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RAJNIGANDHA VS RAJNIPAAAN

INTRODUCTION

A trademark draws attention to a product to make it stand out and attempts to improve consumer welfare. They make sure that the product is consistently of a high caliber, which increases consumer confidence in the product.

The first interest confusion doctrine is a dishonest tactic used to trick customers into purchasing a product and confuse the general public. To mislead or dim the public's impression of the well-known mark, they employ the dilution theory. They utilise a trade name or trademark in commerce that is sufficiently related to that association's well-known mark.

Here, "Rajnipaam" tricked the purchasers into thinking that their goods would appeal to "Rajnigandha" clients.

FACTS OF THE CASE

In 1929, Dharmapal Satyapal Limited was established. It is a multi-diversified enterprise that started out in the food and beverage, confectionery, mouth fresheners, tobacco, agroforestry, mouth masala, and rubber thread industries. First and foremost, they were granted a trademark in 1980 for the mark "Rajni" and a trademark in 1983 under the name "Rajnigandha."

According to Section 2(1)(zg) of the trademark Act, 1999, the court in the Dharmapal Satyapal Limited vs. Sunil Kumar Rajput case certified the mark "Rajnigandha" as a widely recognised brand.

The defendant, Youssef Anis Mehio, manufactured a paan masala product under the brand name "Rajnipaam" that is difficult for customers to distinguish from one another due to its misleadingly

identical packaging, color scheme, and typography. The defendant merely changed "Gandha" to "Paan" with the goal of benefiting on "Rajnigandha's" goodwill and reputation. In comparison to the plaintiff's product, the defendant's supply is substantially lower in quality.

Considering their distinct style, graphics, effect, indication, and design. According to the meaning of copyright, the logos are artistic works, and the plaintiff's enterprise has owned the copyright to them since 1980.

It is well known that the majority of Indian buyers are illiterate and lack comprehension of the English language, which makes it challenging for them to make distinctions between different trademarks. As a result, the plaintiff is suffering from irreversible business losses and damage to the reputation of their product and trademark.

ISSUES

1. Whether trademark infringement makes the defendant accountable
2. Does the initial interest doctrine is applicable in this case
3. Whether the defendant perpetrated a passing-off offense

ARGUMENTS

Any party who participated in the infringement in any manner was held accountable, and all defendants were held accountable for violating Rajnigandha's trademark by utilizing believable product packaging.

Under the Trademark Act of 1999, there is a legal doctrine known as "initial interest confusion" that allows for the finding of infringement in cases where there is temporary confusion that is resolved prior to purchase and where the likelihood of the two goods makes it difficult for the consumer to distinguish between them.

Section 27 of the Trademark Act of 1999 defines passing off as the act of passing off goods or services that are performed by another party. They mislead consumers into thinking that the product or service is from someone else by making misleading representations. Similar to this instance, the defendant relies on Rajnigandha's reputation to help him sell his own goods.

JUDGEMENT

A lawsuit was filed in the Delhi High Court, requesting a permanent injunction to prevent the defendants and anybody associated with them from producing, marketing, or trading in this substance in any way. Additionally, "Rajnipaana" is forbidden by the plaintiff from using any word, including "Rajni" or "Rajnigandha," the color scheme, or any other mark that is confusingly similar to "Rajnigandha"'s products.

By offering comparable goods under the same trademark, the plaintiff has managed to prove that the defendant infringed the registered trademark.

Jyoti Singh J., the judge of the Delhi High Court, found the defendant guilty of trademark infringement for intentionally adopting a similar mark and purposefully profiting from the popularity of the plaintiff's products.

Despite receiving multiple legal notifications, the defendants made an intentional choice to avoid the proceeding. On November 29, 2018, the court issued an ex-parte and temporary injunction in the plaintiff's favor.

The plaintiff was given a 3 lakh rupee award by the court as compensation for the defendant's dishonest use of their trademark. Since there isn't a real transaction, the case depends on the idea of first interest uncertainty and the possibility that the infringement is founded on confusion.

The order further adds that no stocks were found or taken from the defendant's property by the local commission, which the court had authorized to investigate the situation, hence the claim for damages could not be granted.

CONCLUSION

The accused party intentionally takes on a mark resembling "Rajnigandha" by simply substituting "Gandha" for "Paan." The plaintiff filed a lawsuit, requesting a permanent injunction to stop the defendant and anybody associated with them from speaking with each other about this issue in any way. An ex-parte and temporary injunction in the plaintiff's favor was granted by the court. The plaintiff was given damages of 3 lakh rupees by the court for employing confusingly identical markings.

Similar situations frequently arise when persons unintentionally or dishonestly violate another person's trademark. Examples include in the cases of Under Armour vs. Avengers (December 14, 2020), Dhunseri Tea vs. Dhunseri Plantation Private, Marico Limited vs. Agro Tech Food Limited (1 November 2010), and more.