

Contd...

17.01.2026

For Orders

ORDERS ON IA NO.I AND II

IA No.1 is filed under Section 12A of the Commercial Courts Act, 2015, to permit the plaintiff to file this suit by dispensing with the pre institution mediation. Apart from IA No.1, the plaintiff has also filed IA No.2, seeking emergent interim order of temporary injunction against the defendant. As per Section 12A of the Commercial Courts Act, pre institution mediation is mandatory for filing the commercial suit. However, when a suit contemplate any urgent relief, same can be filed without the pre institution mediation. In this case, the plaintiff has sought urgent interim relief of temporary injunction by filing the IA No.2. Hence, plaintiff has to be permitted to file this suit by dispensing with pre institution mediation. **Accordingly, IA No.1 is allowed. Keeping open all the objections of the defendant, plaintiff is permitted to file this suit by dispensing with pre institution mediation.**

2. By way of IA No.2, plaintiff has sought an interim order of temporary injunction restraining the defendant, from directly or indirectly passing themselves off as associated with the plaintiffs, by using deceptively similar trade mark "Anthropic" or

any other mark identical or deceptively similar to the plaintiff's registered trade mark.

3. I have perused the plaint averments, affidavit filed in support of IA No.2 and the documents produced by the plaintiff. The present suit is filed with an apprehension of passing off and trade mark violation based upon a paper publication said to have been published on 09th October 09 in an English Daily newspaper, it is published that the American company Anthropic is opening its first office in India. Another document produced by the plaintiff is the copy of publication in the website of the defendant, where they announced their global operation in India by opening an office in Bengaluru in early 2026. Except these 02, there are no other materials to show that the defendants are intending to start their operation in India by using the registered trade mark of the plaintiff. The plaintiff has shown the defendant's address as "San Francisco US in the cause title of the plaint, which indicate that the defendants have not yet started their establishment or opened their office in India. In order to grant an ex parte order of temporary injunction, by dispensing with notice to the defendant, there should be imminent threat of infringement or violation. In this case, at this stage I have not found any such imminent threat in order to grant an ex parte order of temporary injunction,

without issuing notice to the defendant and without hearing the defendant.

4. The decisions relied upon by the learned counsel for the plaintiff are relating to the grant of temporary injunction after appearance of the defendant and after hearing the defendant. Hence those decisions are not help the plaintiffs cause at this stage. Therefore, I am of the view that there are no grounds to pass any ex parte order of temporary injunction and the defendants have to be heard before passing any order on IA No.2.

Hence, issue emergent notice of IA No.2 and suit summons to the defendant.

As the defendant is staying abroad I.A. Notice and suit summons to be sent as per the guidelines issued by the Ministry of Home Affairs, Govt of India, which is circulated to this court by the Hon'ble High Court of Karnataka on 01.10.2024, on payment of requisite court fee and postage by the plaintiff.

Returnable by 16.02.2026.

**MANJUNATH NAYAK
Prl. District & Sessions Judge,
Belagavi.**

