Hyundai settles trademark suit in anticipation of infringement of SANTRO

News & Updates • November 20, 2017

This suit was filed by Hyundai against car companies Mahindra and Renault who had collaborated to form a joint venture in India to launch a hatchback car under the brand SANDERO. Owing to the similarity between the impugned mark SANDERO and Hyundai's own famous hatchback SANTRO, Hyundai proceeded to file the suit in 2009 on a *quia timet* cause of action since the SANDERO car was not yet commercially available in the Indian market. After Hyundai had led evidence in the suit, the Defendants informed the court that Mahindra and Renault's joint venture in India had come to an end and they had withdrawn their application seeking registration of the SANDERO mark in India. They did not intend to launch the SANDERO car in India, at the time. However the Defendants were not willing to undertake that they would not launch the SANDERO car in India in future and the matter was kept pending. The counsel for the parties continued to explore ways for their clients to arrive at a mutual settlement, even at the stage of final hearing, and eventually agreed that:

A The Defendants will tender an undertaking to Court that they will not launch the SANDERO car in India for at least the next 3 years.

B The Plaintiff will withdraw the suit on the basis of this undertaking with liberty to file a fresh suit should any cause of action arise against the Defendants in future.

C The Plaintiff will also be permitted to rely on the evidence led in the present suit in any future proceedings.

The Court accepted the terms of settlement proposed by the parties and recorded the Defendants undertaking. The Plaintiff was permitted to withdraw the suit with liberty to file afresh and rely on the evidence led, in future proceedings. *Hyundai Motor India Ltd. v Mahindra Renault Pvt. Ltd.; before Delhi High Court; order dated 12.10.2017*

RELATED PRACTICES

PATENTS