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

+ **CS(COMM) 176/2022**

WINZO GAMES PRIVATE LIMITED Plaintiff

Through: Ms. Srishti Gupta, Adv.

versus

GOOGLE LLC & ORS. Defendants

Through: Ms. Mamta Jha, Ms. Shruttima
Ehersa and Mr. Rohan, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

21.11.2023

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1. Having heard learned Counsel and perused the material on record, the following issues are framed in the present matter:

“1. Whether the display of the warning, i.e., *This type of file may harm your device. Do you want to keep WinZO.apk anyway?* (**Warning**) by Defendant on its Chrome Mobile Browser constitutes disparagement of Plaintiff’s Trade Marks, goodwill, reputation and business. (**OPP**)

2. Whether the use of file name <winzo.apk> in the Warning displayed on the Google Chrome Mobile Browser amounts to use as a trademark under the Trade Marks Act, 1999. (**OPP**)

3. Whether the display of Warning by Defendant amounts to inducement to breach of contract. (**OPP**)

4. Whether the display of Warning by Defendant comes within the ambit of Section 30 of the Trade Marks Act, 1999. (**OPD**)

5. Whether the display of Warning by Defendant is justified in view of the Information Technology Act, 2000 and its accompanying Rules or any other applicable laws in India. (**OPD**)

6. Whether the Plaintiff is entitled to reliefs as sought in the



Prayer of the captioned suit. (OPP)

7. Whether the Plaintiff is disentitled to reliefs on account of delay, laches and material suppression. (OPD)”
2. Both sides are directed to place on record a joint schedule for recording of evidence within a period of two weeks from today.
3. Renotify on 20 February 2024.

C.HARI SHANKAR, J

NOVEMBER 21, 2023

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Click here to check corrigendum, if any