



Restauranteur and social media savant injunctioned by Delhi HC from mimicking Domino's brand

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Delhi High Court orders defendant to cease illegal use of Domino's brand for its own restaurant business and desist from its use confusing use on social media platforms. Domino's Pizza (plaintiff), one of the world's largest fast food restaurants approached the Delhi High Court upon discovering the defendant mimicking various elements of its brand for his own restaurant. The defendant was operating a restaurant under the name 'DominoZZ Pizza' and had copied the red and blue colour scheme, layout and content from Domino's brand. The defendant also had a webpage on a popular social media platform (Facebook) which users were confusing with that of the plaintiff. The plaintiff brought to the court's attention the sizeable presence of the DOMINOS brand in the market. Appropriating such a well-known mark, the defendant was encashing on its reputation; his activities were likely to affect the goodwill and consumer confidence in the plaintiff's products and business. The potential for deceiving customers was apparent from the images and posts of social media users. Accepting its submissions the court opined the plaintiff to have presented a good *prima facie* case and passed an order restraining the defendant from its activities to prevent "grave and irreparable loss". It also appointed a court commissioner to visit the premises of the defendant to ensure compliance with its order and seize printed material infringing on the DOMINOS marks and to maintain a record of accounts. *Domino's IP Holder LLC v Dominozz Pizza; Before the Delhi High Court; order dated 11.5.2017*

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