



**DELHI HIGH COURT ASSESSES
DECEPTIVE SIMILARITY ON THE
BASIS OF THE DOMINANT PART OF A
MARK; HOLDS 'THUNDER 15000'
DECEPTIVELY SIMILAR TO
'THUNDERBOLT'**



DELHI HIGH COURT ASSESSES DECEPTIVE SIMILARITY ON THE BASIS OF THE DOMINANT PART OF A MARK; HOLDS ‘THUNDER 15000’ DECEPTIVELY SIMILAR TO ‘THUNDERBOLT’; HOLDS ADDITION OF NUMERALS INSUFFICIENT TO DISTINGUISH IMPUGNED MARK

Inbrew Beverages Private Limited Vs. Kinjore Brewery Private Limited & Anr.

Case No.: 2026:DHC:491

Court: Hon'ble High Court of Delhi

Coram: Hon'ble Ms. Justice Jyoti Singh

Date of Order: August 11, 2026

Case Summary & Factual Background

The Delhi High Court considered an application filed by Inbrew Beverages Private Limited (“Plaintiff”) seeking an ex parte ad-interim injunction against the use of the mark “THUNDER 15000” by Kinjore Brewery Private Limited and another (“Defendants”).

The Plaintiff is an alcoholic beverages company having a pan-India presence and dealing in a range of alcoholic beverages including beer, whisky, rum, brandy, vodka and gin. The Plaintiff claimed that the trademark THUNDERBOLT was originally adopted by Mount Shivalik Breweries Limited in 1984, subsequently acquired by Molson Coors India Private Limited and thereafter validly acquired by the Plaintiff. The Plaintiff is the registered proprietor of THUNDERBOLT and its formative marks in Class 32, with the earliest registration dating back to 1984. The Plaintiff asserted that its continuous and extensive use of the mark had resulted in immense reputation and goodwill.

The dispute arose when, in the first week of May 2026, the Plaintiff came across an Instagram post of Defendant No. 2 advertising that it was importing and selling products under the impugned mark THUNDER 15000 in Jharkhand. Defendant No. 1 was engaged in manufacturing, selling, marketing and distributing alcoholic beverages in Bhutan, while Defendant No. 2 was engaged in importing, selling and distributing beer under THUNDER 15000 in Jharkhand. The Plaintiff stated that Defendant No. 2 had been promoting the beer under the impugned mark since December 2025. Defendant No. 1 had also obtained a Brand Registration Certificate for THUNDER 15000 from the Royal Government of Bhutan on April 07, 2026. However, neither Defendant had applied for registration of the impugned mark in India.

The Plaintiff contended that the Defendants had slavishly adopted the dominant and distinctive feature of its THUNDERBOLT mark, namely “THUNDER”, and had merely substituted the word “BOLT” with the numeral “15000”. It was argued that the addition of the numeral was insufficient to distinguish the competing marks, particularly since the rival goods were identical, the trade channels were common and the parties catered to the same consumer base. The Plaintiff therefore asserted that the use of THUNDER 15000 was likely to cause confusion and amounted to infringement under Section 29 of the Trade Marks Act, 1999, besides constituting passing off.

Court Proceedings

The matter came before the Delhi High Court on the Plaintiff's application seeking an ex parte ad-interim injunction against the Defendants. The principal issue before the Court at this stage was whether the Plaintiff had made out a prima facie case warranting immediate protection against the Defendants' use of the impugned mark "THUNDER 15000", and whether the balance of convenience and likelihood of irreparable injury justified the grant of interim relief.

In support of the application, the Plaintiff relied upon its longstanding registrations and use of THUNDERBOLT and its formative marks and submitted that "THUNDER" constituted the dominant and distinctive feature of its mark. The Plaintiff further relied upon the fact that the rival products were beer, the trade channels were common, and the consumer base was the same, thereby increasing the likelihood of confusion. The Plaintiff also contended that the Defendants' adoption was not merely coincidental but appeared to be an attempt to come as close as possible to the Plaintiff's mark despite being aware of its prior rights.

The Court found that the Plaintiff had established a prima facie case for grant of an ex parte ad-interim injunction. It noted that the Plaintiff was the registered proprietor of THUNDERBOLT and its formative marks, with the earliest registration dating back to 1984, whereas the Defendants had no registration for THUNDER 15000 in India. The Court observed that the Defendants had adopted "THUNDER" in its entirety, which constituted the prominent and dominant part of THUNDERBOLT, and that the addition of "15000" was not sufficient to distinguish the rival marks. Considering the commonality of the goods, trade channels and consumer base, the Court found a likelihood of confusion and held that the Defendants had prima facie infringed the Plaintiff's registered trademarks and were passing off their goods as those of the Plaintiff.

The Court then considered the other requirements for interim relief. It held that the balance of convenience lay in favour of the Plaintiff and that the Plaintiff was likely to suffer irreparable harm in the absence of interim protection. The Court consequently recorded a prima facie finding that the Defendants were infringing the Plaintiff's registered trademarks and passing off their goods as those of the Plaintiff. Accordingly, the Court granted an ex parte ad-interim injunction restraining Defendant No. 2 and persons acting on its behalf from dealing in alcoholic beverages, including beer in Class 32, under THUNDER 15000 or any mark identical or deceptively similar to THUNDERBOLT or its formative marks. Defendant No. 1 was correspondingly restrained from exporting the impugned products into India or importing them from India under THUNDER 15000. The injunction was expressly granted "till the next date of hearing", making clear that the order was an interim protection pending further proceedings and not a final determination of the parties' rights.

Conclusion

The order is significant in reaffirming the protection available to registered trade mark proprietors against the adoption of deceptively similar marks, particularly where the rival marks are used for identical goods and through common trade channels.

Most importantly, the Delhi High Court has recognised, at the prima facie stage, that adoption of the dominant and prominent portion of an earlier mark cannot be sufficiently distinguished merely by adding a numeral to the copied element. The Court accordingly found that the adoption of “THUNDER” in its entirety, with the addition of “15000”, was insufficient to distinguish the impugned mark from THUNDERBOLT.

The decision also reinforces the importance of considering the competing marks in the context of the goods, trade channels and consumer base. The Court found that the commonality of these factors materially contributed to the likelihood of confusion. At the same time, since the injunction was granted only “till the next date of hearing”, the findings recorded by the Court remain prima facie and do not constitute a final adjudication of the parties’ rights.

Disclaimer: This update has been prepared for general informational purposes only and does not constitute legal advice. We would be pleased to discuss the implications of this judgment as they may pertain to any specific matter.