Delhi High Court grants interim injunction in favour of Vishesh Films, restrains T-Series from using 'Aashiqui' title

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Vishesh Films Pvt. Ltd. v. Super Cassettes Industries Ltd

Represented by team Anand and Anand, filmmaker Mukesh Bhatt's production company Vishesh Films Pvt. Ltd obtained a major relief as the Delhi High Court on September 2 granted an interim injunction in its favour, restraining Super Cassettes Industries Ltd (T-Series) from using the titles *"Tu Hi Aashiqui"*, *"Tu Hi Aashiqui Hai"* or any other name which uses the mark *"Aashiqui"* for their film.

This judgment is particularly relevant in view of the following findings:

- Film titles justify protection under trademark law. The significance of film titles in the present context of a series is particularly pronounced because they serve as a bridge between the various instalments, ensuring continuity and maintaining a connection with the audience.
- To argue that "Aashiqui" is descriptive would imply that it describes the film's plot, characters, etc., however, films are more than the sum of their parts, being intricate stories where no single word can serve as a comprehensive descriptor. Therefore, "Aashiqui" is prima facie not a mere descriptive term but rather a distinctive mark that suggests a specific brand of romantic films, capable of being protected under trademark law.
- Notwithstanding the registration being classified as a device mark, it must follow that protection has been granted to the term "Aashiqui", regardless of the font, design, or stylistic presentation in which it is used. The reference to word marks as device marks for registration purposes does not diminish the protection afforded to the word "Aashiqui", which is the core element of the brand identity of the Aashiqui Franchise.
- The word "Aashiqui", when used in the title of a film, is immediately recognizable to the public as being associated with the highly successful romantic film series. This association is not merely incidental; it has been built through years of significant commercial success. Moreover, the addition of the words "Tu Hi" and "Hai" does not significantly alter the overall impression of the title, particularly when viewed through the lens of imperfect recollection.
- This case is particularly concerned with the initial likelihood of confusion, whereby the public might be misled into believing that there is an association between the Defendant's film and the well-established Aashiqui Franchise. This confusion, even if temporary, can cause significant harm by diluting the "Aashiqui" brand.

Team: Pravin Anand, Dhruv Anand, Udita Patro, Sampurna Sanyal, Nimrat Singh and Dhananjay Khanna

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