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

+ CS(COMM) 608/2024

PRIMESTACK PTE. LTD AND ANR.Plaintiffs

Through: Ms. Shwetasree Majumder, Ms. Priya Adlakha, Ms. Shilpi Sinha and Ms. Ruchika Yadav, Advocates

Versus

JOHN DOE AND OTHERSDefendants

Through: Mr. Madhav Khosla, Adv.
Ms. Mrinal Ojha, Mr. Debarshi Dutta and Mr. Arjun Mookerjee, Advocates for D-7
Mr. R. Venkat Prabhat, SPC with Mr. Ankur Yadav, GP for D-18 & 19
Mr. Kuber Dewan, Ms. Neeharika Aggarwal, Mr. Kaustubh Srivastava, Advocates for R-26

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **29.07.2024**

I.A. 34162/2024 (*Exp from pre-institution mediation*)

1. The plaintiffs seek exemption from instituting pre-litigation mediation.
2. Considering the averments made in the present application wherein the plaintiffs are seeking urgent ad-interim relief and in view of *Yamini Manohar vs. T.K.D. Krithi* 2023 SCC OnLine 1382 and *Chandra Kishore Chaurasia vs. R. A. Perfumery Works Private Limited*. 2022:DHC:4454-DB, the plaintiffs are exempted from instituting pre-litigation mediation.
3. Accordingly, the present application is allowed and disposed of.

I.A. 34163/2024 (*Addl. Doc*)

4. The present application has been filed on behalf of the plaintiffs under Order 11 Rule 1(4) of the Code of Civil Procedure, 1908 as applicable to commercial suits under the Commercial Courts Act, 2015 seeking to place on record additional documents.

5. The plaintiffs, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act, 2015 and the DHC (Original Side) Rules, 2018.

6. Accordingly, the present application is disposed of.

I.A. 34164/2024 (*exemption*)

7. Allowed, subject to just exceptions.

8. The application is disposed of.

I.A. 34165/2024 (*exemption from serving defendant no.1*)

9. Vide the present application the plaintiffs are seeking exemption from advance service on the defendant no.1.

10. Learned counsel for the plaintiffs submits that considering the position involved and *ex-parte ad-interim* injunction and the defendant no.1 is/are unknown person(s)/John Doe, the plaintiffs should be exempted from effecting advance service on defendant no.1.

11. For the reasons stated in the application as also taking into account the aforesaid factors and in the interest of justice, the plaintiffs are granted exemption from effecting advance service upon the defendant no.1.

12. Accordingly, the present application is allowed and disposed of.

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13. Vide the present suit, the plaintiffs' are seeking permanent injunction restraining the defendants from infringement of their trademark, passing

off, damages and rendition of accounts.

14. Let the plaint be registered as a suit.

15. Upon filing of the process fee, issue summons of the suit to the defendants through all permissible modes returnable before the Joint Registrar on 14.10.2024.

16. The summons shall state that the written statement(s) be filed by the defendants within a period of *thirty days* from the date of the receipt of the summons. Written statement(s) be filed by the defendants along with affidavit(s) of admission/ denial of documents of the plaintiffs, without which the written statement(s) shall not be taken on record.

17. Replication(s) thereto, if any, be filed by the plaintiffs within a period of *fifteen days* from the date of receipt of written statement(s). The said replication, if any, shall be accompanied by with affidavit(s) of admission/ denial of documents filed by the defendants, without which the replication(s) shall not be taken on record within the aforesaid period of *fifteen days*.

18. If any of the parties wish to seek inspection of any document(s), the same shall be sought and given within the requisite timelines.

19. List before the Joint Registrar for marking exhibits of documents on 14.10.2024. It is made clear that if any party unjustifiably denies any document(s), then it would be liable to be burdened with costs.

20. List before the Court on 16.12.2024.

I.A. 34161/2024 (*stay*)

13. By the present application, the plaintiffs are seeking an ad-interim order of injunction against the defendants for infringing the plaintiff no.1's registered trademarks 'CoinDCX' and/or their variations, as part of their

domain names, websites, mobile applications, social media handle names/ profiles credentials/ description, promotional/ business activities on digital or print media, bank accounts and/ or any business papers etc., and passing off the plaintiffs' business, in any manner, including but not limited to claiming any association/ connection with the plaintiffs', its officials, associated entities as also appropriate directions against the other defendants alongwith other reliefs.

14. The plaintiffs are a Crypto Asset Service Provider (CASP) and operate an online platform under the trademark 'CoinDCX', which has transformed the landscape of crypto engagement for more than 1.5 crore Indians. The plaintiff no.1 is a private limited company duly incorporated under The Companies Act of Singapore and the plaintiff no.2 is a reporting entity with the Financial Intelligence Unit, Department of Revenue, Government of India.






15. The plaintiffs own the domain 'coindex.com' (registered on 09.01.2018) and have an active website that contains extensive information about the plaintiffs' business activities, its founders, team, different crypto assets/products traded on the plaintiffs' crypto exchange platform, as well as general information for the crypto-financial market. All transactions conducted on plaintiffs' 'CoinDCX' platform are made in the name of plaintiff no.2.


16. The plaintiffs own and operate mobile applications 'CoinDCX', available for download on the Google Play Store and the Apple App Store. The Google Play Store version of the mobile application has been downloaded more than 10 million times with a rating of 4.1 out of 5 stars.

17. The plaintiff no.2 first adopted the trademark CoinDCX on

01.04.2018, and applied for registration of said mark on 05.05.2018, in Class 42 vide application no.3824656. Thereafter, the said mark was assigned by plaintiff no.2 in favour of plaintiff no.1 by way of an assignment agreement dated 23.02.2022. The aforesaid trademark is valid and subsisting.

18. Thereafter, the plaintiff no.1 has also obtained registrations in Classes 9, 35, 36 and 41. The plaintiff no.2 is the permitted user of the 'CoinDCX' trademarks in India via license agreement dated 27.07.2020. The list of plaintiffs' various trademarks enumerated as below:-

S. N.	Trademark	Registration No.	Application Date	Class
1.		3824656	05/05/2018	42
2.	COINDCX	5169578	11/10/2021	35
3.	COINDCX	5169579	11/10/2021	36
4.	COINDCX	5169580	11/10/2021	38
5.	COINDCX	5169581	11/10/2021	41
6.	COINDCX	5169582	11/10/2021	42
7.		5169584	11/10/2021	35
8.		5169585	11/10/2021	36
9.		5169588	11/10/2021	38
10.		5169589	11/10/2021	41

11.		5169583	11/10/2021	09
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19. Learned counsel for the plaintiffs submits that over the last year or so, the plaintiffs received complaints from unwary persons who have fallen prey to cryptocurrency scams by some Impostors, who were not only impersonating as 'CoinDCX' officials but also shared forged documents to deceive the unwary persons and the plaintiffs have also issued cautionary blog posts regarding the ongoing scam.

20. The learned counsel for the plaintiffs further submits that despite of the aforesaid, people continue to fall victim to these scams as they proliferated unabated. Between November, 2023 and July, 2024, the plaintiffs' officials received several complaints via emails with screenshots of fake Telegram IDs, communications, fake trading platforms, and details of money transferred by unwary persons to the imposters. As per the learned counsel for the plaintiffs, the plaintiffs received at least 89 complaints through the National Cybercrime Reporting Portal (NCRP) and some unwary persons even visited plaintiff no.2's office seeking a refund of the amount lost in these scams.

21. Learned counsel for the plaintiffs also submits that the *modus operandi* of Impostors/defendant no.1 is to impersonate as 'CoinDCX' representatives primarily through Telegram (defendant no.2) and WhatsApp LLC (defendant no.3), enticing unwary persons with promises of lucrative part-time jobs and quick earnings and once unwary persons express their interest, they are contacted via phone calls or messaging apps and directed to join various Telegram groups. There, they are assigned tasks like giving 5-star ratings to mobile apps on external platforms, with the false promise of earning between INR 50 to INR 5,000 per day. It is further submitted that subsequently, unwary persons are persuaded to

transfer substantial sums of money to specified UPI IDs and bank accounts provided by Impostors/ defendant no.1. Such impostors/ defendant no.1 claim these transfers will be reflected in their 'DCX wallet,' with assured profits and bonuses, all under the guise of legitimate operations associated with plaintiffs' brand 'CoinDCX' as such impostors/ defendant no.1 deal significant financial losses to the unwary persons. The learned counsel for the plaintiffs submits that the defendants are causing irreparable loss to the goodwill of the plaintiffs.

22. This Court has heard the learned counsel for the plaintiffs and perused the documents on record.

23. The defendant no.1, being unknown person(s) is/are impersonating the plaintiffs' officials through e-modes i.e., defendant nos.2 and 3 for offering unwary persons with fake job opportunities and entice and extort money from them in the name of plaintiffs. The defendants are carrying on their activities on a mass scale, which if allowed to continue will have a cascading and a spiraling effect. The defendant no.1 cannot thus be allowed to defraud general public of their monies by misusing the plaintiffs' goodwill.

24. The defendant nos.2 and 3, being social media platforms, the defendant nos. 4 to 13, being intermediaries and the defendant nos.14 to 17 being Telecom Service Providers having account numbers of defendant no.1 from where such fraudulent activities take place and the defendant nos.21 to 27, being banks, wherein large sums of monies of the unwary persons are stored, all have relevant roles to play.

25. Therefore, the plaintiffs have made out a *prima-facie* case in their favour for grant of an ad interim injunction with the *balance of convenience*

in their favour and if the defendant no.1 is not restrained, the plaintiffs will suffer *irreparable loss and injury*. Accordingly, till the next date of hearing:-

- a) anyone, who is not authorized by the plaintiffs and infringing the registered trademarks of the plaintiffs, is restrained from using the plaintiff's registered trademarks as enumerated in para 18 or any other deceptively similar mark or variant in any manner or form;
- b) defendant no.2 is directed to suspend the operation of accounts mentioned in DOCUMENT-A annexed along with the plaint within three weeks on receipt of this order;
- c) defendant no.3 is directed to suspend the operation of accounts mentioned in DOCUMENT-B annexed along with the plaint within three weeks on receipt of this order;
- d) defendant nos.4 to 13 are directed to suspend the operation of domains names mentioned in DOCUMENT-C annexed along with the plaint and furnish the details of the domain registrants to the plaintiffs within three weeks on receipt of this order;
- e) defendant nos. 14 to 17 are directed to suspend the operation of telephone numbers mentioned in DOCUMENT-D annexed along with the plaint as well as furnish the details of the account holders to the plaintiffs within three weeks on receipt of this order; and,
- f) defendant nos.21 to 27 are directed to suspend the operation of accounts mentioned in DOCUMENT-F annexed along with the plaint as well as furnish the details of the account holders to the plaintiffs within three weeks on receipt of this order.

26. The provisions of Order XXXIX Rule 3 of CPC be complied within

ten days.

27. Issue notice to the defendants by all permissible modes returnable before the Joint Registrar on 14.10.2024.

28. Reply, if any, be filed within a period of *fifteen* days from the date of service. Rejoinder thereto, if any, be filed within *fifteen days* thereafter.

29. List before the Court on 16.12.2024.

SAURABH BANERJEE, J

JULY 29, 2024/So