



Mayo Foundation's IP rights recognised in India

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Aurangabad District Court upholds intellectual property rights of Mayo Foundation, administrator of the world-renowned medical research and practice, Mayo Clinics. Defendants' use of the "trade name as 'MAYO', itself is sufficient" to conclude dishonest adoption, it holds. Mayo Foundation for Medical Education and Research (MFMER) is a charitable organisation which manages Mayo Clinics, the world-renowned centre for clinical, diagnostic, and research services. Mayo's reputation and its MAYO trademark and logo are present in over 200 countries, including India. In 2014 Mayo came to know the defendants were trading as 'Mayo Life Sciences Private Limited' for their business of marketing and sale of pharmaceutical and nutraceutical products which were being sold under MAYO and other formative marks. The defendants' website was hosted on a [domain name](#) employing the MAYO name, and on it they had reproduced the story of Mayo's origin as its own, including references to Mayo's founders and Mayo Clinics itself. The suit was instituted before Aurangabad District Court, which noted that Mayo's reputation and [goodwill](#) had spilt into India. It took into account Mayo's news and health reports being routinely cited in mainstream newspapers, magazines and online publications. Moreover, Indian citizens frequently availed medical services offered by Mayo's hospitals in the United States of America, and many Indians had enrolled with Mayo's educational programmes. The court concluded that "the dishonest adoption of the defendants as their trade name as 'MAYO', itself is sufficient to come to a prima facie conclusion that, the defendants have dishonestly adopted the trademark of the plaintiff". It granted a temporary injunction against the defendants' use of MAYO or similar marks. The defendants were also restrained from carrying on business under the name and style of MAYO and passing off their goods and services as those emanating from Mayo. The order marks the first time the intellectual property rights of Mayo Foundation have been recognised by a legal forum in India. *Mayo Foundation for Medical Education and Research vs. Manu Kagliwal & Ors; before Aurangabad District Court; order dated 13.7.2017*

