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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(COMM) 727/2023, I.A. 20150/2023, 20151/2023, 20152/2023**

TV TODAY NETWORK LIMITED

..... Plaintiff

Through: Mr. Arunabh Chowdhury, Ms.  
Radhika Gupta & Mr. Karma Dorjee,  
Advocates, M. 9958387755

versus

CAPITAL TV AND ORS.

..... Defendants

Through: Ms. Mamta Rani Jha, Mr. Rohan  
Ahuja, Ms. Shruttima Ehersa, Mr.  
Vatsalya Vishal, Ms. Amishi Sodani,  
Mr. Rahul Choudhary, Advs. for D-3.  
(M: 7046687173)  
Mr. Deepak Gogia and Mr. Aadhar  
Nautiyal, Advs. for D-5. (M:  
9205109664)

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

% **12.10.2023**

1. This hearing has been done through hybrid mode.

**I.A. 20151/2023 (for exemption)**

2. This is an application filed by the Plaintiff seeking exemption from filing originals/certified/cleared/typed or translated copies of documents, left side margins, electronic documents, etc. Original documents shall be produced/filed at the time of Admission/Denial, if sought, strictly as per the provisions of the Commercial Courts Act and the DHC (Original Side) Rules, 2018.

3. Exemption is allowed, subject to all just exceptions.

4. Accordingly, the application is disposed of.

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**I.A.20152/2023 (u/S 12A of the Commercial Courts Act)**

5. This is an application filed by the Plaintiff seeking exemption instituting pre-litigation mediation. In view of the fact that urgent interim orders are sought by the Plaintiff and orders passed in *Chandra Kishore Chaurasia v. R A Perfumery Works Private Ltd, 2022/DHC/004454*, the application is allowed and disposed of.

**CS (COMM) 727/2023**

6. Let the plaint be registered as a suit.

7. Issue summons to the Defendants through all modes upon filing of Process Fee.

8. The summons to the Defendants shall indicate that the written statement(s) to the plaint shall be positively filed within 30 days from date of receipt of summons. Along with the written statement(s), the Defendants shall also file an affidavit of admission/denial of the documents of the Plaintiff, without which the written statement(s) shall not be taken on record.

9. Liberty is given to the Plaintiff to file the replication(s) within 15 days of the receipt of the written statement(s). Along with the replication(s), 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(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.

10. List before the Joint Registrar for marking of exhibits on 4th December, 2023. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

11. List before Court on 9<sup>th</sup> April, 2024.



**I.A. 20150/2023 (u/O XXXIX Rules 1 & 2 CPC)**

12. Issue notice.

13. The Plaintiff- TV Today Network Limited has filed the present suit seeking protection in respect of the names of programs which are run on its television channels. As per the plaint, the Plaintiff runs and broadcasts well known TV channels namely 'AajTak', 'AajTak HD', 'India Today Television' and 'Good News Today (earlier known as Tez)'. The Plaintiff has businesses in broadcasting, publishing, e-commerce, *etc.* and is part of the leading media group 'India Today Group', which also publishes the famous magazine 'India Today' amongst various other well-known magazines. The Plaintiff's case is that it broadcasts various programs on its channels including the following:

| TV Show   | Channel     |
|---|-------------|
|  | INDIA TODAY |
|  | AAJ TAK     |
|  | AAJ TAK     |
|  | AAJ TAK     |



|  |                       |
|--|-----------------------|
|  | TEZ (GOOD NEWS TODAY) |
|--|-----------------------|

14. The programme names 'TO THE POINT' and 'SPECIAL REPORT' are stated to be registered under the Trademark Act, 1999. It is averred in the plaint that the said logos are distinctive and original works which enjoy copyright protection under the Copyright Act, 1957.

15. Mr. Arunabh Chaudhary, Id. Sr. Counsel submits that Defendant No.1 'Capital TV' is running a digital news and current affair platform on its website [www.capitaltv.in](http://www.capitaltv.in). It is also having presence on YouTube, Facebook, Instagram and X (Twitter) platforms. It is alleged in the plaint that Defendant No.1 has produced programs under names that are identical to the Plaintiff's programs. The competing names used by the Plaintiff and the Defendant No.1 are set out below:



| S. No. | Plaintiff's Program | Plaintiff's Trade Mark | Defendant's Infringing/ Impugned Mark |
|--------|---------------------|------------------------|---------------------------------------|
| (a)    | TO THE POINT        |                        |                                       |
| (b)    | Halla Bol           |                        |                                       |
| (c)    | Special Report      |                        |                                       |
| (d)    | Black & White       |                        |                                       |
| (e)    | Kismat Connection   |                        |                                       |

16. Ld. counsel for the Plaintiff submits that these names have been copied from the Plaintiff's television channels and the same cannot be used by Defendant No.1 as the same are original names coined by the Plaintiff for its news programmes. It is further stated by Id. Counsel that a cease and desist notice dated 5<sup>th</sup> June, 2023 was sent by the Plaintiff to Defendant No.1 however, no reply has been received to the said notice from the said Defendant.



17. The Court has heard ld. counsel and perused the record. The Plaintiff's television channels are quite popular. Some of the programmes are being curated and produced by the Plaintiff in a particular manner and the names have also been assigned on the basis of type of content in the said programmes. Though the specific words used for the news programme may themselves not be capable of being monopolized, the combination marks can be protected if they have acquired a secondary significance. The Defendants are imitating a number of logos/marks of the Plaintiff in identical/deceptively similar fonts, appearance, & color scheme. The fact that the names have been clearly picked from various television programmes of the Plaintiff would show that the intention of Defendant No.1 is either to pass off its programmes as that of the Plaintiff or to claim some connection or affiliation with the Plaintiff.

18. In view of the above, the Court is of the view that a *prima facie* case of passing off, trade mark infringement has been made out by the Plaintiff. The balance of convenience lies in the favour of the Plaintiff, and if no injunction is passed at this stage, irreparable harm would be caused to the Plaintiff. Accordingly, the Defendants are restrained from using the logos/marks "TO THE POINT", "HALLA BOL", "SPECIAL REPORT", "BLACK & WHITE", "KISMAT CONNECTION" or any other mark that is deceptively similar to the Plaintiff's marks, in respect of news/current affairs programmes. However, the individual words by themselves, which are part of the common parlance in Hindi and English language, could be used in a different manner or in conjunction with other combinations in a way that the programs of the Defendant No.1 are clearly differentiable from the Plaintiff's programs.



19. Defendant No.1 shall take down all links relating to these programmes on any online platform, failing which the Plaintiff shall communicate these URLs to the respective platforms, which shall take down the URLs within 72 hours as long as the names of the programmes are identical. If there are any doubts as any links/URLs, parties are permitted to approach this Court for clarification.

20. Insofar as X (Twitter) is concerned, Id. Counsel submits that not a single URL has been given where any of the programmes are uploaded on X platform. If any of the programmes with the impugned names are found on the Twitter/X, the same shall be informed by Id. Counsel for Plaintiff to the Id. Counsel for X. The said online platforms shall take down the impugned URLs within a period of 72 hours after receiving the communication from the Plaintiff.

21. Compliance under Order XXXIX Rule 3 CPC be made within one week.

22. Let the Defendants file reply within four weeks.

23. List on 9<sup>th</sup> April, 2024.

**PRATHIBA M. SINGH, J.**

**OCTOBER 12, 2023/dk/sk**