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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1125/2025**
CROCS INC & ANR.Plaintiffs
Through: Mr. Gaurav Gogia & Mr. Mayank Saraf, Advocates.

versus

SAGAR DOIJODE TRADING AS QUESTSOLE & ORS.Defendants
Through:

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

% **ORDER**
16.10.2025

I.A. 25990/2025(Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

I.A. 25991/2025 (Exemption from pre-institution Mediation)

3. This is an Application filed by the Plaintiffs seeking exemption from instituting pre-litigation Mediation under Section 12A of the CC Act.
4. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC OnLine SC 1382, exemption from the requirement of pre-institution Mediation is granted.
5. The Application stands disposed of.

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6. Let the Plaint be registered as a Suit.
7. Issue Summons. Let the Summons be served to the Defendants through

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all permissible modes upon filing of the Process Fee.

8. The Summons shall state that the Written Statement(s) shall be filed by the Defendants within 30 days from the date of the receipt of Summons. Along with the Written Statement(s), the Defendants shall also file an Affidavit of Admission / Denial of the documents of the Plaintiffs, without which the Written Statement(s) shall not be taken on record.

9. Liberty is granted to the Plaintiffs to file Replication(s), if any, within 30 days from the receipt of the Written Statement(s). Along with the Replication(s) filed by the Plaintiffs, an Affidavit of Admission / Denial of the documents of Defendants be filed by the Plaintiffs, without which the Replication(s) shall not be taken on record.

10. In case any Party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

11. If any of the Parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

12. List before the learned Joint Registrar on 11.12.2025 for completion of service and pleadings.

I.A. 25989/2025 (O-XI R-1(4) of the Code of Civil Procedure, 1908)

13. The present Application has been filed on behalf of the Plaintiffs under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (“CPC”) as applicable to Commercial Suits under the Commercial Courts Act, 2015 (“CC Act”) seeking leave to place on record additional documents.

14. The Plaintiffs are permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.



15. Accordingly, the Application stands disposed of.

I.A. 25988/2025(U/O XXXIX Rule 1 and 2 of CPC)

16. Issue Notice. Let the Notice be served upon the Defendants through all permissible modes.

17. The present Suit has been filed for permanent injunction restraining the infringement of the Plaintiffs' Patent registered under Patent No. IN 271337 ("**Plaintiffs' Patent**"), Trade Marks of the Plaintiffs being, 'CROCS' and 'JIBBITZ' ("**Plaintiffs' Marks**"), passing off the Trade Dress involved in the Plaintiffs' Geometric Clogs ("**Plaintiffs' Trade Dress**") and the design of the Plaintiffs, registered under Design No. 349374-001 ("**Plaintiffs' Design**").

18. The learned Counsel appearing for the Plaintiffs made the following submissions:

18.1. Plaintiff No. 1 is a leading global brand engaged in the manufacture, marketing and sale of a wide range of footwear under the Plaintiffs' Marks. Plaintiff No. 2 is a subsidiary of Plaintiff No. 1. The Plaintiffs are globally recognized for their iconic, innovative, and highly distinctive footwear designs. Since its inception, the Plaintiffs have expanded their product offerings to include over three hundred distinct styles for men, women, and children. The Plaintiffs' products have garnered tremendous goodwill and popularity across international markets, including in India.

18.2. In the year 2006, Plaintiff No. 1 entered into a definitive agreement to acquire 100% of the membership interest in Plaintiff No. 2 specializing in accessories and customization items for 'CROCS footwear' ("**Plaintiffs' Footwear**"). Pursuant to this acquisition, 'JIBBITZ' has been integrated into Plaintiff No. 1's global commercial



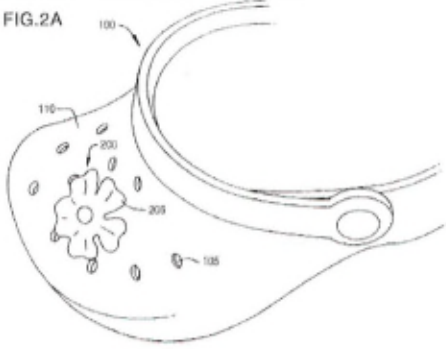
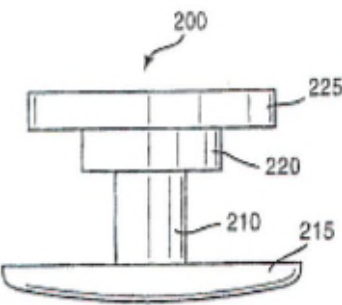
ecosystem. ‘JIBBITZ’ arose from the idea of personalizing the Plaintiffs’ Footwear by designing decorative and colourful snap-on accessories that could be inserted into the ventilation holes of the Plaintiffs’ Footwear. The concept quickly gained popularity, and today thousands of designs are sold across the world.

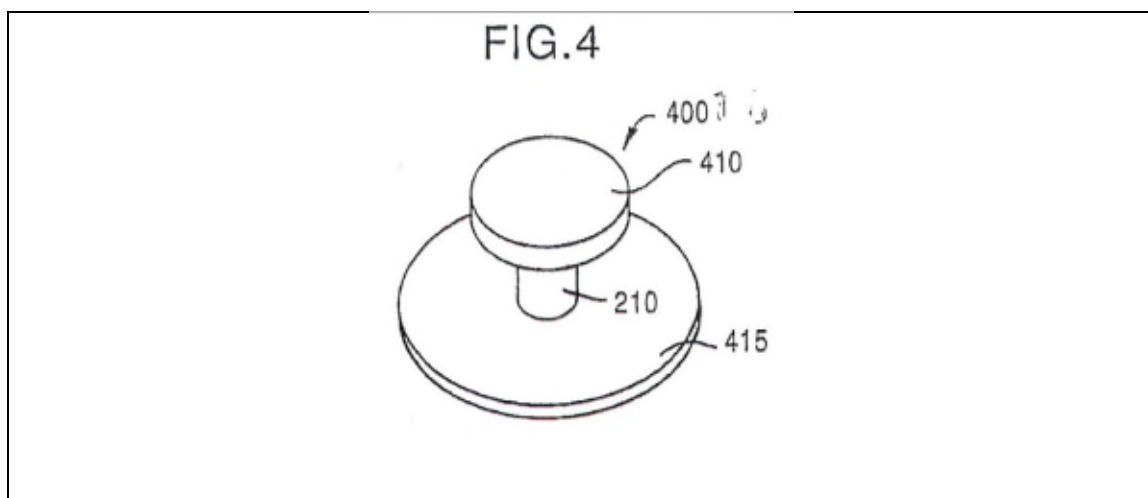
18.3. The Plaintiffs’ Marks are duly registered and / or pending registration in its favour in India under the Trade Marks Act, 1999 and the details of the registrations are mentioned in the table below:

S. No.	Trademark	Application No.	Class	Status	Date of Application	User Claimed	Disclaimer
1.	CROCS	1401263	09, 14, 18, 25, 35	Registered	24.11.2005	Proposed	None
2.		6698060	26	Accepted & Advertised	29.08.2024	Proposed	None
3.	JIBBITZ	1498187	26	Registered	20.10.2006	Proposed	None

18.4. The Plaintiffs’ Patent describes a system for attaching a decorative accessory to a shoe, the system comprising a shaft having first and second ends, a first shoulder secured to the first end of the shaft, the first shoulder being configured for insertion through an expandable hole in an upper portion of the shoe and configured to engage an inner surface of the upper portion of the shoe; a second shoulder secured to the second end of the shaft, the second shoulder being configured to engage the shoe; and a decorative accessory at or adjacent the second shoulder. The bibliographic details of the Plaintiffs’ Patent are given hereunder:



PARTICULAR	DESCRIPTION
Patent No.	271337
Title	A System for Attaching a Decorative Accessory to a Shoe
Application No.	535/DELNP/2008
Application Type	PCT National Phase Application
PCT International Application Number	PCT/US2006/026508
Date of Patent	07/07/2006
Date of Grant	17/02/2016
Date of Recordal	17/02/2016
Priority Date	07/07/2005
Grantee/Patentee	JIBBITZ, LLC.
Expiry Date	07/07/2026
Claims Granted	34
	
	



18.5. The Plaintiffs' Patent is of a high commercial value and forms the basis of one of the Plaintiffs' most successful product lines. These accessories are not only distinctive and highly sought-after but also function as design elements that enhance the Plaintiffs' brand identity and are directly associated with the Plaintiffs.

18.6. The Plaintiffs' Trade Dress comprises the unique and inherently distinctive overall configuration, shape, and appearance of the footwear, which, when taken together, serves to identify the source of the goods exclusively with the Plaintiffs. The essential and protectable elements of the Plaintiffs' Trade Dress includes: (a) the overall clog-shaped silhouette featuring a rounded and bulbous toe box; (b) the thick, chunky sole made from the Plaintiffs' proprietary closed-cell resin material marketed under the name 'Croslite'; (c) the distinctive elevated heel and contoured footbed for comfort and support; (d) a pivoting heel strap affixed to the clog by round rivets prominently bearing the Plaintiffs' 'Crocs' logo; and (e) the arrangement of ventilation cut-outs across the upper portion of the clog, which in the present design take the form of



angular, polygonal, and other geometric shapes, laid out in a distinctive and non-functional pattern that is immediately recognisable to consumers. True representation of the Plaintiffs' Trade Dress is as under:







18.7. The Plaintiffs are the proprietors of the Plaintiffs' Design. The Plaintiffs' Design pertains to the Plaintiffs' unique, innovative, novel, and distinctive style of footwear. The footwear is characterized, *inter alia*, by its shape and configuration which renders a distinctive appeal to the eye. These features are distinctive and are exclusively associated with the Plaintiffs. The Plaintiffs' Design registration is duly subsisting on the Register of Designs maintained under the Designs Act, 2000, and confers upon the Plaintiffs the statutory and exclusive right to apply, use, and exploit the Plaintiffs' Design.

18.8. Defendant No. 1, i.e., *Sagar Doijode*, trading under the name and style of 'Questsole', is engaged in the business of manufacturing, advertising, soliciting, promoting, exhibiting, distributing, circulating, and selling the 'clog style footwear' and the 'charms for clog-style footwear' ("**Infringing Products**"). The 'charms for clog-style footwear' offered by the Defendants are identical and / or deceptively similar to those sold by the Plaintiffs under the 'JIBBITZ' line of decorative accessories and violates the Plaintiffs' Patent.

18.9. Defendant No. 1 is engaged in the business of manufacturing, advertising, soliciting, promoting, exhibiting, distributing, circulating, and selling the Infringing Products through its website, <https://questsole.com/> ("**Defendants' Website**"), as well as through various third-party e-commerce platforms, including but not limited to Flipkart and Amazon. Defendant No. 1 is also the proprietor of buildingshop.in, i.e., Defendant No. 2 through which further infringing activities are carried out. Defendant No. 1 through Defendant No. 2 is offering and soliciting sales of the Infringing Products on IndiaMart and



Flipkart. Defendant No. 3, namely Ms. Shaila Vinayak Doijode, is the



proprietor of Trade Mark 'QUESTSOLE/'
in Class 26 under Application No. 5876812 in respect of shoe charms.

18.10. In or about the third week of July 2024, the Plaintiffs became aware of the Defendants' infringing activities through the Defendants' Website, and the Defendants' social media accounts, which revealed that the Defendants were selling, advertising and promoting the 'charms for clog-style footwear' in a manner that directly corresponds to the claims and scope of protection granted under the Plaintiffs' Patent. The Defendants were explicitly demonstrating the manner in which the 'charms for clog-style footwear' are to be inserted into the holes of clog-style footwear, thereby replicating the very system and method of use that forms the subject matter of the Plaintiffs' Patent.

18.11. In order to ascertain and verify the infringing activities of the Defendants, the Plaintiffs caused a test purchase of the Defendants' 'charms for clog-style footwear', through the Defendants' Website in the third week of July, 2024 which was delivered in the fourth of week of July, 2024. Upon careful examination and inspection, it was established that the 'charms for clog-style footwear' sold by the Defendants were not only visually identical to the Plaintiffs' 'JIBBITZ' accessories but also copied the patented system protected under the Plaintiffs' Patent. The 'charms for clog-style footwear' embodied all the essential elements of the Plaintiffs' Patent. The Plaintiffs served a legal notice dated



16.11.2024 to the Defendants, requisitioning him to immediately cease and desist from, *inter alia*, infringing the Plaintiffs' Patent but the Defendants are continuing with the use of the Infringing Products.

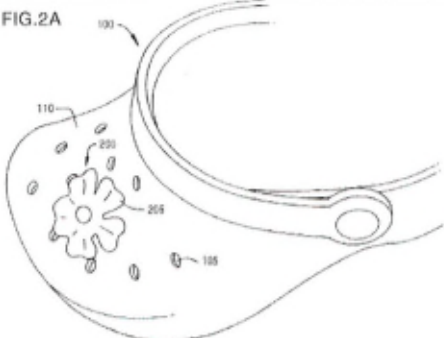
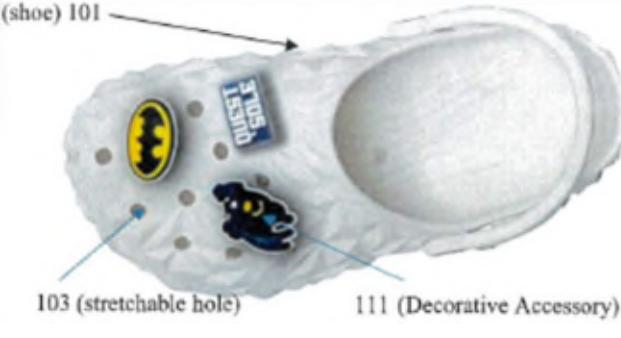
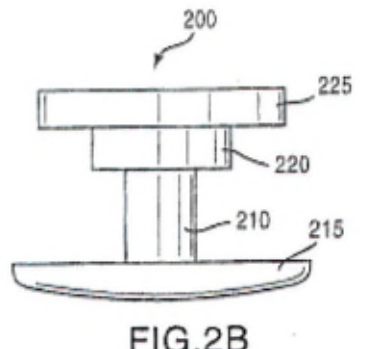
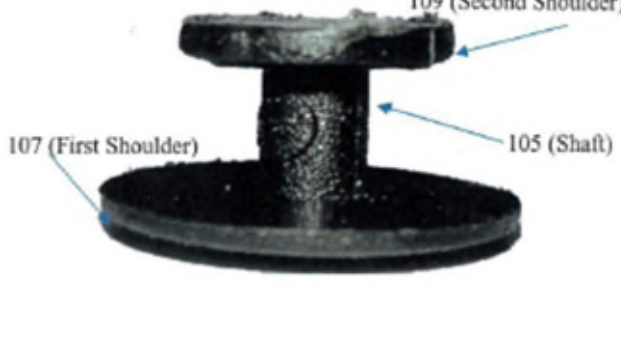
18.12. The Plaintiffs also unearthed that the Defendants are not only infringing the Plaintiffs' Patent but are also infringing upon the Plaintiffs' Marks. The Defendants have also been unauthorizedly using the Plaintiffs' Marks and / or deceptively similar variants such as 'CROCKS', 'CROC', 'JIBIT' ("**Impugned Marks**") across its website, meta-tags in source code, product e-commerce listings, promotional materials, and social media posts. The Defendants are also unlawfully using the Plaintiffs' Footwear, in its promotional materials, including but not limited to video advertisements, and social media reels, so as to create a false and misleading association between the Plaintiffs and the Defendants, when such is not case.

18.13. The Defendants have been manufacturing, promoting, and offering for sale charms for clog-style footwear which are visually and textually represented as 'Crocs', thereby amounting to use of the Plaintiffs' Mark, 'CROCS', in the course of trade without authorization. In addition to directly using the word Mark, 'CROCS', the Defendants have also employed the Impugned Marks across its website, which are phonetically, visually, and structurally similar to the Plaintiffs' Marks and are calculated to cause confusion in the minds of the public.

18.14. The Plaintiff, having thoroughly analyzed the construction and features of the 'charms for clog-style footwear', in light of the claims of the Plaintiffs' Patent, found that the products in question map precisely onto the elements recited in Independent Claim 1 of the Plaintiffs'

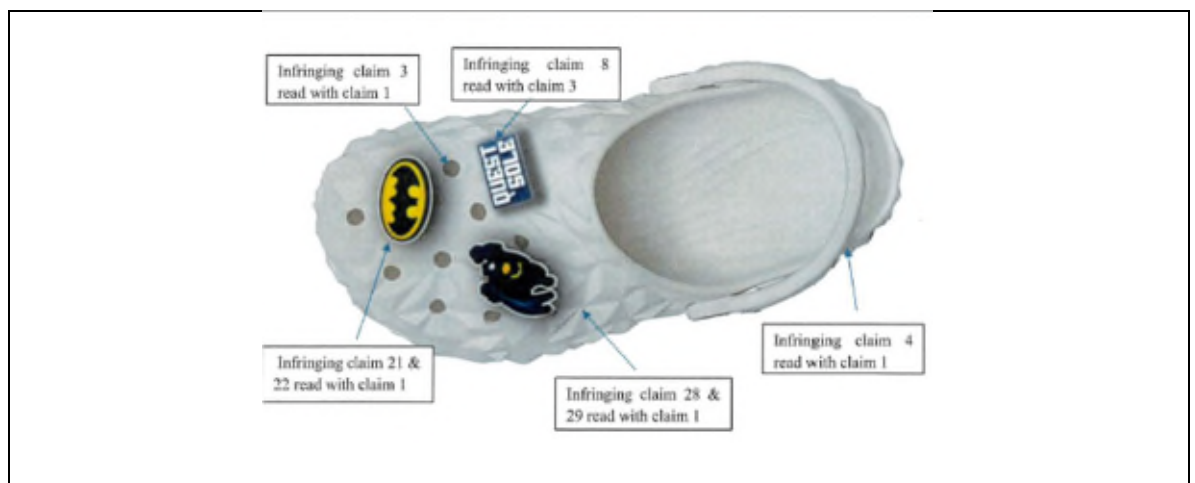


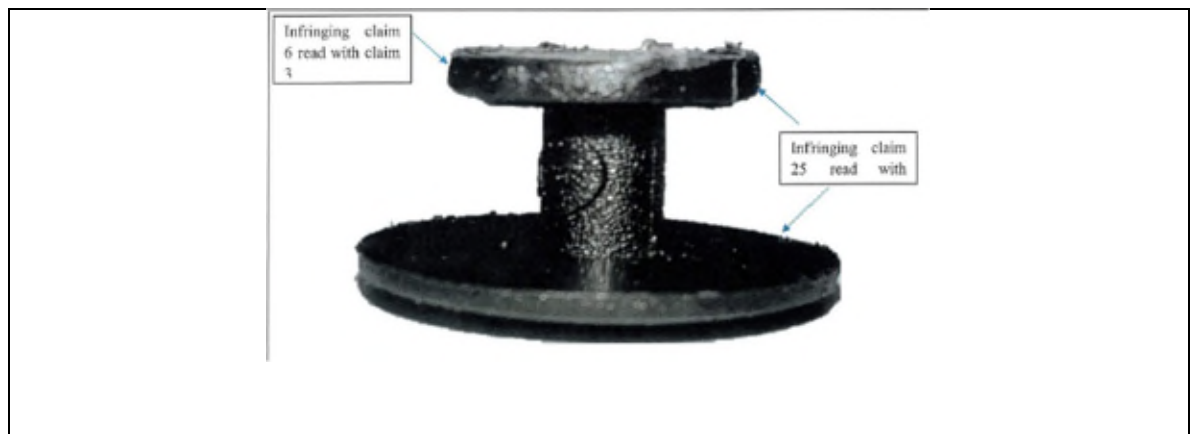
Patent. Specifically, the charms include a shaft, first and second shoulders, and are adapted for insertion into expandable or stretchable holes in molded clog-style footwear, thereby satisfying each limitation of the Plaintiffs patented system. in addition to infringing Claim 1, the features and structure of the Infringing Products further amount to infringement of multiple dependent claims of the Plaintiffs' Patent, namely Claims 3, 4, 6, 8, 21, 22, 25, 28 and 29. Each of these claims covers variations and configurations of the core invention, all of which are embodied within the Infringing Products. A comparison of the Plaintiff's products and the Infringing Products is as under:

Patent No. 271337 Diagrams	Impugned Goods / Impugned Use
 FIG.2A	 (shoe) 101 103 (stretchable hole) 111 (Decorative Accessory)
 FIG.2B	 109 (Second Shoulder) 107 (First Shoulder) 105 (Shaft)
A system for attaching a decorative accessory to a shoe having at least one expandable or stretchable hole, the system	Identical system of your having a system for attaching a decorative accessory to a shoe. a. a shoe (101) having at least one expandable or stretchable hole (103)



comprising: a. a shoe (100) having at least one expandable or stretchable hole (105)	
b. a shaft (210) having first and second ends	b. Identical system having a shaft (105) having first and second ends
c. a first shoulder (215) secured to the first end of the shaft, the first shoulder being configured for insertion through the at least one expandable or stretchable hole and configured to engage an inner surface of the shoe;	c. Identical system having a first shoulder (107) secured to the first end of the shaft, the first shoulder being configured for insertion through the at least one expandable or stretchable hole and configured to engage an inner surface of the shoe;
d. a second shoulder (220, 225) secured to the second end of the shaft, the second shoulder being configured to engage the shoe; and	d. Identical system having a second shoulder (109) secured to the second end of the shaft, the second shoulder being configured to engage the shoe; and
e. a decorative accessory (205) at or adjacent the second shoulder	e. Identical system having a decorative accessory (111) at or adjacent the second shoulder





18.15. The Defendants have also manufactured, marketed, and offered for sale footwear that imitates the Plaintiffs' Trade Dress. The overall shape, configuration, and unique appearance of the Plaintiffs' Trade Dress have, through long and extensive use, acquired an exclusive association with the Plaintiffs, thereby constituting protectable Trade Dress.

18.16. The Defendants, through the Defendants' Website and third-party e-commerce platforms such as Amazon, is engaged in the sale and promotion of footwear, namely clog-style shoes, which are identical and / or deceptively similar to the Plaintiffs' Trade Dress ("**Impugned Trade Dress**"). The Impugned Trade Dress replicates the overall appearance, configuration, and Trade Dress of the Plaintiffs' Footwear, thereby causing a likelihood of confusion, deception, and dilution of the Plaintiffs exclusive rights. A comparison of the Plaintiff's Trade Dress and the Impugned Trade Dress is reproduced hereunder:



CROCS FOOTWEAR	IMPUGNED TRADE DRESS
	
	
	
	

18.17. The Plaintiffs, in the third week of September 2025, came across the Defendants’ footwear being offered for sale, which is identical to and / or deceptively similar to the Plaintiffs’ Design (“**Impugned Design**”). The Impugned Design reproduces the essential and distinctive features of the Plaintiffs’ Design, including the overall shape and configuration

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of the footwear, thereby amounting to a fraudulent and obvious imitation of the Plaintiffs' Design.

18.18. The Impugned Design replicates the essential and novel features of the Plaintiffs' Trade Dress and the Plaintiffs' Design, amounting to fraudulent and obvious imitation. Such infringing activities are clearly intended to ride upon the Plaintiffs' goodwill and reputation, cause confusion and deception amongst consumers, and dilute the distinctiveness of the Plaintiffs' Trade Dress and Design, thereby infringing the Plaintiffs' statutory and common law rights.

18.19. In order to ascertain the scope of the impugned activities of the Defendants, the Plaintiffs carried out a test purchase of the Impugned Design in the third week of September 2025 through the Defendants' online listings and it was delivered in the last week of September 2025. A comparison of the Plaintiffs' Design and the Impugned Design reveals that the replicate, without authorization, the essential and distinctive features of the Plaintiffs' Design. A comparative chart of the Plaintiffs' Design and the Impugned Design is reproduced hereunder:

PLAINTIFFS' DESIGN	IMPUGNED DESIGN
	





18.20. Owing to the voluminous spending on advertisements and media engagements and the global sales running into millions of dollars for its said goods and business, the Plaintiffs have acquired reputation and goodwill worldwide including India. The Plaintiffs, has strategically engaged in partnerships with various celebrities, brands and designers to



enhance its brand visibility and market appeal. These collaborations have resulted in limited-edition products that blend the unique styles of the collaborators with the Plaintiffs distinctive designs. The Plaintiffs invests heavily in Research and Development and its products are known for their highest standards of quality, safety, innovation and reliability and there is an ever-increasing demand therefore. Due to excellent quality of Plaintiffs' goods and due to massive advertisement, the Plaintiffs have acquired reputation and goodwill in India.

18.21. The Defendants have published and circulated multiple defamatory and disparaging videos on Instagram, Facebook, and YouTube, where they falsely claim that the Plaintiffs' Footware is plain, boring, or incomplete without Questsole charms, and that users of original 'JIBBITZ' charms are poor while Questsole users are rich.

19. Having considered the submissions advanced by the learned Counsel for the Plaintiffs, the pleadings and the documents on record it is clear that the Plaintiffs are the registered proprietor of the Plaintiffs' Marks and the Plaintiffs' Design. The Plaintiffs are also holding the Plaintiffs' Patent and the common law rights over the Plaintiffs' Trade Dress. The Plaintiffs have been able to establish long and continuous presence in the footwear market and the goodwill of the Plaintiffs' Marks. The Plaintiffs have won various awards with respect to the Plaintiffs' Footwears and are well-recognised across the globe. The Defendants' use of the Impugned Marks, Impugned Design, Infringing Products and the Impugned Trade Dress is *prima facie* dishonest and nothing but an attempt to ride the goodwill and reputation of the Plaintiffs so as to cause confusion in the market.

20. Accordingly, the Plaintiffs have made out a *prima facie* case for grant



of an *ex-parte ad-interim* injunction. Balance of convenience is in favour of the Plaintiffs and against the Defendants. Irreparable injury would be caused to the Plaintiffs if an *ex-parte ad- interim* injunction is not granted.

21. Accordingly, till the next date of hearing, it is directed as under:

- i. The Defendants, their directors, proprietors, partners, associates, assigns or assignees in interest, heirs, successors or successors in interest, permitted assigns, sister concerns or group companies, distributors, dealers, wholesalers, retailers, stockiest, agents and all others acting for and on their behalf are restrained from using, soliciting, providing services and advertising in any manner including on the internet, either through the Defendants' Website, <https://questsole.com/> and / or e-commerce platforms, directly or indirectly dealing in footwear products under the Impugned Marks, 'CROCKS', 'CROC', 'JIBIT', or any other Mark deceptively similar or identical to the Plaintiffs' Marks, 'CROCS' and 'JIBBITZ', so as to cause infringement and / or passing off of the Plaintiffs' Marks;
- ii. The Defendants, their directors, proprietors, partners, associates, assigns or assignees in interest, heirs, successors or successors in interest, permitted assigns, sister concerns or group companies, distributors, dealers, wholesalers, retailers, stockiest, agents and all others acting for and on their behalf are restrained from using, soliciting, providing services and advertising in any manner including on the internet, either through the Defendants' Website, <https://questsole.com/> and / or e-commerce platforms, directly or indirectly dealing in the 'charms for clog-style footwear', or any other product which amount to infringement of the Plaintiffs' Patent,



registered under No. IN 271337;

- iii. The Defendants, their directors, proprietors, partners, associates, assigns or assignees in interest, heirs, successors or successors in interest, permitted assigns, sister concerns or group companies, distributors, dealers, wholesalers, retailers, stockiest, agents and all others acting for and on their behalf are restrained from using, soliciting, providing services and advertising in any manner including on the internet, either through the Defendants' Website, <https://questsole.com/> and / or e-commerce platforms, directly or indirectly dealing in footwear products, under the Impugned Design,





‘ or any other Design which is identical and / or deceptively similar to the Plaintiffs’ Design registered under Design No. 349374-001 which would amount to infringement of the Plaintiffs’ Design; and

- iv. The Defendants, their directors, proprietors, partners, associates, assigns or assignees in interest, heirs, successors or successors in interest, permitted assigns, sister concerns or group companies, distributors, dealers, wholesalers, retailers, stockiest, agents and all others acting for and on their behalf are restrained from using, soliciting, providing services and advertising, in any manner



including on the internet, either through the Defendants' Website, <https://questsole.com/> and / or e-commerce platforms, directly or indirectly dealing in footwear products, under the Impugned Trade Dress, clog-style shoes, or any other Trade Dress which would amount to passing off of the Plaintiffs' Trade Dress involved in the Plaintiffs' Geometric Clogs.

22. Let the Reply to the present Application be filed within four weeks after service of Notice. Rejoinder thereto, if any, be filed before the next date of hearing.
23. The compliance of Order XXXIX Rule 3 of the CPC be done within two weeks.
24. List before the Court on 16.02.2026.

TEJAS KARIA, J

OCTOBER 16, 2025/ 'A'