

**DELTA SUES MARRIOTT FOR TRADEMARK INFRINGEMENT**

**Ref: [ipsolutionslaw.com](http://ipsolutionslaw.com), Tuesday, 31.03.2020**



Delta airlines filed suit against Marriott International for trademark infringement and dilution over Marriott's use DELTA trademarks as part of its US expansion of its Canadian Delta Hotel chain. Delta Airlines have claimed that Marriott is using identical design's and colour scheme in the rebranding campaign, completely disregarding Delta's trademark rights. The airline has become a leading company and believe that hotel chain is an infringement on their brand and could confuse their loyal customers. With an increase in digitization, intellectual property regime is at a most significant crossroads. Where at one side there is backbreaking competition among businesses to thrive on the other side the trend to bank upon goodwill and reputation of someone else by passing off their intellectual property as one's own is a worrisome trend. The largescale enterprises as the stakes involved in big brand names are skyrocketing.

**AJANTA PHARMA V ZUVENTUS HEALTHCARE LTD.**

**Ref: [twitter.com](http://twitter.com), Thursday, 07.05.2020**



Recently, Delhi High Court refused to grant an interim injunction in a trademark infringement case involving two pharmaceutical companies despite finding deceptive similarity between the two conflicting marks (ANADAY v. AMADAY). The court arrived at this conclusion based

on its prima facie finding that the parties were selling medicines in a different jurisdiction and the Plaintiff had acquiesced to the Defendant's use of trademark. In the absence of any material on record to show that defendant dishonestly adopted the mark to ride on the reputation and goodwill of Plaintiff's mark, the court was convinced that there were no dishonest intentions on the part of Defendant.

**ARBITRATION AWARD AGAINST JACKIE SHROFF SET ASIDE**

**Ref: [latestlaws.com](http://latestlaws.com), 23.05.2020**



Bombay High Court has set aside a November 2014 arbitration award according to which Jackie Shroff would have to pay \$3.5 million in liquidated damages to a former business partner. This award was based on a finding that a letter that Jackie Shroff's wife had written amounted to breach of one of the dispute settlement terms. High Court held that there was no evidence to indicate that she had acted as his agent and there was no proof that any loss was caused because of the letter.

**WIPO PROOF: WIPO INTRODUCES EVIDENTIARY BUSINESS SERVICE**

**Ref: [www.wipo.int](http://www.wipo.int), Tuesday, 27.05.2020**



WIPO PROOF a novel online business service, that provides tamper proof evidence of the existence at a point in time of any digital file in any format. As a result of an explosion in innovative and creative activities in today's virtual world, vast array of data files containing valuable content are easily exposed for misuse or misappropriation. This content might include trade secrets to scripts, musical scores and other creative works, to research results, large data sets, artificial intelligence algorithms or any business record. With the support of WIPO PROOF, it would be possible to mitigate the risk of future legal disputes as well as laying down the foundation for any eventual registration of a formal IP right. By creating a date and time stamped fingerprint of a digital file, WIPO PROOF provides a sort of digital notary service, offering a trusted, cost effective and efficient service worldwide.

#### **KHOLA CHILLI GI TAG**

**Ref: theippress.com, 01.06.2020**



Goa has recently got its second GI tag on agricultural product "Khola Chilli". Khola Chilli also known as "Canacona Chilli" and "Kholchi Mirchi" is harvested on the sloppy hills of Khola village in Canacona taluka region of Goa in which the local soil and climate play a favorable role in maintaining the growth and quality of this chilly. A peculiar quality of this chilli is that it has a brilliant red colour coupled with a medium-pungent flavor. The Khola Chilli cultivator's group involved in growing the variety were awarded the Plant Genome Saviour Community Award.

#### **DETTOL V/S DEVTOL**

**Ref: latestlaws.com, 02.06.2020**



The Delhi High Court has recently ordered a company to stop using the mark 'Devtol' for manufacturing and selling its hand sanitisers, saying it infringes the trademark and logo of well-known antiseptic "Dettol". A cost of Rs. 1 lakh was also imposed in this case. The suit was filed by Reckitt Benckiser (India) Pvt. Ltd. Who is a manufacturer of a well known antiseptic which is sold under the registered trademark and logo "Dettol" against Mohit Petrochemicals Pvt Ltd for selling hand sanitisers under the brand name "Devtol".

#### **'MASS COPYRIGHT INFRINGEMENT' ALLEGED AGAINST INTERNET ARCHIVE**

**Ref: npr.org, 03.06.2020**



Writers and publishers have been greatly outraged by internet Archive's decision to create a 'National Emergency Library' temporarily suspending wait lists to borrow e- books amid pandemic. In a law suit filed in federal court, allegations were leveled against Internet Archive for engaging in willful mass copyright infringement. Usually in ordinary course of business, Internet Archive acquires books and lends

them as a library. This supports publishing, authors and readers. Internet Archive has clearly jumped the gun in expanding its operations beyond proportions of what as a library it is expected to do. This action not only leads to exploitation of intellectual property rights of large number of people but is also a big blow to the sanctity that is accorded to libraries as centers of learning

**IMPOSSIBLE BURGER V INCREDIBLE BURGER LEGAL WAR**

**Ref: [trademarkclock.com](http://trademarkclock.com), Thursday, 04.06.2020**



In a ruling by District Court at Hague, food giant Nestle was directed to stop manufacturing and marketing of its veggie burger range widely known as "incredible" burgers. A start up company had raised claims of trademark infringement against Nestle. Both the burgers in this case targeted vegan consumers consisting of plant-based burger patties giving it the taste and texture of meat. It was revealed \*during the proceedings that Nestle had approached the start up in the year 2018 seeking licensing agreement. Though the deal failed but during the process, certain trade sensitive information was passed on to Nestle. On finding visual, phonetic and conceptual similarities between two brands, it was observed that there is a likelihood of confusion.

**APPLE GRANTED PATENT FOR CREATING SYNTHETIC SELFIES.**

**Ref: [tech.hindustantimes.com](http://tech.hindustantimes.com), Monday, 08.06.2020**



USPTO states that the patent of Apple for synthetic group selfies can be made by clicking selfies individually and stitching them together into a single image. These can be still images, stored videos and even live streaming images. Users will get the option to accept the selfie clicked or retake it before sending it to the person who has invited the user to participate in a group selfie. The user at first place, will get the option to accept or decline the request sent by others.

**TOMMY HILFIGER LOGO MASKS RESTRAINED**

**Ref: [www.livelaw.in](http://www.livelaw.in), Wednesday, 10.06.2020**



Textile company has recently been restrained by Delhi High Court from selling face masks having registered trademark of Tommy Hilfiger. During the course of investigation, it was revealed that the defendant was not only dealing in counterfeit face mask but also clothing bearing the trademarks of not only the plaintiff but other reputed brands also. Advertisements by defendants on Facebook, Instagram and Justdial were also held to be amounting to offer for sale.

## FIAT CHRYSLER VS ROXOR

**Ref: [Europe.autonews.com](http://Europe.autonews.com),  
Friday, 12.06.2020**



A notice recently posted by International Trade Commission upheld a judge's finding that Mahindra off road vehicle is a copy of the Jeep. Fiat Chrysler Automobiles claimed that the Roxor is a nearly identical copy of its jeep, particularly the boxy body shape with flat appearing vertical sides and rear body ending at about the same height as the hood. It was held that Roxor would infringe the trade dress of the Jeep. It was further recommended that commission block imports of Roxor kits and components after which both the sides ardently appealed the commission to review the portion of the decision they lost.

## NO MONOPOLY OVER "MAGIC MASALA"

**Ref: [barandbench.com](http://barandbench.com), Friday,  
19.06.2020**



The Madras High Court has recently ruled that neither ITC's Sunfeast Yippee! noodles nor Nestle India's Maggi Noodles could

claim a monopoly over the word "magic" as the word tends to be laudatory to praise the "Masala" in the sachet. Moreover, it is commonly used in the trade. Owing to its incapability of being monopolized by any trader, the court laid down a thumb rule stating words or expressions which are not distinctive are inherently weak and incapable of being registered or protected. The passing off suit filed by ITC was thus dismissed with clear cut directions that neither party plaintiff or defendant can claim monopoly over words "Magic" or "Magical" along with common word "Masala" to the exclusion of one another. This ruling shall be a precedent for open use of generic and common to trade terms.



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