

Intellectual Property
Newsletter

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TRADEMARK TAPESTRY

BOMBAY HIGH COURT BARS USE OF “CHEMCO” AS A TRADEMARK BUT ALLOWS TRADE NAME AND DOMAIN USAGE

The Bombay High Court, in *Chemco Plast Ltd. v. Chemco Industries & Ors.*, restrained the defendants from using “CHEMCO” as a trademark for their products, finding it deceptively similar to the plaintiff’s registered trademark and likely to cause confusion in the market. However, the Court permitted the use of “CHEMCO” as a trade name and in the defendants’ domain name, observing that mere trading under the name did not necessarily constitute trademark infringement so long as it did not misrepresent the origin of goods or services. The Court’s order reflects a nuanced approach: protecting trademark rights by preventing confusing commercial use on products, while recognising the defendants’ limited right to use the term in a corporate or internet identity context, provided appropriate disclaimers and safeguards against consumer deception are implemented.

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DELHI HIGH COURT RESTRAINS LEAYAN GLOBAL FROM USING ‘POWER FLEX’ TRADEMARK

The Delhi High Court restrained Leayan Global Pvt. Ltd. from using the mark “POWER FLEX” for its footwear products, holding that it was deceptively similar to Bata India Ltd.’s well-established and registered “POWER” trademark. The Court found that both parties operated in the footwear segment and that the use of “POWER FLEX” was likely to cause consumer confusion and infringe Bata’s statutory trademark rights. However, the Court permitted Leayan to continue using the tagline “The Power of Real Leather”, observing that the phrase, when read as a whole, described product quality rather than indicating any trade connection with Bata. The decision reinforces that adoption of marks incorporating the dominant element of a well-known trademark can amount to infringement, particularly when used for identical goods.

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BOMBAY HIGH COURT RESTRAINS SALE OF “CEFDON” COUGH SYRUP, FINDS DECEPTIVE SIMILARITY WITH “CEDON”

The Bombay High Court, in *Blue Cross Laboratories Private Limited v. RB Remedies Private Limited & Ors.*, permanently restrained the defendants from manufacturing, marketing, or selling a cough syrup under the impugned name “CEFDON” after finding that it was visually and phonetically deceptively similar to the plaintiff’s long-used and registered pharmaceutical trademark “CEDON”. The plaintiff, which had continuously used the *CEDON* mark for its dry cough syrup since 2004, demonstrated substantial goodwill and consumer association with the brand. The Court held that the defendants’ adoption of *CEFDON* for identical medicinal products was likely to cause confusion among the public, particularly given the stricter standard applied to pharmaceutical trademarks. Accordingly, the Court granted a permanent injunction against the use of *CEFDON* and ordered each defendant to pay ₹5 lakh in costs to the plaintiff, reinforcing rigorous protection for well-

known trademarks in the pharmaceutical sector.

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BOMBAY HIGH COURT CANCELS “VISTARRAAH” TRADEMARK FOR BEING IDENTICAL TO “VISTARA”

The Bombay High Court, in *Air India Ltd. v. Girish Basrimalani & Ors.*, cancelled the trademark “VISTARRAAH” registered by the respondent on the ground that it was phonetically, visually, and structurally identical and deceptively similar to the well-known “VISTARA” mark owned by Tata-SIA Airlines. The Court observed that the VISTARA mark enjoyed substantial goodwill, reputation, and nationwide recognition in the airline industry, and that the impugned mark’s near-identical composition carried a real and substantial risk of consumer confusion, even though the goods/services listed differed in class. Considering the established fame of VISTARA and the deceptive similarity in the dominant features of the mark VISTARRAAH, the Court upheld the rectification petition and directed the removal of the VISTARRAAH registration from the Trade Marks Register, reinforcing rigorous protection for well-known marks against confusingly similar registrations.

The judgment highlights that even common or descriptive terms can acquire trademark protection when used creatively and consistently within a recognizable brand family. Distinctiveness may arise from the overall impression of the composite mark, not from individual words alone, emphasizing the importance of brand identity and consumer perception in trademark law.

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BOMBAY HIGH COURT TEMPORARILY RESTRAINS RIVAL FROM USING TRADE DRESS SIMILAR TO PARACHUTE JASMINE HAIR OIL

The Bombay High Court, in *Marico Limited v. Minolta Natural Care & Ors.*, granted an interim injunction restraining the defendants from using packaging, bottle design, and trade dress that were found to be deceptively similar to Marico’s well-known Parachute Jasmine/ Parachute Advanced Jasmine Hair Oil products. Marico demonstrated that its distinctive trade dress including the characteristic bottle shape, colour scheme, and overall get-up associated with its iconic hair oils had acquired substantial goodwill and secondary meaning in the market and that the defendants’ product packaging created a prima facie likelihood of confusion among consumers. Recognising the necessity to protect established branding and prevent irreparable harm, the Court restrained the rival from manufacturing, marketing, selling, or advertising products with the impugned trade dress pending the hearing on merits, reinforcing the protection of non-traditional marks such as product packaging under Indian trademark law.

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DELHI HIGH COURT IMPOSES ₹15 LAKH DAMAGES IN COUNTERFEIT TOMMY HILFIGER TRADEMARK INFRINGEMENT SUIT

The Delhi High Court, in *Tommy Hilfiger E-Commerce*

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v. Kolkata Trader (December 2025), imposed ₹15 lakh in damages on a Kolkata-based trader for manufacturing, selling, and distributing counterfeit products bearing the TOMMY HILFIGER trademark. The plaintiff demonstrated that the defendant dealt in fake goods that not only bore the well-known TOMMY HILFIGER mark but were also passed off as genuine, causing loss and reputational harm to the brand. The Court found clear instances of trademark infringement and passing off, and held that monetary compensation was warranted in addition to injunctive relief. Consequently, the Court awarded ₹15 lakh in damages to the plaintiff, reinforcing that courts can and will grant compensatory awards in IP suits where counterfeit trading results in quantifiable loss to rights holders. The decision underscores a growing judicial willingness to impose meaningful financial consequences against counterfeiters in addition to traditional injunctive remedies.

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