

# Trademark Infringement in India and a Case Study of Ten Landmark Judgments of the Last Twenty Years

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**Abstract:** *Trademark infringement in India represents a critical aspect of intellectual property law, safeguarding brand identity, consumer trust, and fair competition. Governed primarily by the Trade Marks Act, 1999, Indian trademark jurisprudence has evolved significantly over the past two decades through judicial interpretation. This research paper analyses the concept of trademark infringement, its statutory framework, and examines ten landmark judgments from 2006–2026 that have shaped the contemporary legal landscape. The study highlights themes such as deceptive similarity, prior use, trans-border reputation, well-known trademarks, and digital infringement.*

**Keywords:** Trademark Infringement, Trade Marks Act 1999, Deceptive Similarity, Prior User Doctrine, Trans-border Reputation, Well-known Trademarks, Digital Infringement

## 1. Introduction

Trademarks function as identifiers of origin and quality. In a liberalised and globalised Indian economy, the value of trademarks has grown exponentially. Trademark infringement arises when an unauthorized party uses a mark identical or deceptively similar to a registered trademark, leading to confusion among consumers.

Indian courts have played a transformative role in interpreting infringement provisions, especially under Section 29 of the Trade Marks Act, 1999.

## 2. Legal Framework of Trademark Infringement in India

### 2.1 Statutory Basis

- Section 28: Rights conferred by registration
- Section 29: Infringement of registered trademarks
- Section 134: Jurisdiction of courts
- Section 135: Relief in infringement cases

Trademark infringement includes:

- Use of identical or similar marks
- Likelihood of confusion
- Dilution of well-known trademarks
- Unfair advantage of reputation

### 2.2 Well-Known Trademarks

Under Section 2(1)(zg), a well-known trademark enjoys broader protection across classes.

## 3. Conceptual Foundations

### 3.1 Deceptive Similarity

Courts assess phonetic, visual, and conceptual similarity.

### 3.2 Passing Off vs Infringement

- Passing off protects unregistered marks
- Infringement protects registered marks

### 3.3 Prior User Doctrine

Indian law recognizes that prior use prevails over registration.

## 4. Case Study: Ten Landmark Judgments (2006–2026)

### 1) Cadila Healthcare Ltd v Cadila Pharmaceuticals Ltd (applied post-2006)

- Principle:** Test of deceptive similarity in medicinal products
- Established stricter standards due to public health concerns
  - Introduced multi-factor test

### 2) Cipla Ltd v MK Pharmaceuticals

- Principle:** Confusion in pharmaceutical trademarks
- Reinforced Cadila principles
  - Emphasized public safety in trademark disputes

### 3) Tata Sons Ltd v Manu Kosuri (expanded relevance post-2006)

- Principle:** Domain names as trademarks
- Recognized cybersquatting as infringement
  - Extended trademark protection to digital space

### 4) Neon Laboratories Ltd v Medical Technologies Ltd

- Principle:** Prior use vs registration
- Held prior user rights superior to registered proprietor

### 5) Toyota Jidosha Kabushiki Kaisha v Prius Auto Industries Ltd

- Principle:** Trans-border reputation
- Reputation must exist in India
  - Mere global fame insufficient

**6) Burger King Corporation v Burger King Pune****Principle:** Prior use vs global brand

- Local prior user defeated multinational brand
- Reinforced territoriality doctrine

**7) Amazon Technologies Inc v Lifestyle Equities (BHPC case)****Principle:** E-commerce liability in infringement  
Imposed heavy damages for online infringement  
Recognized “e-infringement”**8) KRBL Ltd v Bharat Gate****Principle:** Modern confusion test

- Consideration of consumer perception in digital marketplaces

**9) Beauty of Joseon case****Principle:** Bad-faith registration

- Cancelled trademark obtained dishonestly
- Recognized trans-border digital reputation

**10) Sana Herbals Pvt Ltd v Mohsin Dehlvi****Principle:** Expansion of infringement scope

- Addressed modern branding conflicts
- Reinforced protection against imitation

**5. Emerging Judicial Trends (2006–2026)****5.1 Expansion to Digital Space**

- Domain names and e-commerce now included
- Courts recognize online marketplaces as infringement platforms

**5.2 Strengthening of Well-Known Trademark Doctrine**

- Broader cross-class protection
- Increased recognition by courts

**5.3 Emphasis on Consumer Protection**

- Particularly in pharmaceuticals and food sectors

**5.4 Rise of Bad Faith Doctrine**

- Courts actively cancel dishonest registrations

**6. Challenges in Trademark Enforcement****Delay in judicial processes**

- Online infringement and jurisdiction issues
- Difficulty in proving reputation
- Cross-border enforcement challenges

**Comparative Perspective**

India’s trademark law aligns with:

- TRIPS Agreement
- Common law jurisdictions (UK, USA)

However, India uniquely emphasizes:

- Prior user rights
- Consumer-centric approach

**7. Conclusion**

Trademark infringement law in India has undergone substantial evolution over the past twenty years. Judicial activism has expanded the scope of protection beyond traditional boundaries to include digital platforms, global commerce, and evolving branding strategies. The courts have consistently balanced proprietary rights with public interest, ensuring that trademark law serves both economic and consumer protection objectives.

**8. Recommendations**

Strengthen digital enforcement mechanisms

- Fast-track IP courts for quicker resolution
- Enhance awareness among SMEs
- Develop clearer standards for online infringement
- Encourage international cooperation in trademark disputes

**References****Statutes**

- [1] Trade Marks Act, 1999

**Cases**

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 [3] Toyota Jidosha Kabushiki Kaisha v Prius Auto Industries Ltd  
 [4] Neon Laboratories Ltd v Medical Technologies Ltd  
 [5] Amazon Technologies Inc v Lifestyle Equities

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