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## Dynamic++: Behind Delhi HC's innovative order to protect Reliance and Jio brands

Landmark high court ruling highlights India's evolving approach to digital brand protection as court grants groundbreaking Dynamic++ order, one of the earliest instances of such an order in a trademark infringement suit

Nimitt Dixit • ETLegalWorld

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Reliance and Jio brands hold strong brand recognition in the country

India's courts are adopting an increasingly aggressive stance against trademark infringement in the country's booming e-commerce sector, as evidenced by a sweeping Delhi High Court *ex parte ad-interim* order that grants Reliance Industries broad protection against entities selling counterfeit products under its iconic brand names, Reliance and Jio.

The court not only restrained named defendants from selling, manufacturing, or dealing in goods bearing 'Reliance' and 'Jio' branding, but directed a 'dynamic++' order that empowers Reliance to request e-commerce platforms to delist future infringements across any platform without repeated court interventions.

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"This is one of the first times in a trademark brand recognition suit that this kind of dynamic++ relief has been granted, putting enforcement agility directly in the hands of the rights holder," explains V Mohini, partner at IP-focused law firm Remfry & Sagar.

The court also ordered major platforms including IndiaMART, Amazon, Flipkart, Meesho, and Snapdeal to remove fraudulent listings and disclose complete contact details, bank account information, and other data about violators—effectively transforming e-commerce sites into enforcement partners.

The July 10 ruling by Justice Saurabh Banerjee represents the latest in a series of landmark cases reshaping how brands protect themselves in India's digital marketplace and demonstrating the increasing costs platforms and counterfeiters face when they fail to police intellectual property violations.

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## Revolutionary digital enforcement

"India's judiciary increasingly recognizes brand reputation and goodwill as valuable commercial assets that demand robust protection," says Anki Sahni, partner at Ajay Sahni & Associates, who represented Reliance.

"Courts are issuing stronger injunctive relief and are more willing to entertain dynamic and proactive remedies to stem infringement."

Reliance Industries was represented by Ajay Sahni & Associates, comprising partners Ankit Sahni and Kritika Sahni, senior associate Chirag Ahluwalia, and associate Mohit Maru.

The dynamic++ order represents a fundamental shift toward proactive, adaptive remedies tailored for the digital landscape. In the Reliance case, the court went further by ordering e-commerce platforms to produce bank details of sellers, allowing the plaintiff to quantify infringement scale and pursue proportionate damages.



"There have also been instances where courts have granted orders to freeze Indian bank accounts held by foreign sellers—demonstrating the new reach of digital enforcement," explains Mohini.

The defendants meticulously replicated Reliance's artistic elements, including the distinctive flame device, fonts, colors, and packaging layouts. Many operated under fictitious identities, making traditional enforcement nearly impossible.

"Unlike traditional enforcement where infringers could often be physically identified and traced, the digital landscape poses the added challenge of anonymity and the speed of dissemination," explains Sahni. "Enforcement strategies must now incorporate investigative tools, digital monitoring, and judicial recourse tailored for online violations."

This dynamic approach proves particularly crucial given the inherent nature of e-commerce transactions. As senior tech, media and IP counsel, and former assistant regional counsel at Disney Star, Mohit

Lahoty observes, e-commerce relies entirely on visual presentation since consumers "can't touch and feel" products—everything depends on "visual appearance" and "digital visual" elements made available to them. The legal standard continues to be measured against the "average person on the street" with "imperfect recollection," which makes visual similarity a critical factor in determining infringement.

Lahoty emphasizes that the enforcement mechanism in the Delhi HC's order has broad applicability, noting that "this is across all e-commerce" with "dynamic order" provisions that can be applied against "John Doe" defendants, meaning it "can be against anyone and everyone" operating in the digital marketplace.

## **E-commerce platforms no longer 'Safe Harbours'**

The Reliance case emerges amid a dramatic shift in India's e-commerce brand protection landscape. Earlier this year, the Delhi High Court ordered Amazon to pay INR 340 crore (\$39 million) in damages for selling counterfeit Beverly Hills Polo Club products—one of the largest IP damages awards in Indian history (this has subsequently been stayed by a division bench of the Delhi High Court).

This judicial assertiveness reflects a broader "damage culture" emerging in India's IP landscape. "This is a positive development. Damage culture is a sign of an evolved market," explains Lahoty. "This will deter people who knowingly infringe."

Recent cases involving Puma, PhonePe, and luxury brands like Cartier signal that Indian courts are no longer treating e-commerce platforms as

passive intermediaries immune from liability. In *Puma v. Ashok Kumar* (2023), the court emphasized that e-commerce intermediaries must act promptly against infringing listings. In 2024, the Delhi HC in another *Puma* case clarified that e-commerce platforms cannot serve as safe havens for infringers and must proactively protect intellectual property rights.

Traditionally, platforms have relied on Section 79 of the Information Technology Act for "safe harbour" immunity from third-party violations —claiming they are simply platforms rather than sellers, making them immune from liability for third-party infringements provided they act or court orders to remove illicit listings.

This paradigm shifted in 2019 in *Amazon v. Amway*, where the Delhi High Court held platforms accountable if they failed to show due diligence in determining whether a seller was infringing upon any IP rights. As Mohini explains, "You cannot seek safe harbour protection if you are not exercising due diligence."

The courts now expect platforms to verify authenticity and institute proactive policing measures, particularly given that these platforms derive commercial benefit from such listings, adds Lahoty.

Accordingly, courts now require e-commerce platforms to obtain certificates of authenticity from sellers, remove infringing content proactively rather than merely responding to explicit notice, and disclose comprehensive details about alleged infringers, including their banking and financial information. Judicial orders have further empowered

brands to seek dynamic, ongoing delisting of future infringements, thereby placing the enforcement burden firmly on platforms themselves

Consequently, claiming Section 79 protection has become an inadequate defense for platforms that fail to implement robust, ongoing intellectual property enforcement mechanisms, legal experts say. This judicial evolution represents a shift toward heightened accountability in digital commerce, fundamentally altering the landscape of platform responsibility.

## What's next?

The digital enforcement landscape is set to undergo further transformation with the expected enactment of the Digital India Act. Mohini notes that "due diligence will become statutorily mandated, with platforms required to demonstrate active anti-counterfeiting measures or face increased liability."

Major platforms like Amazon and Flipkart have responded with enhanced tools such as the Amazon Brand Registry, enabling rights owners to secure takedowns without approaching courts. "At least for Amazon, these brand registry policies can deliver swift results—owners need not always go to court," Mohini explains.

The case returns to court November 13, where defendants will present their case. Looking ahead, Sahni foresees three major trends: "increased judicial use of dynamic injunctions that apply to evolving listings and actors; greater judicial expectations of transparency, cooperation, and accountability from e-commerce platforms; and consumer protection

will remain a guiding principle."

For Reliance, which has built its brand since the 1960s and expanded Jio into a telecom empire serving 481.8 million subscribers, the case represents a crucial defense of brand equity worth billions of dollars. The court's recognition of both 'Reliance' and 'Jio' as "well-known marks" provides enhanced legal protection.

The ruling comes as India's e-commerce market is projected to reach \$350 billion by 2030, making effective brand protection mechanisms increasingly crucial for both domestic and international companies operating in the digital space.

For brands and platforms alike, the message is clear: the era of passive enforcement is over. As Mohini concludes, "E-commerce platforms are now co-custodians of brand integrity in the digital era—failure to act brings real, tangible liability."

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# Rahul Gandhi granted bail by Lucknow court in 2022 defamation case

Congress leader Rahul Gandhi, who is Leader of Opposition in Lok Sabha, was on Tuesday granted bail by a MP-MLA court in Lucknow in connection with a defamation case over his alleged remarks related to the Indian Army personnel, made during the Bharat Jodo Yatra in 2022.

ANI

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Lucknow (Uttar Pradesh) [India], July 15 (ANI): Congress leader Rahul Gandhi, who is Leader of Opposition in Lok Sabha, was on Tuesday granted bail by a MP-MLA court in Lucknow in connection with a defamation case over his alleged remarks related to the Indian Army

personnel, made during the Bharat Jodo Yatra in 2022.

"Rahul Gandhi appeared before the MP-MLA court in Lucknow today. We moved a bail application, which was accepted by the court on the condition of submitting two sureties of Rs 20,000 each," Mohd Yasir Abbasi, a counsel for Rahul Gandhi, told ANI.

Asked about Gandhi's absence in previous hearings, the lawyer said they had submitted a proper justification before the court, citing Rahul Gandhi's responsibilities as the Leader of Opposition in Lok Sabha.

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"The court accepted our explanation, which is why no warrant was issued against him at any stage and he appeared before the court on the issuance of summons," he added.

The defamation case pertains to remarks allegedly made by Rahul Gandhi during the 2022 Bharat Jodo Yatra.

The complainant alleged that these remarks insulted Indian Army soldiers. The petitioner argued that the comment was defamatory and had the potential to lower the morale of armed forces personnel.

Taking cognisance of the complaint, the court had summoned Gandhi as an accused in the case.

The matter has now been posted for next hearing on August 13, 2025.

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