance of Defendant Nos. 1 and 2 despite service of summons and notice is inexplicable and leads the Court to presume that the said Defendants have no defence to offer.

15. In the overall conspectus, Plaintiffs have made out a prima facie case for the grant of an injunction against Defendant Nos. 1 and 2. This Court is satisfied that if an ex-parte ad interim injunction is not granted at this stage, irreparable harm/ injury would be caused to the Plaintiff. Balance of convenience also lies in favour of the Plaintiff, and against Defendant Nos. 1 and 2.

16. Accordingly, until further orders, the following directions are being issued:

- i. Defendant Nos. 1 and 2, their partners, principals, proprietor, directors, officers, employees, agents, distributors, franchisees, suppliers, licensees, affiliates, subsidiaries representatives, group



companies and assignees is/ are restrained from using, offering its services, marketing and advertising its business and/or allowing or permitting third parties to use, market and/or advertise the impugned



mark Delhi Public School International and and/or any other trade mark or name identical and/or similar to the Plaintiff's



trademark Delhi Public School, DPS, , and and its formatives either as a trademark, trade name, corporate name, domain name, e-mail id or part thereof and/or in any other manner whatsoever to infringe/pass off the registered trademark of the Plaintiff.

ii. Defendant No.3 is directed to lock and suspend the impugned domain name <https://www.dpsibhiwadi.in/>.

17. Compliance with Order XXXIX Rule 3 of CPC be done within a period of one (1) week from today. Affidavit of service be filed within two (2) weeks.

18. List before the learned Joint Registrar (J) on **21.01.2026**.

19. List before the Court on **18.05.2026**.

20. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 8, 2025/mt/aa