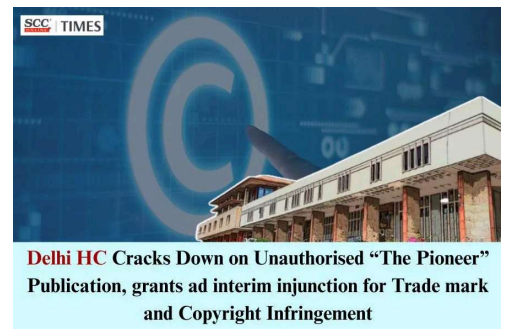


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Delhi HC Cracks Down on Unauthorised “The Pioneer” Publication, grants ad interim injunction for Trade mark and Copyright Infringement

The publication of the newspaper is a coordinated and layered process involving editing, designing, visual creation and compilation.

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Delhi High Court: In an application under Order 39 Rules 1 and 2 CPC, 1908 seeking *ex parte ad interim* injunction, a Single Judge Bench of **Tushar Rao Gedela, J.**, restrained the



defendant from using the trade mark "*The Pioneer*" and from reproducing or publishing the plaintiff's newspaper content, holding that post-termination of the memorandum of understanding (MoU), such use amounted to prima facie infringement of trade mark and copyright as well as passing off.

The Court observed that newspaper publication is a coordinated and layered process involving intellectual effort in editing, designing, and presentation, and the plaintiff had established a strong prima facie case. Considering that the balance of convenience lay in favour of the plaintiff and that irreparable injury would be caused in the absence of interim relief, the Court granted an *ex parte ad interim* injunction and directed the defendant to cease all unauthorised use of the mark and content pending further proceedings.

Background



The plaintiff, publisher of the newspaper "*The Pioneer*", claims a legacy spanning over 160 years since its establishment in 1865 by Sir George Allen in Allahabad, with notable associations including Sir Winston Churchill and Rudyard Kipling as former correspondents. The newspaper changed ownership multiple times before being taken over by the Thapar Group in 1990, followed by the plaintiff's acquisition in 1998, thereby vesting exclusive rights to curate, print, and publish "*The Pioneer*".



Over time, the mark "*The Pioneer*" earned substantial reputation, and recognition, with nationwide editions. The plaintiff claims to own the rights to the mark, including the trade marks and copyright subsisting in respect of "*The Pioneer*" newspaper vested with the plaintiff alone. Plaintiff claims to have applied for the trade mark "*PIONEER*"





" in Class 16 and 41 in November 2011 claiming user since the year 1864 which was granted by the Trade Mark Registry on 19 June 2018 for a period of ten years with effect from 28 November 2011. The plaintiff also claims copyright ownership over its news content and label as original literary work. On 10 March 2004, the plaintiff entered into a MoU with the defendant permitting publication of the Bhopal edition against a monthly royalty of Rs 2 lakhs.

However, disputes arose due to non-payment of royalties, leading to a demand notice in March 2025 and eventual termination of the arrangement on 17 February 2026 after failed negotiations, despite interim extensions. The plaintiff further states that CIRP proceedings initiated in 2021 were settled and withdrawn in February 2025. It is alleged that even after termination of the MoU, the defendant continues to publish the newspaper using an identical mark and its content, thereby infringing the plaintiff's trade mark and copyright, misappropriating its goodwill, and deceiving the public, amounting to passing off. Consequently, the plaintiff has filed the present application seeking an *ex parte ad interim* injunction against the defendant.

Analysis

The Court having heard the counsels and perused material on record, observed that an *ex parte ad interim* injunction would be in order. The Court observed that from comparison of the publications, it appeared that the newspaper publication is a coordinated and layered process involving editing, designing, visual creation and compilation, wherein the plaintiff exercises intellect in creation, curation and presentation of contents, including selection of news, preparation of head notes, summaries, fonts, layout, sequencing of stories and visual elements, all of which are original and copyrightable. On a prima facie examination, the defendant was found to be copying/imitating and publishing the contents of the plaintiff's newspaper.



The Court further observed that, after termination of the memorandum of understanding dated 10 March 2004 vide notice dated 17 February 2026, the continued use of the trade



mark "*The Pioneer*" and the copyrighted material by the defendant amounts to unauthorised and illegal adoption and infringement of the plaintiff's trade mark and copyrights. The plaintiff was held to have established a strong prima facie case, with the balance of convenience in its favour, and that irreparable loss and injury would be caused if the injunction was not granted.

Decision

Accordingly, the Court restrained the defendant and all persons acting on its behalf from reproducing, copying, publishing or exploiting the plaintiff's newspaper and its contents, from representing itself as a franchisee, licensee or authorised user of the mark "*The*



Pioneer", and from carrying out any commercial activities including solicitation of advertisements under the said mark. Notice was issued, with directions to the defendant to file reply within four weeks, rejoinder within two weeks thereafter, and compliance of Order 39 Rule 3 CPC within ten days.

[*CMYK Printech Ltd. v. Ideal Multi Media Network (P) Ltd.*, CS(COMM) 338 of 2026, decided on 1-4-2026]

Advocates who appeared in this case:

For the Plaintiff: Saurav Agrawal, Asan Rajan, Ajay Sharma, Vikash Tomar, Devang Shrotriya, Kashish Chadha and Harsh Khabar, Advocates

Tags : Copyrights Act 1957 | Delhi High Court | Justice Tushar Rao Gedela |

Order 39 Rules 1 and 2 CPC | Pioneer | Trade Marks Act 1999 | Trade
trademark infringement

