



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

COMMERCIAL APPEAL NO. 617 OF 2025



BETWEEN:

1. EXOTIC MILE PRIVATE LIMITED
(A PRIVATE COMPANY INCORPORATED UNDER
COMPANIES ACT, 2013)
HAVING ITS CORPORATE OFFICE AT: B-67
WAZIRPUR INDUSTRIAL AREA, NORTH WEST
DELHI - 110 052
HAVING ITS SALES UNIT AT:
SURVEY No.26, KALKUNTE AGARHARA VILLAGE
ANUGONDAHALLI
BENGALURU RURAL
KARNATAKA - 560 067
REPRESENTED BY ITS AUTHORISED
REPRESENTATIVE
MR. SANTOSH KUMAR HB

...APPELLANT

(BY SRI CHADER PAL., SENIOR ADVOCATE A/W
MR. PRASHANTH KUMAR, ADVOCATE,
MS. SHRISTI WIDGE, MR. RISHI ANEJA,
MS. VANITA & MS. AISIRI RAJ, ADVOCATES
FOR SRI MANU PRABHAKAR KULKARNI, ADVOCATE)

AND:

1. DPAC VENTURES LLP
(AN LLP FIRM INCORPORATED UNDER





THE LLP ACT 2008)
REPRESENTED BY ITS
DESIGNATED PARTNER
PIYUSH JALAN,
HAVING ITS UNIT AT PLOT NO 78/A,
S.NO. 118, 121 AND 551
JIGANI, 1ST PHASE
JIGANI INDUSTRIAL AREA
JIGANI HOBLI, ANEKAL TALUK - 560 105.
BENGALURU RURAL.

...RESPONDENT

(BY SRI M.S. SHYAMSUNDAR, SENIOR ADVOCATE A/W
SMT. ANUPARNA BORDOLOI, ADVOCATE FOR
C/RESPONDENT)

THIS COMMERCIAL APPEAL IS FILED UNDER SECTION
13(1-A) OF THE COMMERCIAL COURT ACT, 2015 PRAYING TO
SET ASIDE THE ORDER DATED 10.11.2025 IN I.A.NO.2 IN
COMMERCIAL O.S. NO.199/2025 (ANNEXURE-A1) FILED BY THE
RESPONDENT AGAINST THE APPELLANT PENDING BEFORE
THE HONBLE XI ADDITIONAL DISTRICT AND SESSIONS JUDGE
(COMMERCIAL COURT), BENGALURU RURAL DISTRICT AT
BENGALURU TO THE EXTENT IT PARTY ALLOWS I.A.NO.2 IN
COMMERCIAL OS NO.199/2025 AND CONSEQUENTLY & ETC.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant (hereafter the defendant) has filed the present appeal challenging an order dated 10.11.2025 [**impugned order**] passed by the learned XI Additional District and Sessions Judge [**Commercial Court**] in Com.OS.No.199/2025, whereby the court partly allowed the interlocutory application (IA No.2) filed by the respondent and, *inter alia*, directed as under:

"Defendant company shall

a) Prefix or suffix the word (formerly BOULT) while using, selling or offering for sale, soliciting, advertising, displaying or in any manner dealing in goods or services under the mark **GoBoult** or any other mark similar to the plaintiff's trade mark **GoBold**.

b) Publish a public notice in a leading nationwide newspaper as (formerly **BOULT**) in the matter of use of the mark **GoBoult** or any other mark similar to the plaintiff's trade mark **GoBold**.



c) File weekly accounts for its business under this trademark till disposal of suit.

No order as to costs."

2. The respondent (hereafter 'the plaintiff') had filed the aforementioned suit (Com.OS.No.199/2025), *inter alia* seeking permanent injunction restraining the defendant therein from using, selling or offering for sale, soliciting, advertising, displaying or in any manner dealing in goods or services under the mark "**GoBoult**" or any other mark, which is deceptively similar to the plaintiff's trademark "**GoBold**" and thereby restraining the defendant from committing any acts of passing off and infringement of its trademark.

3. The plaintiff is engaged in the business of offering a diverse range of sound and audio devices, viz., earbuds, Bluetooth speakers, Bluetooth earphones and wired earphones. The appellant is also engaged in manufacturing similar goods.

4. The plaintiff claims that keeping in mind the evolving preferences of younger demographic, in the year 2021, it had




registered the trademarks '**GoBold**', '**GOJOLT**', '**GOVO**' and the

device mark  in class 9.

5. The plaintiff claims that since the year 2021 – that is after registration of the trademarks – it has been honestly and uninterruptedly using the trademark “**GoBold**” in relation to its audio products. It claims that as a result of uninterrupted use of the marks, plaintiff's products, under the mark '**GoBold**', '**GOJOLT**' and '**GOVO**', have come to enjoy substantial reputation and goodwill in the market. The products bearing the said marks are recognized as the plaintiff's products.

6. As noted above, the appellant is also engaged in manufacture and sale of audio gadgets, phones, speakers as well as electronic gadgets. The appellant claims that its directors were previously using the trademark “**BOULT**” (under the proprietorship concern, Exotic Mile) since the year 2017 and had garnered significant market share. The appellant claims that the proprietorship concern Exotic Mile had achieved a sales turnover of Rs.2.96 crores under the trademark “**BOULT**” during the year 2017-2018. The turnover under the said mark has since increased



to Rs.762.03 crores in the year 2024. The appellant's predecessor had registered the trade mark "**BOULT**"  bearing registration No.3555428 (dated 23.05.2017). However, thereafter on 22.10.2020, the appellant - company was incorporated for the purpose of carrying on a similar business to that being carried on by the proprietorship concern. The appellant on 07.03.2023 registered its trademark "**BOULT**" in Class 35 (registration No.5837949). The appellant also applied for the registration of the mark **GOBOULT** on 30.11.2023 in Class 35 (registration No.6202352) and in Class 9 (registration No.6202357). The said registrations were subsequently granted.

7. The appellant has disclosed that in the year 2019, M/s. Imagine Marketing Private Limited, (**Imagine**) had filed a suit being Com.OS.No.519/2019 before the Delhi High Court against the proprietorship concern (M/s. Exotic Mile) alleging trademark infringement and passing off of the goods by Exotic Mile as that of the goods sold by Imagine. The appellant claims that by an interim order dated 21.01.2020, the Delhi High Court restrained the said proprietorship concern (M/s Exotic Mile) from using device mark



However, there is no order restraining the appellant from using its trademark "**BOULT**". The order dated 21.01.2020 passed by the Delhi High Court was appealed before the Division Bench in FAO.(OS).COMM.20/2020 and by an order dated 27.01.2020, the operation of the order dated 21.01.2020 was stayed. The stay order continued till the appeal was disposed of.

8. The appellant states that in May, 2025 in order to avoid any conflict with Imagine, the appellant re-branded its products and

adopted the trade mark "**GOBOULT**" / .

9. Aggrieved by the appellant adopting the brand "**GOBOULT**", the plaintiff caused legal notice dated 29.08.2025 alleging that the appellant's trademark "**GOBOULT**" and the device mark were deceptively similar to the registered trademarks '**GoBold**', '**GOJOLT**', '**GOVO**'. The appellant disputed the same. In the aforesaid context, the plaintiff filed the aforementioned suit, Com.OS.No.199/2025, alleging infringement of its trademarks and passing off.



10. The plaintiff claims that the appellant was passing off its goods by using a deceptively similar trade mark. It also claimed that the use of impugned mark was likely to cause confusion and the consumers were susceptible to mistaking the appellant's goods as originating from the plaintiff.

11. The learned Commercial Court in its order dated 10.11.2025, found that the trademarks adopted by the appellant were prima facie deceptively similar. The learned Commercial Court evaluated the rival contentions and found that the appellant's use of the trademark "**GOBOULT**" in respect of products that were similar in appearance, use, outlook, price and quality, was likely to cause confusion. And, that the plaintiff had made out a prima facie case of misrepresentation, foreseen damages and harm to its reputation.

12. Additionally, the learned Commercial Court had found that the balance of convenience also weighed in favour of the plaintiff, considering that the plaintiff's trademarks were registered in the year 2021 and the appellant had secured the registration of the trademark "**GOBOULT**" pursuant to the application dated 30.11.2023. The learned Commercial Court concluded that prima



facie the plaintiff would suffer loss if the appellant was not prevented from using its trademark.

13. Mr. Chander Lal, learned Senior Counsel appearing for the appellant contented that the learned Commercial Court erred in passing the impugned order. He submitted that the plaintiff's case of infringement of trademark was unsustainable as the appellant was using its own registered trademark. He contended that the learned Commercial Court had enjoined the appellant from using its registered trademark on the ground of passing off. However, there was no material on record to establish that the plaintiff's trademark "**GoBold**" had established any goodwill in the market.

14. We are unable to accept the aforesaid contention. A plain reading of the impugned order indicates that the learned Commercial Court had evaluated the averments and the material placed on record and had concluded that the plaintiff had made out a case of misrepresentation on the part of the appellant, by use of similar trademark and trade name on online e-commerce platforms. The learned Commercial Court had found that similarity of the trademarks would lead to confusion as to whether both the plaintiff and the appellant were one and the same. There was material to



establish that there was goodwill associated with the plaintiff's trade mark. A plain reading of the plaint indicates that the plaintiff had set out the photographs of its products which use both the word and the logo "GOVO" as well as the trademark "GoBold". The plaintiff had also set out the expenses incurred by it in branding and advertising since the year 2020-2021 till the year 2024-2025. It claimed that it had spent a sum of Rs.38,50,36,475/- (Rupees thirty-eight crores fifty lakhs thirty-six thousand four hundred and seventy-five only). It also claimed that its products were sold on major e-commerce platforms such as Amazon and Flipkart. The public and the trade at large, recognized and distinguished the plaintiff's goods by virtue of its domain name and its mark, which was included in its domain <https://govo.life/>.

15. In addition, the plaintiff had also disclosed the profits and it claimed that the same had risen from sum of Rs.3,15,12,706/- (three crores, fifteen lakhs, twelve thousand, seven hundred and six only) during the financial year 2021-2022 to Rs.66,49,40,753/- (Rupees Sixty Six Crores, Forty Nine Lakhs, Forty Thousand, Seven Hundred and Fifty Three Only) during the financial year



2024-2025. The said figures evidence the commercial success and goodwill of the said mark as well as the plaintiff's products.

16. We are unable to accept that the learned Commercial Court had misdirected itself or exercised its discretion capriciously. We are not persuaded to accept the contention that the decision of the learned Commercial Court can be faulted as perverse, unreasonable or contrary to the settled principles of law.

17. In *Wander Ltd. v. Antox India (P) Ltd.*, 1990 Supp SCC 727, the Supreme Court had set out the scope of interference in appeals against the exercise of discretion. It explained the scope of appeals against discretionary orders as under:

"14. The appeals before the Division Bench were against the exercise of discretion by the Single Judge. In such appeals, the appellate court will not interfere with the exercise of discretion of the court of first instance and substitute its own discretion except where the discretion has been shown to have been exercised arbitrarily, or capriciously or perversely or where the court had ignored the settled principles of law regulating grant or refusal of interlocutory injunctions. An appeal against exercise of discretion is said to be an appeal on principle. Appellate court will not reassess the material and seek to reach a conclusion different from the one reached by the court below if the one reached by that court was reasonably possible on the material. The appellate court would normally not be justified in interfering with the exercise of discretion under appeal



solely on the ground that if it had considered the matter at the trial stage it would have come to a contrary conclusion. If the discretion has been exercised by the trial court reasonably and in a judicial manner the fact that the appellate court would have taken a different view may not justify interference with the trial court's exercise of discretion".

18. Tested on the anvil of the principles as set out in ***Wander Ltd. v. Antox India (P) Ltd.***, 1990 Supp SCC 727 (supra), no interference with the impugned order is warranted.

19. The appeal is accordingly dismissed.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**