

NEWSLETTER



Delhi High Court Cancels 'ZORA' Registration, Reinforces Cross-Class Protection for Well-Known Marks

The Delhi High Court (*Industria De Diseno Textil, S.A. v. Registrar of Trade Marks*, July 6, 2026, Neutral Citation 2026:DHC:5373) allowed ZARA's appeal under Section 91 of the Trade Marks Act, 1999, set aside the Registrar's order dated 8 February 2024, and rejected registration of the mark 'ZORA' for textile fabrics in Class 24. Justice Jyoti Singh held that ZORA was deceptively similar to the globally reputed ZARA mark and that a well-known mark need not carry a formal declaration to claim protection.

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Key Points

- The Court clarified that Section 11(2) protection for well-known marks against dissimilar goods does not require a prior formal declaration; reputation established under Section 11(6) and the definition in Section 2(1)(zg) suffices.
- Relying on *Corn Products Refining Co. v. Shangrila Food Products* and a line of subsequent authorities, the Court held that marks must be compared as a whole, and the shared 'RA' ending with only a minor vowel difference was enough to confuse a consumer with imperfect recollection.
- The Registrar's order was set aside for dissecting the marks and ignoring ZARA's well-known status and its trade connection with the textile and bag-manufacturing sector.



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Delhi High Court Restrains Swiss Footwear Company from Using 'n:' Logo in New Balance Suit

The Delhi High Court (New Balance Athletics Inc. v. Astormueller AG and Ors., mid-July 2026) temporarily restrained Swiss footwear company Astormueller AG and its two Indian subsidiaries from manufacturing, selling, or advertising footwear under the standalone 'n:' logo or the 'nu:beat' mark. Justice Jyoti Singh held that New Balance had made out a prima facie case of passing off based on its long-standing 'N' device marks, registered in India since May 1987.



Key Points

- The Court observed that the letter 'n' is the dominant part of the impugned marks and is identical to New Balance's registered N-marks, rejecting the defence that an added colon was sufficient to distinguish the marks.
- New Balance's decades of continuous use and its earlier judicial recognition were held to outweigh Astormueller's argument that its own marks were independently adopted and registered.
- The injunction covers manufacture, sale, and advertisement of footwear bearing either impugned mark and will operate for the duration of the suit.

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Delhi High Court Protects 'BATA' from Counterfeiters, Directs Flipkart to Remove Infringing Listings

The Delhi High Court (Bata India Limited v. Lalli Devi & Ors., July 8, 2026) granted an ex-parte ad-interim injunction restraining individuals from selling footwear bearing the BATA trademark. Justice Jyoti Singh directed Flipkart to take down the infringing listings after finding that identical marks were being used on identical goods.

Key Points

- The Court held that use of an identical registered mark on identical goods constitutes prima facie infringement and creates a strong likelihood of consumer confusion, warranting relief without notice to the defendants.
- Flipkart was directed to remove the specific infringing listings identified in the suit, reflecting the increasing practice of joining e-commerce platforms for effective enforcement against online counterfeiting.
- The order reinforces those trademark owners can secure swift ex-parte relief, including platform-level takedowns, against anonymous or hard-to-trace online sellers of counterfeit goods.

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Delhi High Court Restrains Ayurvedic Firm from Using 'HAJMOLA' Mark

The Delhi High Court (Dabur India Limited v. Sameer Das Shastri, Proprietor of M/s MDL Herbal Dhanvantari Ayurvedic Mahamritunjay, July 8, 2026) granted an ex-parte ad-interim injunction restraining the defendant from using the mark 'HAJMOLA' or any deceptively similar mark. Justice Anup Jairam Bhambhani held that Dabur had established a prima facie case of trademark infringement and passing off.

Key Points

- Dabur's HAJMOLA mark, used for its well-known digestive tablet range for decades, was held to carry substantial goodwill that the defendant's identical branding was likely to unfairly exploit.
- The Court found the balance of convenience in Dabur's favour and granted interim relief without notice, given the risk of continuing consumer confusion and irreparable harm pending a contested hearing.
- The ruling is a useful precedent for established consumer-goods brands seeking urgent injunctive relief against copycat marks in adjacent Ayurvedic or herbal product lines.



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Key Points

- The Court clarified that a defendant's later registration of a deceptively similar mark during the pendency of a passing-off suit does not, by itself, prevent the plaintiff from amending the plaint to plead infringement based on its own prior registration.
- The Division Bench's approach of treating the amendment as introducing a fresh, independent cause of action was held to be legally unsustainable at the amendment stage.
- The ruling gives plaintiffs greater flexibility to update pleadings mid-suit as a defendant's registration status changes, without being forced to file fresh proceedings.

Delhi High Court Allows L'Oréal to Amend 'Garnier Bright Complete' Suit to Add Trademark Infringement Plea

The Delhi High Court (L'Oréal SA v. Vekariya Nikunj Arvindbhai & Ors., July 13, 2026, Case No. CM(M)-IPD 21/2026) set aside a trial court order that had refused L'Oréal permission to amend its passing-off suit to include a trademark infringement claim. Justice Jyoti Singh held that the defendant's subsequent registration of the 'GARNIER BRIGHT COMPLETE' mark did not constitute a fresh cause of action barring the amendment.



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Delhi High Court: Registrar Must Examine 'GHOSTBUSTERS' Well-Known Status Before Allowing 'GHOST BUSTER' Registration

The Delhi High Court (Columbia Pictures Industries, Inc. v. Registrar of Trade Marks & Anr., July 6, 2026, C.A. (COMM.IPD-TM) 44/2025, Neutral Citation 2026:DHC:5378) set aside the Registrar's order permitting registration of 'GHOST BUSTER' in Class 5 for pharmaceutical, veterinary, and sanitary goods, and remanded the matter for fresh consideration within three months. Justice Jyoti Singh held that the Registrar had wrongly focused only on dissimilarity of goods without examining Columbia Pictures' evidence of the reputation of its GHOSTBUSTERS mark.

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Key Points

- The Court reiterated that the Registrar of Trade Marks can determine, during opposition proceedings themselves, whether an earlier mark qualifies as well-known under Section 11 – a prior formal declaration by a court or under Rule 124 is not a precondition.
- The Registrar was also faulted for ignoring Columbia Pictures' allegation that the applicant's sister concern had earlier sought and abandoned an identical mark in the United States after opposition, a fact bearing on honesty of adoption.
- The Court expressly clarified it had not itself declared GHOSTBUSTERS a well-known mark or expressed any view on the merits, leaving that determination to the Registrar on remand.

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