High Court injuncts gym from providing unaccredited CrossFit services

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Delhi High Court steps in to stop gym from providing unaccredited 'CrossFit' services by untrained persons, which posed a risk of injury to unsuspecting customers. The CrossFit health regimen traces its origins back to California, 1995. It has become a mainstay in strength and conditioning circles, involving not just physical exercise, but encompassing complex nutritional and health elements. This is specifically why CrossFit accredits trainers – more than 100,000 around the world – and gyms before allowing them to offer CrossFit. The defendant, a gym/fitness centre in Kerala, was providing CROSSFIT training to its members. These health services – not accredited by CrossFit – were showcased prominently on the internet, including on their website and a video on YouTube. CrossFit's attempts to resolve this trademark infringement amicably having been unsuccessful, a cease and desist notice was sent to the defendant. In response, the defendant replied to CrossFit's legal counsel on WhatsApp, admitting that they were using the CrossFit mark and would continue to do so despite being aware of CrossFit's trade mark rights. The defendant's ambitions in the CrossFit mark were not limited to just one city and they were looking for franchisees with intentions to open gyms all over India, including in the capital. In light of trainers untrained and uncertified by CrossFit prefacing a grave possibility of causing injury, and an unsuspecting public being sold substandard experiences under its brand, CrossFit approached the Delhi High Court. Accepting the rights of CrossFit Inc. in its well-known trademark CrossFit, the court concluded that a *prima facie* case of infringement was made out. The defendants were restrained from offering services under the CrossFit mark or other deceptive marks. *CrossFit Inc. v Mr. Jaison Paulson & anr; before the Delhi High Court; order dated 24.10.2017*

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