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INTELLECTUAL PROPERTY RIGHTS

# Domino’s Secures Ex Parte Injunction Against Deceptively Similar Marks in Online Food Platforms

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## Introduction

In a recent ruling, the Delhi High Court granted an ex parte ad-interim injunction in favour of *Dominos IP Holder LLC and Jubilant FoodWorks Limited*, restraining multiple entities from using deceptively similar marks such as “Domnic’s”, “Dominic’s”, “Daminic’s” and other names resembling the registered trademark “Domino’s”.

## Background of the Case

Domino’s IP Holder LLC (Plaintiff No. 1) is a Limited Liability Corporation incorporated in the USA. It is a subsidiary of Domino’s Pizza LLC and owns and manages its intellectual property. Jubilant Food Works Limited (Plaintiff No. 2) has the exclusive rights to operate Domino’s franchises under Master Franchise Agreement with Domino’s Pizza International Franchising Inc in India.

Dominos was founded in 1960 in the USA, by Tom Monaghan and his brother James. Since then, the plaintiffs have expanded its worldwide operations to over 90 countries and currently operate more than 21,000 stores all over the world.

In January 2025, the Plaintiff learned through the market that the Defendant No.s 1 to 15, who are various entities that unauthorizedly adopted the trade names/ marks “*Domnic’s”, “Dominic”, “Dominic’s”, “Domnik”, “Daminic”, “Daminic’s* ” and were listed on online food platforms like Zomato and Swiggy. These names were alleged to be deceptively similar to the plaintiffs’ registered trademarks and earlier trade name “Dominick’s Pizza” (used from 1960 to 1965) Zomato is Defendant No. 16 and Swiggy is Defendant No. 17, and they host the listings of infringing businesses, but are not infringers themselves.

## Plaintiff’s Contentions

For over five decades, the plaintiffs have continuously and uninterruptedly used the trademarks “Domino’s, Domino’s Pizza” and other device marks. The Plaintiffs had also been granted registration in India under classes 29, 30, 39, 42 and 43. The Plaintiff’s had asserted their rights over the mark “*DOMINICK*”, as it was previously adopted by them as also citing the cases of *Dominos IP Holder LLC & Anr. v. Ms Dominick Pizza & Anr. and Dominos IP Holder LLC & Anr. v. M/S Dominic Pizza & Ors.,* wherein the Court recognized the plaintiff’s rights over the said mark.

The plaintiff submitted that the Defendant No.s 1 to 15 had unlawfully adopted a phonetically, visually and deceptively similar mark to those of the Plaintiffs and with the dishonest intent of deceiving consumers and diverting the Plaintiff’s customers to their establishments.

## Court’s Observations

The Court observed that the marks of the Defendants are deceptively similar and phonetically identical to Plaintiff No. 1 trade name “Dominick’s Pizza”. The defendants have wholly copied the plaintiff’s mark “Dominik” or have removed the letter “K” from the plaintiff’s mark or have made minor alterations such as addition or subtraction of the letter “i” or “s” or replacement of letter “o” with “a”, so as to come close to the plaintiffs’ trademarks and ride upon their goodwill.

Moreover, the impugned marks were also deceptively similar to the plaintiffs’ registered mark, and consumers of average intelligence and imperfect recollection were likely to associate the defendant’s products with that of the plaintiffs. Therefore, there would be no justifiable reason for the defendants to adopt impugned marks that are similar to those of the plaintiffs. Since both parties operate in the same sector (edible goods), the likelihood of confusion is significantly higher, and the threshold for establishing deceptive similarity is lower due to potential health implications for consumers.

Furthermore, the plaintiffs are *prima facie* entitled to protection as the balance of convenience lies in their favour and therefore, the plaintiff would incur irreparable loss and injury if an interim injunction were not granted to them. Accordingly, the defendant no’s 1 to 15 were restrained from advertising or selling any product packaging, menu cards and advertising material, labels, stationery articles, website or any other documentation displaying in any manner whatsoever, the marks or trade names of the Plaintiffs. Additionally, Zomato and Swiggy were also directed to takedown the impugned listings from their applications, websites or any other platforms.

## Conclusion

The Delhi High Court's order in *Dominos IP Holder LLC & Anr. v. M/S Dominic Pizza & Ors.* reaffirms the judiciary's commitment to protecting well-known trademarks from dilution, misappropriation, and consumer confusion, especially in sectors like food services where public health and brand trust are critically linked. By recognizing the deceptive similarity in both appearance and phonetics, and by acknowledging the long-standing commercial reputation of Domino's, the Court sent a strong message against opportunistic infringement. This decision emphasizes that online platforms like Zomato and Swiggy, while not infringers themselves, are obligated to act on court orders or lawful takedown notices under the IT Act, 2000. The case further reinforces the strong protection afforded to well-known trademarks under Indian law.

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