

News

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IndiaMART has moved the Calcutta High Court claiming that OpenAI has unlawfully excluded the company's website and listings from search results generated by ChatGPT, causing

reputational and commercial damage [IndiaMART InterMESH Limited v. OpenAI Inc and Ors].

The business-to-business (B2B) online marketplace company has claimed that OpenAI selectively discriminated against it by preventing it from being shown or surfaced in AI-generated responses, while competing e-commerce and B2B platforms continue to appear.

The case was heard by Justice Ravi Krishan Kapur on December 24, who noted that IndiaMART had made out a strong prima facie case and acknowledged that continued exclusion could cause commercial injury.

"In light of the above, it prima facie appears that the petitioner is being selectively discriminated and unjustifiably excluded without any logic. Inevitably, there is loss of goodwill, reputation and commercial injury which is being caused to the petitioner," the Court stated.

However, Justice Kapur refused to grant any interim relief at this stage, noting that such an order would effectively amount to granting final relief without hearing the respondents, who remained unrepresented despite service.

Therefore, he asked IndiaMART's counsel to effect fresh service to OpenAI and set the matter for hearing on January 13.

In its suit, IndiaMART stated that it has a major international presence - operating in over 40 countries with thousands of employees - and that its trademark "**IndiaMART**" is recognised as a well-known mark under the Trade Marks Act, 1999.

According to the petition, the exclusion amounts to trade libel through suggested disparagement, dilution of its brand, injurious falsehood and unfair competition. IndiaMART argued that OpenAI's conduct has led in loss of goodwill, reputation and business.

The company further claimed that OpenAI relied on reports made by the Office of the United States Trade Representative (USTR), in which IndiaMART has been named, to justify the exclusion. IndiaMART claimed that it was never given prior notice or an opportunity to respond to the claims in the USTR report and described OpenAI's

reliance on it as arbitrary and without legal basis.

It also pointed out that several other entities named in the same USTR reports for counterfeiting and piracy such as DHgate, Pinduoduo, Shopee and Taobao, continue to show in ChatGPT responses, raising concerns of selective treatment.

Senior Advocates SN Mookherjee and Rudraman Bhattacharyya with Advocates Sourojit Dasgupta, SK Bajoria, Dhruv Chaddha, Gargi Vashistha, Siddhartha Banerjee and Akash Munshi represented IndiaMART

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