

NEWSLETTER



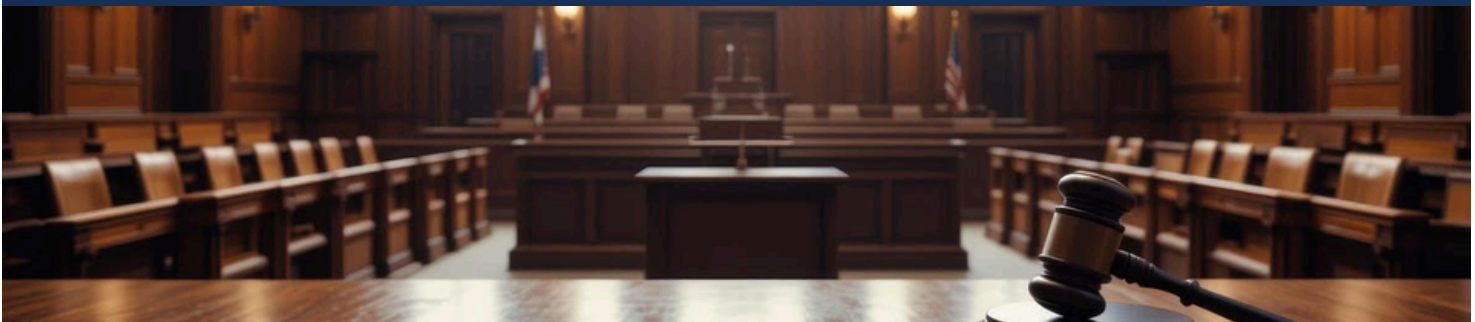
Supreme Court: Defendant Can Question Trademark Owner on Prior Use Even If Written Statement Not on Record

The Supreme Court (Shabu KN Achary v. Dharampal Premchand Limited, August 2026) ruled that a party accused of trademark infringement can question the trademark owner about documents showing when the disputed brand name was first used, even where that party's own written statement is not formally on record. The Bench of Justice J.B. Pardiwala and Justice K. Vinod Chandran set aside a Kerala High Court order that had expunged such a question from the trial record.

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Key Points

- The Court held that questioning a plaintiff on the first use of its mark is a factual inquiry going to the root of the infringement claim, and falls within the permissible scope of cross-examination regardless of the state of the defendant's pleadings.
- The absence of a written statement on record was held not to disentitle a defendant from testing the plaintiff's case on prior use through cross-examination.
- The Kerala High Court's order expunging the question was set aside, and the matter was remitted for the trial to proceed with the question restored to the record.



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Delhi High Court Restrains Scott Edil From Selling 'Nexporin', 'Zetum' Over Similarity With GSK Marks

The Delhi High Court (GlaxoSmithKline Pharmaceuticals Limited v. Scott Edil Pharmacia Limited & Anr., August 5, 2026) restrained Scott Edil Pharmacia and its affiliate from manufacturing, selling, or advertising pharmaceutical products under the marks 'Nexporin' and 'Zetum', holding them deceptively similar to GSK's registered marks 'Neosporin' and 'Ceftum'. Justice Jyoti Singh passed the order on GSK's application for an ex parte ad interim injunction.



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Key Points

The Court applied a stricter standard of similarity for pharmaceutical trademarks, given the heightened risk to public health from confusion between medicinal products.

'Nexporin' and 'Zetum' were found to closely mirror the phonetic and structural elements of GSK's well-established 'Neosporin' and 'Ceftum' marks, increasing the likelihood of confusion among consumers and pharmacists alike.

Finding a strong prima facie case and balance of convenience in GSK's favour, the Court granted an ex parte ad interim injunction pending further hearing.

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Delhi High Court Temporarily Restrains Mumbai Café Operator From Using 'MOCHA KAFFEE' Trademark

The Delhi High Court (Impresario Entertainment and Hospitality Pvt. Ltd. v. M/s. Mocha Kaffee, August 2026) temporarily restrained Mumbai-based café operator Mocha Kaffee from offering, marketing, or advertising its business under the 'MOCHA KAFFEE' mark. Justice Jyoti Singh granted an ex parte ad interim injunction, finding the mark deceptively similar to Impresario's registered 'MOCHA' trademarks.

Key Points

- The Court observed that 'Kaffee' is simply a misspelling of 'cafe' and does not sufficiently distinguish the mark from Impresario's registered 'MOCHA' family of marks.
- Given that both parties operate in the food and beverage/café space, the Court found a strong likelihood of consumer confusion arising from the shared dominant element 'MOCHA'.
- An ex parte ad interim injunction was granted restraining further use of the impugned mark pending disposal of the suit.

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Bombay High Court Temporarily Restrains Dabur From Using 'NEEM' as Leading Feature on Toothpaste Label

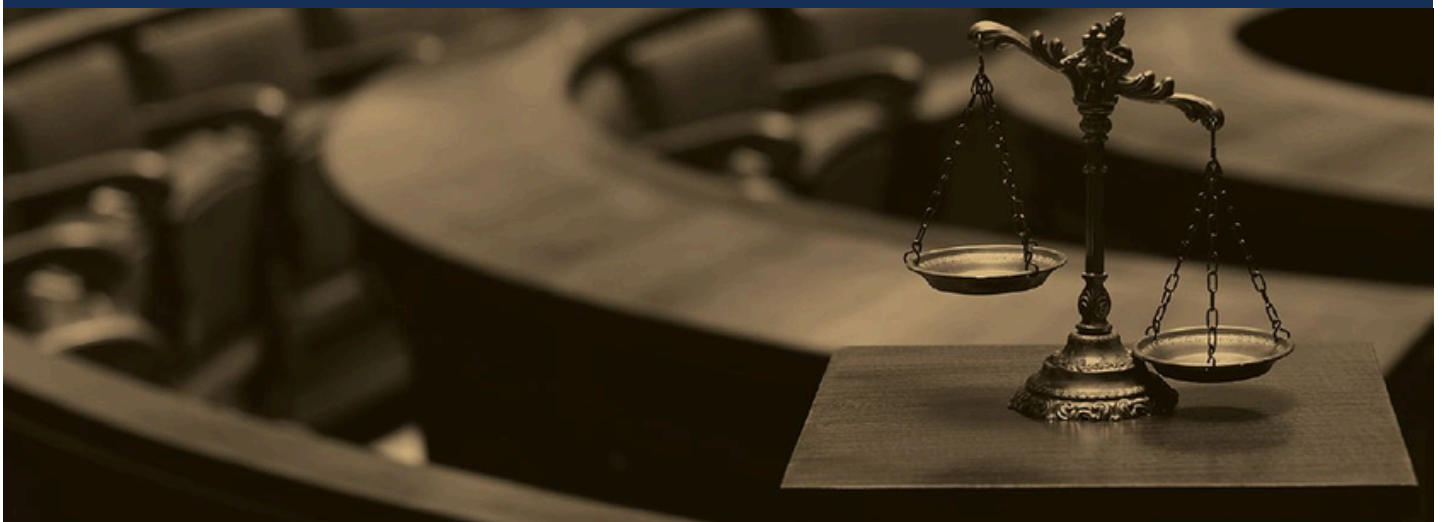
The Bombay High Court (Jyothy Labs Ltd. v. Dabur India Ltd., August 2026) temporarily restrained Dabur India from using its toothpaste label featuring 'NEEM' as the leading and essential feature. Justice Arif S. Doctor, allowing the interim application in a trademark infringement and passing-off suit, clarified that Dabur was not barred from using the word 'NEEM' descriptively, but could not use it as a prominent, source-identifying feature on the label.

Key Points

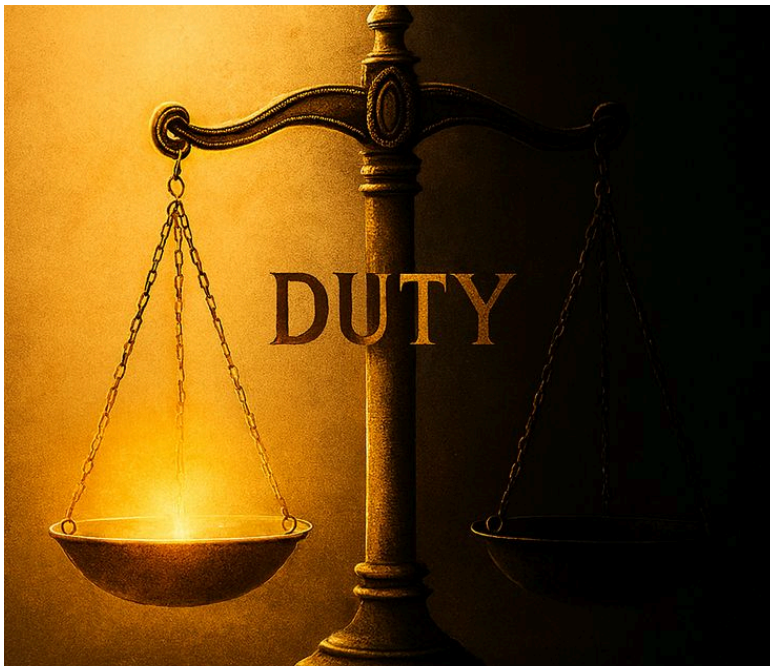
The Court drew a distinction between using 'NEEM' merely to describe an ingredient and using it as the dominant, brand-identifying feature of the packaging, holding only the latter impermissible.

The ruling turned on how prominently and in what manner 'NEEM' was displayed on Dabur's label relative to Jyothy Labs' registered rights, rather than on the underlying use of neem as an ingredient.

The Court allowed the interim application and restrained Dabur from continuing to present 'NEEM' as the leading feature of its toothpaste packaging, pending final disposal of the suit.



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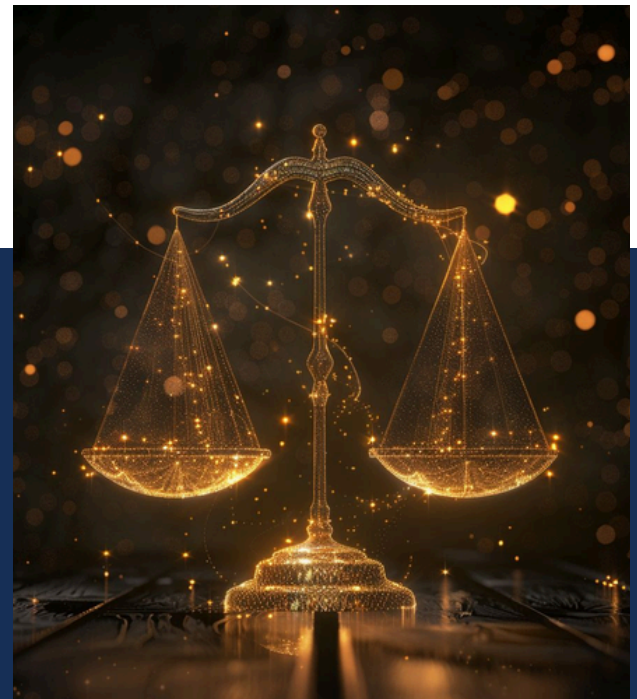
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Bombay High Court Sets Aside Rejection of Olympic Committee's 'Faster, Higher, Stronger-Together' Trademark

The Bombay High Court (Comite International Olympique v. Registrar of Trade Marks, August 2026) set aside the Registrar of Trade Marks' rejection of the International Olympic Committee's application to register 'Faster, Higher, Stronger-Together' and remanded the matter for fresh consideration. Justice Somasekhar Sundaresan heard the petition challenging the rejection of the phrase, adopted by the Committee as a further improvisation of its historic Olympic motto.

Key Points

- The Court found the Registrar's order rejecting the application did not withstand scrutiny, without the underlying reasoning being adequately sustained on the record.
- The Court took note that the phrase was an evolution of the Olympic movement's long-standing motto, relevant to assessing its distinctiveness and registrability.
- The rejection was set aside and the application remanded to the Registrar for fresh consideration in light of the Court's observations.



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Madras High Court Restrains Matrimony.com From Using 'Jodii' Mark for Matchmaking App

The Madras High Court (FreeElective Network Private Limited v. M/s Matrimony.com Limited, August 2026) restrained Matrimony.com Limited from using the mark 'Jodii' for its matchmaking app. A Division Bench of Justice P. Velmurugan and Justice K. Govindarajan Thilakavadi set aside a 2022 Single Judge order and ruled that 'Jodii' was deceptively similar to FreeElective's registered 'Jodi365' trademark, creating a likelihood of customer confusion.

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Key Points

Reversing the Single Judge, the Division Bench held that the shared dominant element 'Jodi/Jodii' between the two matchmaking marks created a real likelihood of confusion among consumers in the same trade.

Both marks were used for matchmaking and matrimonial services, a factor the Bench treated as significant in assessing the likelihood of confusion.

The appeal was allowed, and Matrimony.com was restrained from using the 'Jodii' mark for its matchmaking application.



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