ZIPPO DECLARED TO BE A WELL-KNOWN TRADEMARK

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Zippo v Raja Bhai and Anr., CS(COMM) 758/2018, order dated 3rd October 2018 On 3rd October 2018, Hon'ble Justice JR Midha of the Delhi High Court declared Zippo, including the 3-dimensional shape of the ZIPPO lighters to be a well-known trademark. The matter was partly decreed by the Hon'ble Judge in terms of the prayer at Para 46 (i) to (vii) wherein permanent injunction was granted against the Defendants regarding Trademark Infringement, Passing Off, Dilution/Tarnishment and Copyright Infringement. Further, with respect to our prayers set out in clause (v) and (vi) of para 46 with respect to delivery up and destruction of the infringing products, the Hon'ble Judge directed the counsels to coordinate the same within ten days at a mutually convenient date and time. Further, with regards to the damages, the Hon'ble Judge directed that the Defendant Nos. 1 and 2 file an affidavit within a period of ten days with respect to the averment made by them that they are small shopkeepers. It was instructed that the defendants shall place on record the copies of their income tax returns along with balance sheets and profit and loss accounts for the last three years and the defendants shall also disclose that for how long they were dealing with the impugned goods and the name of the person/company/firm from whom they were purchasing the impugned goods. The Order is significant as Zippo including the 3-dimensional shape of the ZIPPO lighters has been declared to be a well-known trademark.

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