

A Win For SKODA

In a recent suit - *Skoda Auto AS v. Mr. Virender Yadav Trading As Super Cool Trading Co and Sheetal Enterprises and Anr. CS(COMM) No. 535/2022* - filed by Remfry & Sagar, the High Court of Delhi granted an *ex parte ad interim* injunction order against the defendants restraining them from using the trademark 'SKODA' or any other deceptively similar mark in respect of any products and services including heat exchangers/ air conditioning.

The plaintiff, Skoda Auto A S, is a globally renowned automotive company with more than a century of history behind it. Its mark 'SKODA' is very distinctive and an essential feature of the logo used by the plaintiff. It is also part of its corporate name and registered in several countries including in India.



Recently, the plaintiff came across products being sold in the market by the defendant bearing an identical mark 'SKODA' as well as its variations – 'SKUDA' and 'SKDA' - in relation to air conditioners and heat exchangers. It launched an enquiry into the defendant's business activities which revealed that the defendants were using the identical mark SKODA on their goods on a large scale. Moreover, the defendants were also found to have filed for registration of a SKODA device mark (see below) in the year 2021.



The High Court of Delhi in its order dated August 4, 2022, opined that it was evident from the photographs placed on record that there was a large volume of stocks on the defendants' premises which prominently displayed the mark 'SKODA'. Observing that SKODA is an extremely distinctive mark with no dictionary meaning, the court said that given the names of the defendants were Virender Yadav and Umesh Gupta, there existed no plausible explanation on part of the defendants for adopting the well-known mark 'SKODA'. The court further went on to hold that though the products of the defendants were not identical to the plaintiff's products, considering the distinctive nature of the plaintiff's mark, the same would be entitled to protection even in respect of cognate and allied products as consumers would be likely to be confused into believing that the air conditioning/ heat exchangers (an integral part of automobiles) were originating from or were connected to / sponsored by the plaintiff.

The court thus ruled emphatically in favour of the plaintiff, restraining the defendants from using the trademark 'SKODA' or any other deceptively similar mark in respect of any products and services including heat exchangers/ air conditioning. In addition thereto, court commissioners were appointed by the court to visit five different premises of the defendants and seize all products bearing the impugned mark.

It is pertinent to note here that the court held 'SKODA' to be a well-known mark, and through a well-reasoned order aided the plaintiff in preventing the violation of its trademark rights in respect of allied and cognate goods.