



\$~58

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

+ CS(COMM) 103/2024

SEQUOIA CAPITAL OPERATIONS LLC & ORS. Plaintiffs

Through: Ms. Shwetasree Majumdar, Ms. Priya Adlakha, Mr. Vardaan Anand and Mr. Shiv Mehrotra, Advocates for P-1.
Mr. Saikrishna Rajagopal, Ms. Sneha Jain, Mr. Yatinder Garg and Mr. Akshay, Advocates for P-2 & 3.

versus

JOHN DOE AND OTHERS

.... Defendants

Through: Mr. Madhav Khosla and Ms. Moha Paranjpe, Advocates for D-4/Telegram.
Ms. Nidhi Raman, CGSC with Mr. Zubin Singh and Mr. Rahul Kumar Sharma, Advocates for D-6 & 7.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

05.02.2024

I.A. 2542/2024(seeking exemption from advance service to Defendant No. 1)

1. For the grounds and reasons stated therein, the application is allowed and disposed of. The Plaintiffs allege that Defendant No. 1 is perpetrating fraud on the general public by creating a false association with the Plaintiff, resulting in grave financial losses to the public. Considering the nature of controversy involved in the present suit as well as the peculiar facts and circumstances of the case, exemption from effecting advance service on



Defendant No. 1 is allowed.

2. Disposed of.

I.A. 2539/2024(seeking exemption from pre-institution mediation)

3. As the present suit contemplates urgent interim relief, in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Krithi*,¹ exemption from attempting pre-institution mediation is granted.

4. Disposed of.

I.A. 2540/2024(seeking to file additional documents)

5. This is an application seeking leave to file additional documents under the Commercial Courts Act, 2015.

6. If Plaintiffs wish to file additional documents at a later stage, they shall do so strictly as per the provisions of the said Act.

7. Disposed of.

I.A. 2541/2024(seeking exemption)

8. Exemption is granted, subject to all just exceptions.

9. Plaintiffs shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.

10. Disposed of.

CS(COMM) 103/2024

11. Let the plaint be registered as a suit.

12. Issue summons. Counsel mentioned in appearance above accept summons on behalf of Defendants No. 4, 6 and 7. They confirm receipt of



the suit paper-book, and waive the requirement for Registry to issue formal summons. Written statement(s) shall be filed within thirty days from today. Issue summons to remaining Defendants, upon payment of process fee, by all permissible modes. Summons shall state that the written statement(s) shall be filed by the Defendants within thirty days from the date of receipt of summons. Along with the written statement(s), the Defendants shall also file affidavit(s) of admission/denial of the documents of the Plaintiff, without which the written statement(s) shall not be taken on record.

13. Liberty is given to the Plaintiffs to file replication(s) within 15 days of the receipt of the written statement(s). Along with the replication(s), if any, filed by the Plaintiffs, affidavit(s) of admission/denial of documents of the Defendants be filed by the Plaintiffs, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

14. List before the Joint Registrar for marking of exhibits on 05th April, 2024. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

15. List before Court for framing of issues thereafter.

I.A. 2538/2024(under Order XXXIX Rules 1 and 2 of CPC)

16. Ms. Shwetasree Majumder, counsel for Plaintiff No. 1, and Mr. Saikrishna Rajagopal, counsel for Plaintiffs No. 2 and 3, have presented the following facts and contentions:

16.1 The present suit seeks to permanently restrain the unauthorized use of the Plaintiff No. 1's registered trademarks "SEQUOIA", "SEQUOIA

¹ 2023 SCC OnLine SC 1382.



CAPITAL”, “  ”, “  ” etc. and passing off of Plaintiff No. 2 and 3s’ trademarks “PEAK XV”, “PEAK XV PARTNERS”, “  ”, “  ” and “  ” by Defendant No.1, who is operating a fraudulent trading and investment business through the websites www.sequoiacapital.club, www.sequoiacapital.top and www.sequoiainvestment.in, also the mobile application named ‘SEQUOIA’.

16.2 Additionally, Imposters are impersonating themselves as Mr. Chinmaya Golecha, who in fact is an Investment Professional at Plaintiff No. 3 and claiming to be a part of SEQUOIA CAPITAL. They are allegedly operating a stock market investment learning platform ‘SEQUOIA CAPITAL BUSINESS SCHOOL’ through webinars, wherein they share apparently fake and fraudulent stock trading and investment information, using the SEQUOIA trademarks.

Plaintiff No. 1/ Sequoia Capital Operations, LLC


16.3 Plaintiff No. 1 is a venture capital firm, having its headquarters at California, United States of America, who offers a range of investment services in various sectors, such as artificial intelligence, machine learning, cryptocurrency, healthcare, fintech, e-commerce, edtech, telecom etc., under the brand name “SEQUOIA”. Plaintiff No. 1 aims to aid founders in building their companies, and has successfully assisted several renowned entities in expanding their businesses.

16.4 The mark “SEQUOIA” was first adopted in 1972 by Plaintiff No. 1’s founder, Mr. Donald T. Valentine, being inspired from the



“SEQUOIA” tree that lives for thousands of years. The trademarks



“SEQUOIA”, “” and their formative variants have been registered in Plaintiff No. 1’s favour in various countries and have now become an essential aspect of Plaintiff No. 1’s trading activities.

16.5 In India, the Plaintiff No. 1 has various trademark registrations in different classes, with the first registration dating back to 29th July, 2005.² Their commercial activities in India commenced in 2006 when Plaintiff authorized an Indian venture capital firm by the name of Westbridge Capital Partners to use the mark “SEQUOIA CAPITAL”. Pursuant to this authorization, ‘Westbridge Capital Partners’ was later rebranded as ‘Sequoia Capital India’. In 2006 itself, Sequoia Capital India (now known as PEAK XV PARTNERS) raised \$400 million, followed by another \$300 million in 2007, becoming the first Silicon Valley venture capital firm to have an exposure of more than \$1 billion in India.

16.6 Plaintiff No. 1 has been regularly featured in Indian print and digital media and also has a significant online presence on social media platforms, which are indicative of Plaintiff’s goodwill and reputation in the Indian market. The “SEQUOIA” trademarks are exclusively associated with the Plaintiff and any unwarranted use thereof in relation to capital market would cause customer confusion and result in loss of business and goodwill to the Plaintiff.

**Plaintiff No. 2/ Peak XV Partners Operations LLC and Plaintiff No. 3/
Peak XV Partners Advisors India LLP**

² Particulars of registration are mentioned at Paragraph No. 23 of the plaint.



16.7 The brand 'PEAK XV' of Plaintiff Nos. 2 and 3 is inspired from the moniker given to Mount Everest back in the 1850s by the British Survey before it came to be officially known as Mount Everest.


16.8 Plaintiff No. 3 has been operating a website www.peakxv.com on the internet, which prominently displays its trademarks 'PEAK XV',



and the device  as its website icon.

The website prominently calls out that PEAK XV PARTNERS was formerly known as Sequoia India and SEA and inter-alia provides information of PEAK XV PARTNERS' team, programmes (like Surge, Spark, PitStop, etc.), the companies that it has invested in, etc. Blog posts featuring details of Plaintiff No. 3's services under the PEAK XV PARTNERS trademark are also published regularly on the said website.

16.9 Plaintiff No. 2 has filed trademark applications for the word

and device marks, i.e. '  ', which are also used by the Plaintiff No. 3 as an authorized user of Plaintiff No. 2. These applications are currently pending before the Trade Marks Registry³.

Details of the Dispute

16.10 Due to the long-standing and extensive use and registrations, the SEQUOIA and PEAK XV PARTNERS trademarks are associated with Plaintiffs so much so that any reference to the names SEQUOIA/SEQUOIA CAPITAL/ SEQUOIA GROUP, PEAX XV, PEAK XV PARTNERS draws an immediate connection with Plaintiffs. Any unwarranted and unjustified

³ Particulars of applications are mentioned at Paragraph No. 24 of the plaint.




reference to the SEQUOIA and PEAK XV PARTNERS brand in the context of the capital market may cause customer confusion and deception and would be detrimental to Plaintiffs brand business, entrenched goodwill and brand reputation.

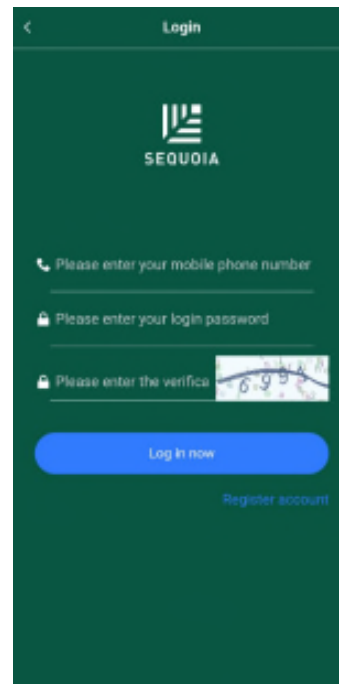
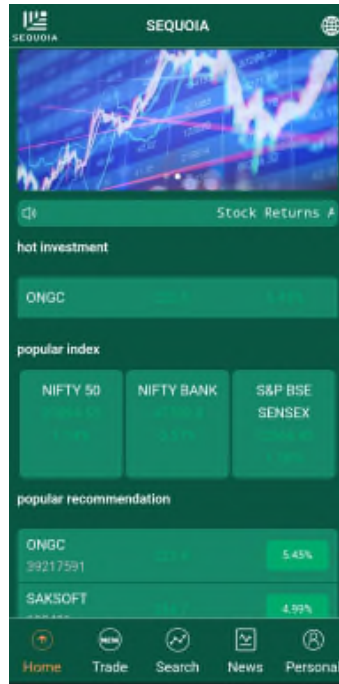
16.11 On 30th November, 2023, some officials of Plaintiff No. 3 received an email from a potential investor/informant, seeking a clarification if ‘Sequoia Capital Business School’ is a part of the Plaintiff No. 1’s company or associated with it in any other way. The said informant communicated that the aforementioned business school is providing investment tips for trading on a specific trading platform and a mobile application, which claim to be approved by SEBI and which enable users to make 500% profit based on their learning and recommendation.

16.12 Since the afore-mentioned business school was not connected with the Plaintiffs, Plaintiff No. 1 hired an investigator to look into the matter, which revealed extensive misuse of SEQUOIA and PEAK XV PARTNERS trademarks and the fraud being perpetuated by the said Imposters in the course of its highly dubious investment and trading business, which is detailed below:

(i) Defendant No. 1 operates a Facebook account ‘Sequoia Capital Academy’, which claims that ‘Sequoia Capital Business School’ Investment Manager– Mr. Chinmoy Golecha– is recruiting 100 investors to join its club for free, and also provides prospective investors a link to join the Telegram group “The Future is in my hands”. The said Facebook post is reproduced herein:



- (ii) The Imposters use this Telegram group, using SEQUOIA logo , as the group Icon, to encourage potential investors to invest their money in stocks and other alternative investment options through the Mobile application available at the link: <https://www.sequoiacapital.top/SEQUOIA-V1.0.2.apk>.
- (iii) The said mobile application misuses the Plaintiffs' SEQUOIA and PEAK XV PARTNERS trademarks and also makes misleading and incorrect statement to claims association/affiliation with the Plaintiffs. Screenshot of the infringing Mobile application is as under:



(iv) The Imposters have registered three infringing domain names sequoiacapital.top, sequoiainvestment.in and sequoiacapital.club, however none of the websites are operational and were used only to provide a link to download the infringing mobile application.

(v) The Imposters are operating several social media profiles on Facebook and 'X' (formerly Twitter) under the names 'Priya Kapoor' and 'Juhi Nisha', which promote 'Sequoia Capital Business School' and claims that Mr. Chinmaya Golecha, expert, has started conducting classes for stock knowledge in the "live broadcast room".

(vi) The Plaintiffs received complaints from the victims of the scam that the Imposters are operating several WhatsApp groups, details of which are given in DOCUMENT-B annexed to the plaint, in furtherance of their illegal business.

(vii) The Imposters are collecting huge amounts of money running into

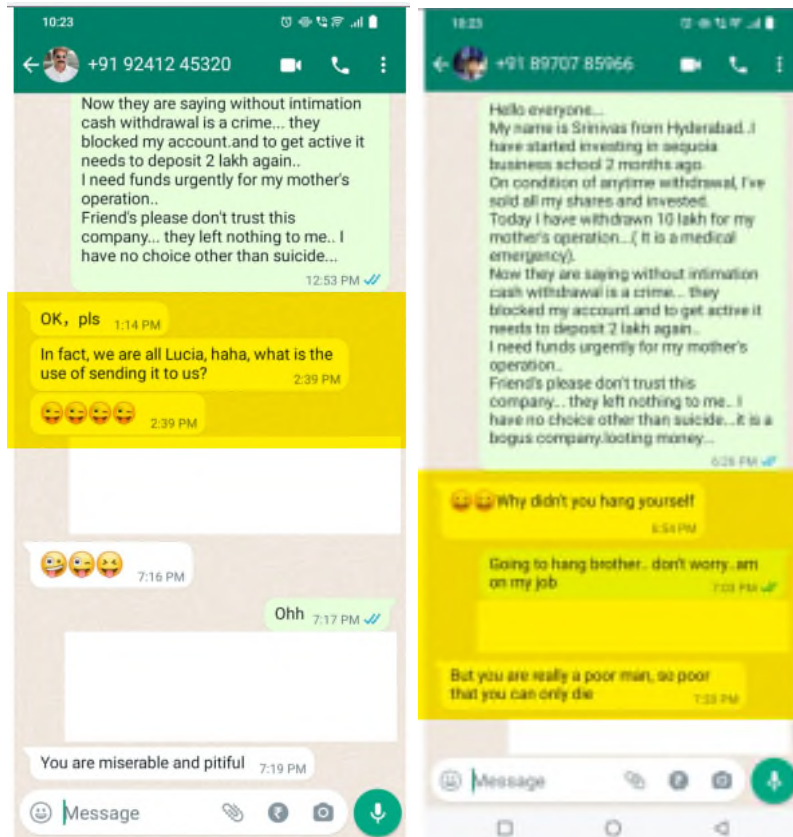


several lakhs of India Rupees, from the innocent investors under the guise of investment and trading with the Plaintiffs, in the bank account maintained with Defendant Nos. 8, 9 and 10, details of which are mentioned in DOCUMENT-C annexed to the plaint.

(viii) The money is collected from the victims in an illusionary wallet, and once the money is transferred, it cannot be withdrawn, and as per the information received from the investors/victims, their wallets are blocked, and they are removed from the WhatsApp and Telegram groups by the Imposters.

(ix) The Plaintiffs state that most of the participants/members of these WhatsApp groups are also Imposters who are using the name of Mr. Chinmaya Golecha, as well as other recurring names including, *inter alia*, Ms. Lucia Chatterjee, Ms. Ananya Patel, Ms. Mamta.

(x) Further, emphasis is placed on several WhatsApp Chats, wherein one of the victims of this investment scam sent individual messages to all the participants of one of those groups, trying to make them aware of the fraudulent activity. However, in response, all the participants replied to him on individual chat stating that they all are Imposters “Lucia”, who is one of the admins in the impugned WhatsApp group. Screenshot of two such conversations are copied below:



(xi) The Imposters are also misusing the photograph of Mr. Chinmaya Golecha and conducting webinars in his name while sharing misleading and fake investment advice bearing the Plaintiffs' trademarks SEQUOIA and PEAK XV PARTNERS;

(xii) The Imposters are circulating forged and fabricated certificates alleged to be issued by SEBI, DIPP and other government/regulatory authorities, bearing the name SEQUOIA CAPITAL, in furtherance of their business;

16.13 The *modus operandi* of these Imposters is *ex facie* to dupe the potential investors by misusing the Plaintiffs' SEQUOIA and PEAK XV



PARTNERS trademarks, and to use the WhatsApp accounts solely and primarily for the purpose of fraudulent activities.

16.14 One of the victims of the Defendant No. 1's illegal activities, who has been cheated to the tune of INR 2,50,00,000/- has filed a complaint against Plaintiff No. 3's senior official Mr. Chinmaya Golecha, whom the Imposters have impersonated on their respective WhatsApp groups, pursuant to which an FIR has also been registered against Mr. Golecha in the Wakad Police Station, Pune. The said news has been reported by the media and is affecting the Plaintiff No. 3's goodwill and reputation, as it has been recently rebranded to PEAK XV Partners.

16.15 In view of the aforementioned controversy, given the erosion of the goodwill and reputation of the Plaintiffs and the grievous financial harm being caused to the public, the instant application is filed seeking urgent interim reliefs.

17. The Court has considered the aforementioned submissions. The aforementioned screenshots and other material placed on record clearly depict that Defendant No. 1 is attracting unsuspecting consumers using the Plaintiff No. 1's reputation connected with their registered "SEQUOIA" trademarks. The operators/ group admins of various WhatsApp and Telegram groups/Communities/ Channels have not been authorized by the Plaintiffs to offer any financial trading and investment advice and platform for entering into monetary transactions and are misrepresenting themselves to the public to that effect. It is *ex-facie* apparent that the activities of Defendant No. 1 are illegitimate and fraudulent, intended to be used as a ploy to induce the unwary users to "invest" substantial sums of money, which is detrimental to public interest. This also affects the Plaintiffs' standing in the market, as the




consumers are initially drawn by the use of the “SEQUOIA” and ‘PEAK XV PARTNERS’ trademarks.

18. In view of the foregoing and considering the public interest involved in the matter, the Court is of the opinion that Plaintiffs have demonstrated a strong *prima facie* case in their favour and in case an *ex-parte* ad-interim injunction is not granted, Plaintiffs will suffer an irreparable loss. Balance of convenience also lies in the favour of Plaintiffs, and against Defendant No.1. Accordingly, the following directions are issued:

18.1 Till the next date of hearing, Defendant No. 1, and/or any person acting on their behalf, are restrained from using the Plaintiff No. 1’s registered “SEQUOIA” trademarks or its variations, as a 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. in any manner that would amount to infringement of Plaintiff No. 1’s trademarks.

18.2 Till the next date of hearing, Defendant No. 1, and/or any person acting on their behalf, are restrained from passing off their business as that of the Plaintiffs, by using their trade names and trademarks

SEQUOIA and PEAK XV PARTNERS, , 

and the device  and their variations in any manner including but not limited to issuing fake job advertisements, claiming an association/affiliation with the Plaintiffs and their related entities and employees.

18.3 Defendant No. 2, Namesilo LLC, shall suspend the domain names sequoiacapital.top, sequoiainvestment.in, sequoiacapital.club and



maintain *status quo* regarding the ownership of the said domain names. They shall further file in a sealed cover the necessary information pertaining to the identity of the registrants of the aforesaid domain names, as is available with them, within a period of four weeks from today.

18.4 Defendant No. 3, Meta Platforms Inc., is directed to block/remove access to the said profiles/accounts as mentioned in DOCUMENT-A annexed to the plaint. Further, they shall disclose, by filing in a sealed cover, the mobile nos., email ids and IP addresses used to open the fake Facebook profiles/accounts, before this Court within four weeks from today.

18.5 Defendant No. 3 is also directed to remove/block the WhatsApp groups/communities as well as WhatsApp accounts of the mobile numbers as mentioned in DOCUMENT-B annexed to the plaint, and/or any other groups/ community groups created/administered by the phone numbers of the group admins of the aforesaid group that are misusing the Plaintiff's trademarks in their communications.

18.6 Defendant No. 4, Telegram FZ-LLC, is directed to remove/block Telegram channel <https://t.me/+OQF6yvz0C445M2E1> as also the accounts with the usernames '@alonzo0708033162' and '@SarahPrice3481'.

18.7 Defendant No. 4 is also directed to file an affidavit on the steps it can take, within its capacity as an intermediary platform, to ensure that no new groups are formed in the name of "Senee Trader" by the same/ new administrators. The said affidavit should specifically outline whether it is technologically possible for Defendant No. 3 to ascertain the existence of any other groups utilising "SENEE TRADER", "SEQUOIA" or "PEAK



XV” in their group names or group descriptions. Let the same be filed within four weeks from today.

18.8 Defendant No. 5, X Corp. (formerly Twitter), is directed to delete the ‘X’ Account of Juhi Nisha, i.e. @MaXiao35474.

18.9 Defendant No. 6, Ministry of Electronics and Information Technology, Union of India and Defendant No. 7, Department of Telecommunications, Ministry of Communications, Union of India, shall issue necessary notifications/ directions to all telecom and internet service providers, Domain Name Registrars, social media platforms and messaging apps in India, to permanently block/ delete/ remove access to all the telephone numbers, websites, domain names, accounts on social media and messaging platforms etc., which are subject matter of the present suit, and specifically mentioned in DOCUMENTS A, B and C.

18.10 Defendants No. 8, 9 and 10 are directed to immediately freeze all the bank accounts of the Defendant No. 1 as mentioned in DOCUMENT-C annexed with the plaint.

18.11 Defendants No. 8, 9 and 10 are also directed to file in a sealed cover the complete KYC documents of the owners/beneficiaries of the impugned bank accounts as mentioned in DOCUMENT-C annexed to the plaint, along with their account opening/nomination forms and bank statements from the date of opening of bank accounts till the date of their compliance of the instant order. Let the same be filed one week prior to the next date of hearing.

19. Compliance of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 shall be done within fifteen days from today.

20. Issue notice. Reply, if any, be filed within four weeks from



today. Rejoinder thereto, if any, be filed within two weeks thereafter.

21. Re-notify on 10th July, 2024.

SANJEEV NARULA, J

FEBRUARY 5, 2024

d.negi