VANS vs. PRIMARK

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Early this year, intellectual property and its intrinsic relation with designers has led to the case of ***Vans v. Primark*** in the United States with Vans suing Primark for trademark infringement, false advertising and unfair competition alleging Primark's shoe designs have been deliberately made to incorporate distinctive elements of the Vans Trademarks and Trade Dress. While Primark intends to defend such allegations against their 'Skater low tops' and 'Skater high tops' suggesting any connection with Vans' products with an overall similarity in design, Anand and Anand recaps its attempt in combating plagiarism in the field of designers. Famous Indian designers such as Anita Dongre, Anju Modi, Gaurav Gupta, Payal Singhal have gone a step ahead to register their garments and textile fabrics as Designs. Leading Indian footwear brands such as Relaxo have also protected their products under the design regime safeguarding the trade dress to a further extent. Speaking of trademark infringement in the fashion industry is a matter titled ***Pranda Jewelry Pvt. Ltd. And Ors. v. Aarya 24 kt and Ors., Suit No. 2477 pf 2011,*** it was observed that what was produced by Plaintiffs' with use of artistic work contained in original drawings is a reproduction in a particular material, namely, in gold plate and in a particular form, namely, a three-dimensional form. What was produced was artistic work itself. Any imitation of the images in gold plates was clearly violative of Plaintiffs' copyright in them. In ***M/S Sabyasachi Couture v. Anil Kumar Batra & Ors CS(COMM) 1543/2016,*** the defendant who is the founder of the famous South Delhi store FRONTIER RAAS had replicas of the garments of the designer Sabyasachi at the said store which was also using the name 'Sabyasachi' in their couture line. The case was observed to be a well-found instance of infringement where the defendant was ordered to undertake not to possess any copies of the plaintiff's subject designs and also not misuse their trademark Sabyasachi in any manner whatsoever.

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