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

+ CS(COMM) 1215/2024, I.A. 49976/2024, I.A. 49977/2024, I.A. 49978/2024, I.A. 49979/2024, I.A. 49980/2024, I.A. 49981/2024 & I.A. 49982/2024

MS RKS SV SECURITIES INDIA PVT. LTD. UPSTOXPlaintiff

Through: Mr. Balbir Singh, Sr. Adv. with Mr. M. P. Devnath, Mr. Abhishek Anand, Mr. Rahul Kumar, Mr. Karan Sachdev and Ms. Monica Benjamin, Advs.
M: 7903435470

versus

JOHN DOES AND ORS.Defendants

Through: Mr. Sarfaraz Khan, Mr. Mriza Amir Baig and Mr. Abdul Wahid, Advs. for D-6 (Through VC)
Mr. Sumit Nagpal, SPC with Ms. Laavanya Kaushik, GP and Ms. Aahana Sood, Advs. for D-20 and 21.
M: 9911995000
Mr. Madhav Khosla, Adv. for D-26.
M: 9811039074
Mr. Neel Mason, Ms. Ekta Sharma, Ms. Pragya Jain and Ms. Surabhi Katare, Advs. for D-28.
M: 9425172896

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
24.12.2024

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I.A. 49980/2024 (Exemption from filing original and clear copies of documents with proper margins)

1. The present is an application under Section 151 of the Code of Civil



Procedure, 1908 (“CPC”), on behalf of the plaintiff, seeking exemption from filing original and clear copies of documents with proper margins.

2. Exemption is granted, subject to all just exceptions.
3. Plaintiff shall file original and clear copies of documents with proper margins, on which the plaintiff may seek to place reliance, before the next date of hearing.
4. Accordingly, the present application is disposed of.

I.A. 49979/2024 (Exemption from instituting Pre-Institution Mediation)

5. The present is an application under Section 12A of the Commercial Courts Act, 2015, read with Section 151 of CPC, seeking exemption from undergoing Pre-Institution Mediation.

6. Having regard to the facts of the present case and in the light of the judgment of Supreme Court in the case of *Yamini Manohar Versus T.K.D. Keerthi*, 2023 SCC OnLine SC 1382, and Division Bench of this Court in *Chandra Kishore Chaurasia Versus RA Perfumery Works Private Ltd.*, 2022 SCC OnLine Del 3529, exemption from attempting Pre-Institution Mediation, is granted.

7. Accordingly, the application stands disposed of.

I.A. 49978/2024 (Exemption from advance service to the defendant no.1)

8. The present is an application under Rule 22 of Delhi High Court Intellectual Property Rights Division Rules, 2022 read with Section 151 CPC seeking exemption from advance service to the defendant no.1.

9. For the reasons stated in the application, the same is allowed and disposed of.

I.A. 49977/2024 (Application seeking leave to file additional documents)

10. This is an application under Order XI Rule 1(4) read with Section 151



CPC as amended by the Commercial Courts Act, 2015, seeking leave to file additional documents.

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

12. The application is disposed of, with the aforesaid directions.

I.A. 49981/2024 (Application seeking extension of time for filing Court Fees)

13. The present application has been filed under Section 149 of the CPC, read with Section 151 CPC, seeking extension of time to file the Court Fees.

14. Learned counsel appearing for the plaintiff submits that the Court Fees shall be deposited within a period of two weeks, from today.

15. Liberty is so granted.

16. With the aforesaid directions, the present application is disposed of.

I.A. 49982/2024 (Application seeking exemption from advance notice to defendant nos. 20 and 21)

17. The present is an application under Section 80 of CPC filed by the plaintiff to seek exemption from advance notice to defendant nos. 20 and 21.

18. However, since defendant nos. 20 and 21 have appeared, the same has become infructuous, in that regard.

19. Accordingly, the present application is disposed of.

CS(COMM) 1215/2024

20. Let the plaint be registered as suit.

21. Issue summons. Summons is accepted by learned counsels appearing for defendant nos. 6, 20, 21, 26 and 28. Written statement be filed by the said defendants within thirty days, from today.



22. Upon filing of the process fee, issue summons to the other defendants by all permissible modes. Summons shall state that the written statement be filed by the defendants within thirty days from the date of receipt of summons. Along with the written statement, the defendants shall also file affidavit of admission/denial of the plaintiff's documents, without which, the written statement shall not be taken on record.

23. Liberty is given to the plaintiff to file replication within thirty days from the date of receipt of the written statement. Further, along with the replication, if any, filed by the plaintiff, an affidavit of admission/denial of documents of the defendants, be filed by the plaintiff, without which, the replication shall not be taken on record. If any of the parties wish to seek inspection of the documents, the same shall be sought and given within the timelines.

24. List before the Joint Registrar (Judicial) for marking of exhibits, on 20th February, 2025.

25. List before the Court on 20th May, 2025.

I.A. 49976/2024 (Application under Order XXXIX Rules 1 and 2 read with Section 151 CPC)

26. The present suit has been filed for permanent injunction restraining infringement of trademarks, word mark and copyright, passing off, rendition of accounts, damages, dilution, etc.

27. It is submitted that the present action concerns the infringement of plaintiff's registered trademarks & word marks and action of passing off by defendant no. 1. It also concerns several actions of infringement of plaintiff's copyright by defendant no. 1. The plaintiff has not granted any license and authorization to the defendant no.1.



28. It is submitted that the defendant no. 1 (whose identity is currently unknown to the plaintiff) is an individual/ entity who has registered various infringing domain names and is operating fake and fraudulent websites, WhatsApp and telegram groups, and using numerous phone numbers with the dishonest intention to defraud unsuspecting customers by luring them for various incentives regarding the stocks, IPOs, etc., in the name of the plaintiff across various locations in India. The plaintiff apprehends that there may be a group of connected individuals who are involved in these fraudulent and infringing activities, whose details cannot be ascertained by the plaintiff at this stage, and therefore, they are impleaded as John Doe/s'. The plaintiff seeks the liberty of this Court to implead all those individuals/entities whose details are disclosed by the other defendants impleaded in the suit under the directions of this Court.

29. It is submitted that on the basis of the information available with plaintiff, defendant no.1 has been using various domain names, applications, WhatsApp & Telegram Channels viz, for engaging in fraudulent activities. These infringing domains are registered with the Domain Name Registrars, Gname, BIZCN & JUMING, which are impleaded herein as defendant nos. 2, 3 and 4 respectively, to seek necessary disclosure of the registrant details, for locking/ suspension orders against the infringing domains.

30. It is submitted that the plaintiff along with its group companies owns and operates online portals (app as well as a website) which is being used by various retail investors in India for carrying out trading activity in the Stock Market and other allied investment / financial activities. These activities are duly regulated by SEBI, PFRDA and IRDAI. The plaintiff has a wide reach and has more than 1 crore customers.



31. It is further submitted that Upstox was established as a unique and distinctive brand, tailored for the financial services industry. Since its launch, the plaintiff has consistently invested in marketing, branding, and strategic initiatives to build recognition and trust. The brand has gained a strong market reputation, reflected in growing customer base and positive media coverage.

32. It is submitted that Upstox is a unique and original brand name that clearly stands out from competitors in the financial services industry. Its distinctiveness makes it easy for customers to recognise and remember. By using such an innovative name, Upstox creates a strong identity, making its products and services different from others in the market.

33. Learned Senior Counsel appearing for the plaintiff has drawn the attention of this Court to the table as given in the plaint showing the various registrations in favour of the plaintiff.

34. It is submitted that for the past several months, the plaintiff has been receiving complaints about several domain names, WhatsApp groups, and Telegram groups/ channels that have been constantly portraying themselves as the plaintiff Company and its subsidiary and have committed fraud by duping money from several clients and users of the plaintiff Company by misusing the brand, logo, word mark and the copyright of the plaintiff.

35. It is submitted that it is further pertinent to mention that the plaintiff Company became cognizant of the abuse of its trademark and the trade name when it started to receive multiple complaints on its email from various stakeholders, who raised alarming concerns regarding various WhatsApp groups, Telegram groups and Facebook groups in the name of the plaintiff Company, that were engaged in soliciting money and



defrauding the plaintiff's customers. These email correspondences also addressed the manner and instances in which they were duped with money, causing loss to the plaintiff's customers as well as impinging the reputation of the plaintiff Company.

36. It is submitted that the plaintiff submits that the above detailed facts, showing several instances of infringement of the plaintiff's trademark and copyright, unambiguously makes it clear that the defendant no. 1 has been constantly infringing the brand name, logo and copyright of the plaintiff with a sole motive to defraud it and causing a great damage to its goodwill as well as the clientele.

37. It is submitted that the plaintiff further submits that the infringement is not only causing damage to the plaintiff, but is also concerning the security and privacy of its domain name, trade name and logo.

38. It is submitted that the cause of action first arose in favour of the plaintiff and against the defendant no. 1 in the month of June when the plaintiff learnt about the several instances of fraud committed by defendant no. 1 through its infringing websites, applications and concerned phone numbers. The cause of action again arose on 05th June, 2024, when the plaintiff lodged the complaint for the cyber and online frauds committed by the defendant no. 1. The cause of action is a continuing one, till the said defendant is enjoined by an order of this Court.

39. Learned Senior Counsel appearing for the plaintiff has drawn the attention of this Court to the various documents, wherein, the mark of the plaintiff has been used by the defendants in an unauthorized manner, in order to dupe and fraud the people.

40. In view of the above circumstances, the plaintiff has demonstrated a



prima facie case for grant of injunction and in case no *ex-parte ad-interim* injunction is granted, the plaintiff will suffer an irreparable loss. Further, the balance of convenience also lies in favour of the plaintiff and against the defendants.

41. Accordingly, till the next date of hearing, the following directions are issued:

- i. Defendant no.1, its employees, servants, agents, representatives and/or others acting for and, on their behalf are restrained from infringing the plaintiff's registered UPSTOX trademarks, word marks, and/or any other deceptively similar variant/s thereof, in any manner, including, domain names, websites, social media handles names, hashtags, email addresses, bank accounts or any business papers, etc. or in any other manner which amounts to infringement of the plaintiff's UPSTOX trademarks/ passing off of the services and business of the defendant no.1 as that of the plaintiff.
- ii. Defendant no. 1, its employees, servants, agents, representatives and/or others acting for and, on their behalf, are restrained from using the plaintiff's original copyrighted photographs of the UPSTOX Brand, by reproducing or publishing the same in any manner, which constitutes infringement of the plaintiff's copyright vesting in the said photographs.
- iii. Defendant nos. 2 to 4 are directed to suspend the domain names detailed in Table-A, as attached with the present order.
- iv. Defendant nos. 2 to 4 are further directed to disclose complete details and file the complete KYC documents including payment details of the registrant of the domain names detailed in *Table-A*, attached with the present order.
- v. Defendant nos. 5 to 18, are directed to freeze the bank accounts, details of



which are given as *Table-C* of the present order.

vi. The defendant nos. 5 to 18 are further directed to disclose and file the complete KYC documents as well as up to date bank statements of the owners/ beneficiaries of the bank accounts, detailed in *Table-C* of the present order.

vii. Defendant no.19 is directed to suspend an block all UPI IDs associated with the bank accounts, detailed in *Table-C*, attached with the present order.

viii. Defendant no. 20 and 21 are directed to issue notification, calling up all internet and telecom service providers registered under it to suspend access to the infringing domain, as details of which are given in *Table-A* of the present order.

ix. Defendant nos. 22, 23 and 24 are directed to block the phone numbers of defendant no.1, details of which are given *Table-B* with the present order.

x. Defendant no. 25 is directed to suspend all the WhatsApp profiles/ groups associated with the phone numbers, as detailed in *Table-B* attached with the present order.

xi. Defendant no. 26 is directed to suspend all the Telegram profiles/ groups and channels, which are as follows:

https://t.me/sure_shot_upstock_omtrader),

https://t.me/sure_shot_upstock_omtrader/20180),

https://t.me/sure_shot_upstock_omtrader/20179),

https://t.me/sure_shot_upstock_omtrader/20178?single)

xii. Defendant no.27 is directed to block the profile of Ms. Chitra Sharma, i.e.,:



https://www.linkedin.com/posts/chitra-sharma-37b97b28a_dm-for-code-i-had-earlier-recorded-it-activity-7205517180631678976-UDZH

- xiii. Defendant no.27 is also directed to provide the relevant details associated with the aforesaid profile viz. the E-mail Id and Phone Number.
42. In case the plaintiff identifies any other domain/ website or any other social media account/ telephone number during the course of the proceedings in the present matter, the plaintiff is at liberty to file an affidavit with respect thereto, before the learned Joint Registrar (Judicial). Upon satisfaction, the learned Joint Registrar (Judicial) shall extend today's order to such new domains/ website/ telephone numbers.
43. In case of any doubt, the matter may be listed before this Court.
44. Issue notice. Notice is accepted by learned counsels appearing for defendant nos. 6, 20, 21, 26 and 28.
45. Issue notice to the other defendants by all permissible modes, upon filing of process fee, returnable on the next date of hearing.
46. Let reply be filed within a period of four weeks.
47. Rejoinder thereto, if any, be filed within two weeks, thereafter.
48. Compliance of Order XXXIX Rule 3 CPC be done within a period of two weeks, from today.
49. Re-notify on 20th May, 2025.

MINI PUSHKARNA, J

DECEMBER 24, 2024/kr



Table-A

Infringing Domain Names	Registrars of Domain Names
https://www.upsxotho.xyz/	Gname.com Pte. Ltd. Service@gname.com
https://www.investoxen.com/h5/#/login	Gname.com Pte. Ltd. Service@gname.com
https://www.hurryupstore.com/app/android	Gname.com Pte. Ltd. Service@gname.com



	m
www.investoxen.com	Gname.com Pte. Ltd. Service@gname.co m
www.coinvestox.com	Gname.com Pte. Ltd. Service@gname.co m
https://www.supstoree.com/h5/#/lo gin	Gname.com Pte. Ltd. Service@gname.co m
https://www.getuipo.com/h5	Gname.com Pte. Ltd. Service@gname.co m
 https://www.uipotruer.com/h5/#/mi ne	Gname.com Pte. Ltd. Service@gname.co



	m
https://www.iusoho.xyz	Gname.com Pte. Ltd. Service@gname.com m
https://www.uipogold.com/h5/#/mine	Gname.com Pte. Ltd. Service@gname.com m
https://www.uipobest.com/h5	Gname.com Pte. Ltd. Service@gname.com m
https://www.tcastox.com/	Gname.com Pte. Ltd. Service@gname.com m
https://www.uipovip.com/app/android	Gname.com Pte. Ltd. Service@gname.com m





https://www.uipottrue.com/h5/	Gname.com Pte. Ltd. Service@gname.com
https://www.uipoing.com/h5/#/mine	Gname.com Pte. Ltd. Service@gname.com
www.mixitupstore.com	Gname.com Pte. Ltd. Service@gname.com
www.theupstoe.com	Bizcn.com, Inc. abuse@bizcn.com
https://www.theupstoe.com/h5	Bizcn.com, Inc. abuse@bizcn.com
https://www.yupstocks.com/h5	Bizcn.com, Inc. abuse@bizcn.com
https://www.theupstoe.com/app/android	Bizcn.com, Inc.





droid, (https://apps.apple.com/cn/app/u% CF%81s%CF%84o%CF%87ib/id6505 010114	abuse@bizcn.com
https://www.bristox.com/app/andro id	Bizcn.com, Inc. abuse@bizcn.com
https://www.theupstoe.com/h5/	Bizcn.com, Inc. abuse@bizcn.com
https://www.ifups.com/app/ios	JUMING fw@juming.com



Table-B

Phone Numbers	Service Providers
1. 9571855265	Bharti Airtel Ltd.
2. 8905434219	
3. 7425909478	
4. 9256186096	
5. 9257566947	
6. 9216643219	
7. 7425953864	





8. 7568951867	
9. 9257996203	
10. 9725541279	
11. 9163263244	
12. 8790431232	
13. 9581361653	
14. 7362903991	
15. 9793659657	
16. 8401340847	
17. 9163337565	
18. 8923070852	
19. 7368063899	
20. 8401493498	
21. 9216352652	
22. 95193 10574	
23. 76529 25646	
24. 84296 06644	
25. 7388166262	
26. 7276213835	
27. 8293034690	
28. 8438630435	
29. 7397035782	
30. 8790982734	
31. 9601313772	
32. 7548843835	
33. 7041280599	
34. 9558840383	
35. 9558288271	
36. 7302862413	
37. 9056242661	
38. 7305930831	
39. 9748920795	





1. 8307572908 2. 8708859153 3. 8401664169	Reliance Jio Infocomm Limited
1. 8446373436 2. 7610253342 3. 7845765378 4. 7450049397 5. 9640580310 6. 7509861964 7. 8291881855	Vodafone Idea Limited 



Table-C

State Bank of India (Acc. No.			
No. 41724611355	IFSC	SBIN0013746),	(Acc. No.
42871629310	IFSC	SBIN0002094),	(Acc. No.
42948929737	IFSC	SBIN0016326),	(Acc. No.
43027943956	IFSC	SBIN0016629),	(Acc. No.
42855020363	IFSC	SBIN0011299),	(Acc. No.
42923121764	IFSC	SBIN0005087),	(Acc. No.
43129132319	IFSC	SBIN0031271),	(Acc. No.
43059782784	IFSC	SBIN0016155),	(Acc. No.
42861635177	IFSC	SBIN0011310),	(Acc. No.
43076704410	IFSC	SBIN0011417),	UCO Bank (Acc. No.
04860210004418	IFSC	UCBA0000486),	(Acc. No.



19250210002780 IFSC UCBA0001925), **RBL Bank** (Acc. No. 409001206488 IFSC RATN0000152), **Saraswat Bank** (Acc. No. 610000000032076 IFSC SRCB0000339), **Bandhan Bank** (Acc. No. 20100029590869 IFSC BDBL0002429), (Acc. No. 10230008506384 IFSC BDBL0001179), (Acc. No. 20100029270997 IFSC BDBL0001559), **Bank of Maharashtra** (Acc. No. 60496369054 IFSC MAHB0001461), (Acc. No. 20100026382785 IFSC BDBL0002530), **DBS Bank** (Acc. No. 8148210000008938 IFSC DBSSOIN0148), **Jana Small Finance Bank** (Acc. No. 4761020000722577 IFSC JSFB0004761), (Acc. No. 4552020001091503 IFSC JFSB0004552), **Ratankar Bank Limited** (Acc. No. 409002254877 IFSC RATN0000193), (Acc. No. 409002075731 IFSC RATN0000240), **Indusland Bank Limited** (Acc. No. 259708028509 IFSC INDB0000552), (Acc. No. 258882818479 IFSC INDB0001953), (Acc. No. 250892905891 IFSC INDB0002023), **Indian Overseas bank** (Acc. No. 377202000000345 IFSC IOBA0003772), (Acc. No. 192502000000535 IFSC HDFC0001925), **The COSMOS CO-OP Bank Ltd.** (Acc. No. 126100103896 IFSC COSB0000126), **HDFC Bank Ltd.** (Acc. No. 50200086562130 IFSC HDFC0001631) and **Axis Bank** (Acc. No. 924020011014877 IFSC UTIB0002564),