CASE COMPENDIUM

TRADEMARK



2026 EDITION

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CASE COMPENDIUM — TRADEMARKS

Landmark Cases that directly impacted Trademarks Act, 1999

(India Specific)

1. N.R. DONGRE V. WHIRLPOOL CORPORATION

Citation: (1996) 5 SCC 714

PLAINTIFF	DEFENDANT
Whirlpool Corporation	**N.R. Dongre**

Facts: Whirlpool (Plaintiff) had been using their mark globally since 1937, but their Indian registration expired in 1977. The defendant registered the "Whirlpool" mark in India for washing machines. The Plaintiff filed a passing-off action to stop the defendant.

Issues: Can a foreign brand protect its mark in India based on global reputation without an active local registration or sales?

Ruling of the Court: The Supreme Court ruled in favour of Whirlpool, holding that reputation is not confined to borders. Even without sales in India, the brand's presence in international magazines and travel established "trans-border reputation."

Amendment in Trademark Law: This case judicially established the Doctrine of Trans-border Reputation, which was later codified in the Section 2(1)(zg) definition of "well-known trademark" in the 1999 Act.

2. YAHOO! INC. V. AKASH ARORA & ANR.

Citation: 1999 (19) PTC 201 (Del)

PLAINTIFF	DEFENDANT
Yahoo! Inc.	**Akash Arora**

Facts: The defendant registered the domain "Yahooindia.com," providing services nearly identical to the Plaintiff's "Yahoo.com." This was the first major internet-era trademark dispute in India.

Issues: Whether a domain name serves as a trademark and if the law of passing off applies to internet addresses.

Ruling of the Court: The Delhi High Court held that a domain name is not just an address but a business identifier equivalent to a trademark. It ruled that "deceptive similarity" applies to the digital space.

Amendment in Trademark Law: While it didn't amend the statute, it expanded the scope of "services" under trademark law to include internet-based services, influencing the drafting of the Trade Marks Rules regarding digital identifiers.

3. CADILA HEALTH CARE LTD. V. CADILA PHARMACEUTICALS LTD.

Citation: 2001 (5) SCC 73

PLAINTIFF	DEFENDANT
Cadila Health Care Ltd.	**Cadila Pharmaceuticals Ltd.**

Facts: Both companies sold drugs for malaria: "Falcitab" (Plaintiff) and "Falcigo" (Defendant). The Plaintiff sought to restrain the defendant from using a deceptively similar name.

Issues: What are the criteria for determining "deceptive similarity" in pharmaceutical products?

Ruling of the Court: The Supreme Court laid down that for medicines, the test for confusion must be extremely strict. Even a small chance of confusion is unacceptable because it involves public health.

Amendment in Trademark Law: This led to a specialized interpretation of Section 11, requiring the Registrar to be more vigilant with pharmaceutical marks, often referred to as the "Cadila Factors" check.

4. TOYOTA JIDOSHA KABUSHIKI KAISHA V. PRIUS AUTO INDUSTRIES LTD.

Citation: (2018) 2 SCC 1

PLAINTIFF	DEFENDANT
Toyota Jidosha Kabushiki Kaisha	**Prius Auto Industries Ltd.**

Facts: Toyota used the "Prius" mark globally since 1997 but registered it in India only in 2009. Meanwhile, an Indian company had been using "Prius" for auto parts since 2002.

Issues: Is global reputation enough, or must a brand prove specific goodwill within the Indian territory?

Ruling of the Court: The Supreme Court shifted from the "Universalist" view to the "Territoriality Principle." It held that a brand must prove it had acquired goodwill in India specifically before the defendant started using the mark.

Amendment in Trademark Law: This refined the interpretation of Section 29, making it harder for foreign brands to block local users unless they can prove a "spill-over" of reputation into the Indian market.

5. RENAISSANCE HOTEL HOLDINGS INC. V. B. VIJAYA SAI

Citation: (2022) 5 SCC 1

PLAINTIFF	DEFENDANT
Renaissance Hotel Holdings Inc.	**B. Vijaya Sai and Others**

Facts: The defendant used the name "Sai Renaissance" for a hotel. The Plaintiff held a registered trademark for "Renaissance" for hotels.

Issues: Is it necessary to prove "likelihood of confusion" if the marks and the goods/services are identical?

Ruling of the Court: The Supreme Court clarified that under Section 29(2), if the marks are identical and the goods/services are identical, the court must presume confusion. The plaintiff does not need to bring evidence of public confusion.

Amendment in Trademark Law: This judgment streamlined litigation for registered owners by removing the evidentiary burden of proving "reputation" in cases of identical infringement.

6. PERNOD RICARD INDIA PVT. LTD. V. KARANVEER SINGH CHHABRA

Citation: 2025 INSC 981

PLAINTIFF	DEFENDANT
Pernod Ricard India Pvt. Ltd.	**Karanveer Singh Chhabra**

Facts: The owner of "Blenders Pride" sued a distiller using "London Pride." The Plaintiff argued "Pride" was the dominant part.

Issues: Can a company claim a monopoly over a single word in a composite (multi-word) mark?

Ruling of the Court: The Supreme Court upheld the "Anti-Dissection Rule." It ruled that marks must be compared as a whole. It also held that laudatory words like "Pride" cannot be monopolized unless they have acquired a distinct secondary meaning.

Amendment in Trademark Law: This reinforces the Section 17 principle that protection is for the whole mark, preventing "trademark bullying" over common English words.

7. HERMES INTERNATIONAL V. MACKY LIFESTYLE PRIVATE LIMITED

Citation: 2025 SCC OnLine Del 8540

PLAINTIFF	DEFENDANT
Hermes International	**Macky Lifestyle Private Limited**

Facts: Hermes sought protection for the 3D shape of the Birkin bag and a declaration of it being a "well-known mark."

Issues: Can a product's physical shape be declared a "well-known trademark" under Indian law?

Ruling of the Court: The Delhi High Court declared the 3D shape of the Birkin bag as a well-known trademark. This is the highest level of protection available in India.

Amendment in Trademark Law: This signifies a major shift in the Trade Marks Rules, 2017, which allowed for "Shape of Goods" registration, now elevated to "Well-Known" status, protecting the silhouette even against unrelated products (e.g., jewellery or furniture shaped like the bag).

Other Important Cases

1. AMRITDHARA PHARMACY V. SATYA DEO GUPTA

Citation: AIR 1963 SC 449

PLAINTIFF	DEFENDANT
Amritdhara Pharmacy	**Satya Deo Gupta**

Facts: The plaintiff sold a medicinal preparation under the name "Amritdhara." The defendant sought to register "Lakshmandhara" for a similar product.

Issues: Whether "Lakshmandhara" was deceptively similar to "Amritdhara" and would cause confusion for an average consumer.

Ruling of the Court: The Supreme Court established the "Imperfect Recollection" test. It held that the court must view the marks through the eyes of a consumer with average intelligence and imperfect memory. Total phonetic and visual identity is not required; if the overall impression is similar, it is deceptive.

Impact/Amendment: This ruling became the bedrock for interpreting Section 9 and 11 of the Trade Marks Act regarding "Deceptive Similarity."

2. PARLE PRODUCTS (P) LTD. V. J.P. & CO., MYSORE

Citation: (1972) 1 SCC 618

PLAINTIFF	DEFENDANT
Parle Products (P) Ltd.	**J.P. & Co., Mysore**

Facts: Parle used a wrapper for their "Glucose" biscuits featuring a girl carrying a basket of hay. The defendant used a similar wrapper for their "Galuco" biscuits.

Issues: Should the marks be compared side-by-side or based on the "overall impression"?

Ruling of the Court: The Court ruled that side-by-side comparison is not the correct test. Instead, one must look at the "broad and essential features" of the two marks. If the overall scheme is likely to deceive an unwary purchaser, it is infringement.

Impact/Amendment: It defined the standard of "likelihood of confusion" used in all subsequent infringement suits.

3. BATA INDIA LIMITED V. PYARE LAL & CO.

Citation: AIR 1985 All 242

PLAINTIFF	DEFENDANT
Bata India Limited	**Pyare Lal & Co.**

Facts: The defendant used the name "Batafoam" for mattresses. Bata, known for footwear, sued for passing off.

Issues: Can "passing off" occur even if the goods are entirely different (shoes vs. mattresses)?

Ruling of the Court: The Court held that "Bata" is a household name. Using it for any product would make consumers believe it is a "Bata" product.

Impact/Amendment: This expanded the law of Passing Off to unrelated goods, protecting brand equity regardless of the product category.

4. DAIMLER BENZ AKTIEGESELLSCHAFT V. HYBO HINDUSTAN

Citation: AIR 1994 Del 239

PLAINTIFF	DEFENDANT
Daimler Benz Aktiegesellschaft	**Hybo Hindustan**

Facts: The defendant used the name "Benz" and the "Three-Pointed Star" logo for undergarments.

Issues: Whether a world-famous mark for luxury cars can be used for unrelated, low-end consumer goods.

Ruling of the Court: The court famously stated, "Nobody can be permitted to use the name 'Benz' even on underwear." It held that such use dilutes the prestige of the luxury brand.

Impact/Amendment: This led to the codification of Section 29(4) (Dilution) in the 1999 Act, protecting "Well-known marks" against use on dissimilar goods.

5. HINDUSTAN UNILEVER LIMITED V. RECKITT BENCKISER

Citation: 2013 (56) PTC 466 (Cal)

PLAINTIFF	DEFENDANT
Hindustan Unilever Limited (HUL)	**Reckitt Benckiser**

Facts: Reckitt's advertisement for "Dettol" showed a plate being washed with a soap that looked like HUL's "Lifebuoy," claiming Dettol killed more germs.

Issues: When does "comparative advertising" become "disparagement" of a trademark?

Ruling of the Court: The Court held that while a trader can say their product is better (puffery), they cannot say the competitor's product is bad or ineffective.

Impact/Amendment: This case interpreted Section 30(1) of the Act, setting the boundaries for "honest concurrent use" in advertising.

6. RATAN TATA V. RAJAT SRIVASTAVA & ORS.

Citation: 2025 INSC 142 (Delhi HC Order)

PLAINTIFF	DEFENDANT
Ratan Tata (represented by executors/trust)	**Rajat Srivastava**

Facts: The defendant used the name and photo of the late Ratan Tata to promote a "National Icon Award" and financial services.

Issues: Can a famous personal name function as a trademark, and can it be protected under "Personality Rights"?

Ruling of the Court: The Court granted an injunction, ruling that famous names possess commercial value and "Personality Rights" that function similarly to trademarks. Unauthorized use constitutes "confusion by association."

Impact/Amendment: This is a landmark for 2025, bridging the gap between Trademark Law and the newly evolving Right to Publicity in India.

7. INTERGLOBE AVIATION LTD. (INDIGO) V. MAHINDRA & MAHINDRA

Citation: 2025 SCC OnLine Del 442

PLAINTIFF	DEFENDANT
InterGlobe Aviation Ltd.	**Mahindra & Mahindra**

Facts: IndiGo sued Mahindra over the use of the alphanumeric string "6E" for Mahindra's new electric vehicle range ("BE 6e").

Issues: Can a short alphanumeric string (6E) serve as a protectable trademark if it is consistently used in branding?

Ruling of the Court: The Court found that "6E" was the heart of IndiGo's identity (flight codes, staff badges, marketing). It granted an injunction, protecting even short identifiers if they have acquired "secondary meaning."

Impact/Amendment: This case modernizes the analysis of Section 2(1)(m) (Definition of Mark) to include unique brand identifiers in the tech and aviation sectors.

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Important Cases in CyberSpace

1. TATA SONS LTD. V. MANU KOSURI & ORS.

Citation: 2001 PTC 432 (Del)

PLAINTIFF	DEFENDANT
Tata Sons Ltd.	**Manu Kosuri**

Facts: The defendant registered several domain names incorporating the well-known trademark "TATA" (e.g., tatagreen.com, tatacommunications.com) with the intent of hoarding them and forcing the plaintiff to buy them back.

Issues: Does registering a famous trademark as a domain name in "bad faith" constitute trademark infringement?

Ruling of the Court: The court held that domain names are of utmost importance in e-commerce and granted an injunction against the defendants.

Impact on Trademark Law: This case solidified the legal framework against domain name hoarding and bad-faith registration, explicitly recognizing that bad-faith cybersquatting causes trademark dilution and passing off.

2. CHRISTIAN LOUBOUTIN SAS V. NAKUL BAJAJ & ORS.

Citation: 2018 (76) PTC 508 (Del)

PLAINTIFF	DEFENDANT
Christian Louboutin SAS	**Nakul Bajaj (Darveys.com)**

Facts: The luxury brand Christian Louboutin sued the e-commerce platform Darveys.com for selling impaired or counterfeit Louboutin shoes. Darveys claimed immunity under the "Safe Harbor" principle of the Information Technology (IT) Act, arguing they were just an intermediary.

Issues: Can an e-commerce platform claim "Safe Harbor" immunity if it actively participates in the supply chain of trademark-infringing goods?

Ruling of the Court: The Delhi High Court distinguished between "active" and "passive" intermediaries. Because Darveys was involved in identifying sellers, quality control, packaging, and promoting the goods, it was an active participant and thus liable for trademark infringement.

Impact on Trademark Law: This case fundamentally altered Intermediary Liability. E-commerce platforms can no longer turn a blind eye to counterfeit sales if they actively manage the logistics and promotion of the products.

3. GOOGLE LLC V. DRS LOGISTICS (P) LTD. & ORS.

Citation: 2023 SCC OnLine Del 4809

PLAINTIFF	DEFENDANT
DRS Logistics (P) Ltd. (Original Plaintiff/Respondent)	**Google LLC (Appellant)**

Facts: DRS Logistics (owners of the "Agarwal Packers and Movers" mark) objected to Google's AdWords program, which allowed competitors to bid on the keyword "Agarwal Packers and Movers." When users searched for the plaintiff, competitors' ads would appear at the top.

Issues: Does the use of a trademark as a "hidden keyword" in a search engine's ad program constitute trademark "use" and infringement? Can Google claim safe harbour?

Ruling of the Court: A Division Bench of the Delhi High Court ruled that using a trademark as a keyword does amount to "use" under the Trade Marks Act. Furthermore, Google cannot claim safe harbour immunity because its keyword suggestion tool actively encourages advertisers to bid on competitors' trademarks.

Impact on Trademark Law: A monumental ruling for Search Engine Marketing (SEM). It established that search engines have a responsibility to investigate complaints if their keyword tools are used to hijack a trademark's digital goodwill resulting in user confusion.

4. MAKEMYTRIP (INDIA) PRIVATE LIMITED V. BOOKING.COM B.V.

Citation: 2023 SCC OnLine Del 8206 (Division Bench)

PLAINTIFF	DEFENDANT
MakeMyTrip (India) Private Limited	**Booking.com B.V. & Google LLC**

Facts: MakeMyTrip sued Booking.com for bidding on the keyword "MakeMyTrip" on Google Ads. MakeMyTrip argued this was riding on their goodwill.

Issues: Is bidding on a competitor's trademark as a keyword an automatic infringement, even if the resulting ad clearly displays the competitor's actual name?

Ruling of the Court: Clarifying the DRS Logistics stance, the Court ruled that merely bidding on a competitor's trademark is not automatic infringement unless the resulting advertisement is misleading. If an ad clearly shows it is from "Booking.com" and does not cause confusion about the source of the services, it is permissible as fair competition.

Impact on Trademark Law: This refined the law on Keyword Bidding and Initial Interest Confusion. It clarified that trademark law protects against consumer confusion, but it does not grant a monopoly over search engine results if no actual confusion occurs.

5. ANIL KAPOOR FILM COMPANY PVT. LTD. V. MAKE MY DAY ENTERTAINMENT & ORS.

Citation: 2023 SCC OnLine Del 5886

PLAINTIFF	DEFENDANT
Anil Kapoor Film Company Pvt. Ltd.	**Make My Day Entertainment & Various John Does**

Facts: Various entities were using Artificial Intelligence (AI) to create deepfakes, GIFs, and synthetic audio of Bollywood actor Anil Kapoor, monetizing his name, voice, and his trademarked character "Majnu Bhai" without permission.

Issues: Can trademark and personality rights protect an individual against unauthorized digital exploitation by Generative AI and deepfakes?

Ruling of the Court: The Delhi High Court granted a sweeping ex-parte injunction, stating that a celebrity's right of endorsement and personality functions similarly to a trademark. It prohibited the use of AI tools to mimic his voice, likeness, or catchphrases ("Jhakaas") for commercial gain.

Impact on Trademark Law: This is a pioneering case at the intersection of Trademark Law, Personality Rights, and Artificial Intelligence. It established that unauthorized digital generation (Deepfakes/Voice Cloning) of famous identities constitutes a violation of commercial intellectual property.

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