

# Leading case laws related to Trademark Act.



Case No. 1

**KLEENAGE PROFUCTS (INDIA) PRIVATE  
LIMITED VS. THE REGISTRAR OF  
TRADEMARKS & ORS.**

2018 SCC OnLine Bom 46

# ISSUES :

- Whether a trademark can be removed by the Registrar without issuing Form O-3 which is a requisite notice under Section 25(3) of the Trade Marks Act, 1999.

## HELD :

- It is mandatory to issue O-3 notice before removal of a Trade mark from the Trade mark Register.

Case No. 2

Zara food vs. Zara Fation

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# ISSUES :

- Zara is a renowned fashion brand across the World. A restaurant operating in Delhi under the same name.

# HELD

- Zara fashion had a presence in India since 2010 when it opened it's First store. The restaurant was forced to change it's Name.

Case No. 3

The Coca Cola compny vs. Bisleri International  
Pvt. Ltd.

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# ISSUES :

- *In this case, Bisleri was the defendant by a master agreement having transfer and assign the trademark rights for MAAZA. It also gave away the formulation rights, IPR, and know-how along with the goodwill for India for bottling and selling a mango fruit drink - MAAZA to Coca Cola.*
- *Now, the defendant company applied for trademark registration for the word MAAZA in Turkey and begin exporting the same fruit drink under the given name. The plaintiff, Coca Cola claimed a permanent injunction and infringement damages for passing off and trademark since it was given to them by a defender, Bisleri.*

## HELD :

- *In the end, the interim injunction was held up against Bisleri for using the trademark MAAZA in India even putting it up for export which was a clear case of trademark infringement.*

Case No. 4

Puma Se vs. Mr. Vikas Jindal

# ISSUES & HELD :

- *In this case, Puma, a well-established sports brand filed an application in Patiala House Court, New Delhi for obtaining a permanent injunction against the defendant who was a Ludhiana based businessman and was selling sports items and using PUMA' logo and brand name. The Puma company also sued him for misrepresentation of the brand. After all these observations the Court passed an ex-parte judgement and ordered Vikas to pay nominal damages of Rs. 50,000 for using the 'PUMA' brand name and logo.*

Case No. 5

**ROOH-AFZA VS. DIL-AFZA**

## HELD :

- *In December 2022, a Division bench of the Delhi High Court had restrained manufacturing of Dil Afza while hearing an appeal moved by manufacturers of Rooh Afza against rejection of its application seeking an interim injunction against Sadar Laboratories Pvt. Ltd., for infringing its registered trademarks.*