

# The Voice

In a recent suit [ITV Studios Netherlands Content BV v. Voice of Mithila [C.S. (COMM) 661/2022] filed by Remfry & Sagar, the Delhi High Court granted an *ad-interim ex-parte* injunction order against the defendant 'Voice of Mithila' and held that the adoption of a deceptively similar mark by the defendant could lead to the dilution of ITV's famous mark 'THE VOICE' and other VOICE formative marks.

The plaintiff - ITV Studios Netherlands - is the Dutch production arm of the British media company ITV Studios and is the producer of the famous reality singing competition franchise THE VOICE. The concept of the show is to find diverse vocal talent and contestants on the show are selected from public auditions. The reality show is a one of its kind singing competition wherein the contestants are chosen solely on the basis of their voice and not appearance as blind auditions ensure judges do not see the contestants but only listen to their voice.

Many countries around the world, including India, have adapted the format and begun airing local versions since 2010. Further, hundreds of singers have won contests titled The Voice, The Voice Kids, The Voice Teens and The Voice Senior in more than 145 countries/regions across the globe. Each winner is given a recording contract, a monetary prize, and a title of being that nation's 'Voice'. The plaintiff is also the registered proprietor of the word mark THE VOICE as well as several VOICE logo marks in India (as well as internationally) and has used the VOICE marks in the country since the year 2015. When it came across deceptively similar marks (see below) adopted by the defendant, it filed a suit seeking permanent injunction.



Plaintiff's Marks	Defendant's Marks
<p>THE VOICE</p>	<p>VOICE OF MITHILA</p>
<p>Voice</p>	<p>VOICE OF MITHILA</p>
<p>Voice India</p>	<p>Voice मिथिला</p>

The High Court of Delhi in its order dated September 22, 2022 took into account the worldwide reputation of the plaintiff's marks along with the popularity of its shows, extensive use of its marks in India and abroad, viewership in several jurisdictions as well as registrations obtained in India and internationally. Keeping in mind the aforesaid, the court ruled in favour of the plaintiffs and granted an *ex-parte ad interim* injunction against the defendants. It ruled that the defendant's marks were deceptively similar to the plaintiff's registered marks and such adoption was likely to cause dilution.

The order is significant as it demonstrates the court's strict cognisance of the *mala fide* intent and blatant misuse of the plaintiff's marks by defendants. It also shows that the court did not hesitate to grant an *ex parte* injunction restraining the misuse complained of by the plaintiff.