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Delhi High Court backs influencer in landmark case on Free Speech

In a major boost for digital creators and influencers, the Delhi High Court, in the case¹ between San Nutrition Private Limited (“Plaintiff”) a health supplement company and Arpit Magal and others has ruled in favour of influencer Arpit Mangal and others (“Defendants”). The present judgment sets a strong precedent reaffirming the judiciary’s commitment to protect the fundamental right of free speech as guaranteed under Article 19(1)(a) of the Constitution of India, especially in the case of digital creators and influencers who review and critique products in the public interest.

The dispute arose when Defendant posted a YouTube video describing the Plaintiffs whey protein product as “ghatiya” (inferior). His comments were based on lab test reports that, according to him, showed discrepancies between the protein and carbohydrate content published on the label versus the actual content in the product. The Plaintiff responded to the Defendant’s product review with a defamation and disparagement suit, alleging that the video damaged its brand reputation, infringed its trademark, and misled consumers.

However, the Hon’ble High Court while rejecting the Plaintiff’s claims of defamation, disparagement and trademark infringement, held that the Defendants’ statements were supported by factual evidence in the form of lab tests conducted by NABL (National Accreditation Board for Testing and Calibration Laboratories) accredited laboratories. The Plaintiff thereafter only questioned the accreditation of the labs without specifically disputing the results of the tests per se. The Hon’ble High Court while refusing to dismiss the results of the lab test, since the veracity of the same weren’t questioned per se, opined that expressing a negative opinion, especially when it is backed by factual material, does not amount to defamation or disparagement.

The Hon’ble High Court also addressed the Plaintiff’s claim of trademark infringement. The Hon’ble Court inter alia held that using a brand name and the associated logos for the purpose of a genuine review does not qualify as trademark infringement. The Hon’ble High Court further clarified that a brand name or logo cannot be claimed to be misused simply because it appears in a video of a digital creator or influencer. In the present case the Hon’ble High Court observed that since the Defendants were not trying to sell a competing product or mislead consumers into thinking there was a commercial link between the Plaintiff and the Defendants, the Plaintiff’s claim of misuse of the brand name was untenable. Accordingly, the Plaintiff’s application for permanent injunction against the Defendants for alleged infringement of trademarks, defamation and disparagement was dismissed.

A key takeaway from the judgment is the Hon’ble High Court’s emphasis on the role influencers play in protecting consumer interest. It underscored that consumer awareness and public health are critical considerations, and that suppressing such fact-based criticism could undermine the public’s ability to

¹ San Nutrition v. Arpit Mangal & Ors. [2025 SCC OnLine Del 2701]

make informed choices. It also pointed out that the balance of convenience in this case favoured the Defendants, whose work was tied to public welfare and supported by evidence. The Hon'ble High Court further observed that restricting such speech would not only violate the influencer's right to freedom of speech and expression under Article 19(1)(a) of the Constitution, but would also deprive the public of their right to receive important information relating to health and safety.

This decision marks a significant precedent in India's evolving digital ecosystem, offering much-needed judicial clarity on the delicate balance between brand protection and consumer rights. The Hon'ble High Court has affirmed that honest, fact-based opinions and reviews are not only legally protected under the right to free speech but are also essential to maintaining a transparent and accountable marketplace. In recognising the role of public discourse and credible online commentary, the Hon'ble High Court emphasized that consumer protection is no longer confined to statutory regulators, it is equally shaped by informed voices in the digital space. Crucially, the judgment delineates the legal boundaries of defamation and disparagement, reiterating that truth backed by evidence is a complete defence, and that criticism, however damaging to a brand's image, does not qualify as unlawful unless it is demonstrably false, malicious, or recklessly made. This principled interpretation limits the misuse of legal tools to suppress legitimate consumer feedback, and provides strong judicial guidance on what constitutes permissible product reviews. As such, the present order sets a clear and enduring standard for future disputes involving brand reputation, digital expression, and consumer awareness.

For influencers and creators, the message is clear: you are allowed to critique, even strongly, provided your content is grounded in solid facts and cogent evidence. This nuanced interpretation strengthens consumer trust, clarifies the scope of permissible commentary, and ensures that digital platforms and marketplaces remain spaces where informed dialogue and accountability can thrive, particularly in matters involving public health and welfare.

This case also underscores the challenges of enforcing intellectual property rights in the digital age and highlights the Indian judiciary's approach to such issues. It establishes important and clear criteria for granting interim relief in claims of disparagement and trademark infringement in the digital space. The decision contributes to the evolving jurisprudence on trademark protection in the context of digital commerce, reinforcing the need for robust mechanisms to protect consumer interests.

This order is poised to reshape the dynamics between brands and influencers in India's rapidly expanding digital economy. By recognizing fact-based reviews as protected speech, the Hon'ble High Court has legitimized influencer content as a key driver of market competitiveness and consumer awareness. Honest and evidence-backed criticism not only drives brands to improve product quality and labelling practices but also empowers consumers to make informed choices. In this evolving landscape, brands must recalibrate their approach to negative reviews, not as acts of hostility, but as opportunities for introspection and course correction. The ruling makes it clear that legal threats cannot be used to suppress genuine commentary favouring public interest unless falsehood or malice is clearly established. Instead, brands must assess the substance of such feedback and respond through transparency, engagement, or corrective action, rather than suppression, threat and coercion. For influencers, this decision offers legal reassurance, encouraging them to continue producing thoughtful, well-researched content that serves the public interest. This shift promotes a more credible and responsible marketing ecosystem, where influencers are emboldened to create fact-driven content without fear of undue legal intimidation, and brands are incentivised to build trust through responsiveness rather than suppression, thereby fostering a culture where both commendation and critique play a legitimate role in shaping public discourse and commercial conduct.

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