Where the defendant does not challenge the core interim findings on deceptive similarity, goodwill, confusion and lack of bona fide adoption, and attacks only an alleged suppression point, the court can sustain the injunction if the broader merits independently justify protection

The **Delhi High Court** in the case of **Jagdish Dahyalal Patel vs Anchor Consumer Products [FAO(OS) (COMM) 180/2026] dated July 21, 2026**, has held that where the defendant does not challenge the core interim findings on deceptive similarity, goodwill, confusion and lack of bona fide adoption, and attacks only an alleged suppression point, the court can sustain the injunction if the broader merits independently justify protection. The Court accepted the Single Judge's reasoning that the respondent had established a prima facie passing off case, that the marks were deceptively similar, and that balance of convenience and irreparable injury favoured the respondent.

Further, the Court laid down that a party whose earlier trademark application has been rejected on merits, and who does not challenge that order, cannot casually rely on a second application for the same mark as if the earlier findings do not exist. The Court therefore treated the second application, filed without disclosure of the earlier rejection order, as lacking bona fides and potentially barred on the doctrine of estoppel.

While refusing to interfere with the ex parte ad interim injunction on mere pretext of allegations of non-disclosure of certain documents, the High Court held the alleged non-disclosure of 45 GST invoices immaterial because the appellant was already bound by an unchallenged quasi-judicial order of the Registrar dated July 29, 2024, which had found "DYNAFRESH" deceptively similar to "DYNA," found likelihood of confusion, rejected the appellant's user claim, and held that the adoption was not bona fide. That prior order, having attained finality, prima facie overshadowed the invoices and supported the injunction.

The Court recounted the reasons that had weighed with the Single Judge. On visual comparison, the Court noted that the appellant was prominently using "DYNA" in its trade dress, while "FRESH" appeared smaller and stylized in a way that made it look secondary. The Court also noted similarity in colour scheme and observed that because the respondent itself used "DYNA" with additional words on its own products, the use of "DYNAFRESH" could easily create an impression of association. It further accepted that the respondent had built substantial goodwill and reputation through long sales history, advertising and celebrity endorsements.

A central observation was that the appellant had not challenged the most damaging finding against it: the Registrar's order dated July 29, 2024. The Registrar had expressly held that "DYNAFRESH" was visually and phonetically similar to "DYNA," that there was likelihood of confusion, and that the appellant had failed to establish honest and continuous use despite ample opportunity. The Court treated this as a significant quasi-judicial determination which had become final because the appellant never appealed it. For that reason, the Court held that the appellant remained bound by the findings that its user claim was unproved and its adoption was not bona fide.