



## Trans-border Toyota trumps prior Prius

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*One of the first and biggest trademark disputes in the auto segment has come to an end after seven years, with the final Judgment in favour of Toyota passed by the Delhi High Court in Toyota Jidosha Kabushiki Kaisha v Deepak Mangal & Others.*

In 1994, Toyota's team designed the world's first concept car with a hybrid engine for the 1995 Tokyo Motor Show. The vehicle was named "PRIUS", derived from the Latin word for "prior" or "before". The first PRIUS went on sale in December 1997, in Japan. The present battle in India began in 2009, prior to the launch of Toyota Prius in India in 2010, when Toyota filed a case against Prius Auto Industries and Prius Auto Accessories Private Limited for use of its trademark, PRIUS. The defendants were also selling indigenously manufactured spare parts under the trademarks TOYOTA, its emblem, INNOVA and QUALIS.

The defendants had applied for and secured registrations for the mark PRIUS in India. In addition to filing rectification petitions for cancellation of the defendants' registrations for the mark PRIUS, Toyota filed a lawsuit for infringement and passing off the plaintiff's trademark and trade name in Delhi High Court, convinced that the defendants had taken unfair advantage of the reputation of its vehicles to expand their business.

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