Revolution Clothing Pvt. Ltd. vs. Liberty Footwear Co. CS(COMM) 522/2018 & CC 536/2004

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The present suit and counterclaim have been filed in respect of the trademark/name – "REVOLUTIONS" The case of the Defendant Liberty Footwear Co., was that it was using the name "REVOLUTIONS" in respect of fashion shows since the year 1995 and thereafter had started a nation-wide retail chain under the mark Liberty REVOLUTIONS. The said name/mark was used for exhibitions, fashion clothing, accessories and related services. Various events and shows had been held by Liberty in association with leading fashion designers under the banner of "REVOLUTIONS". Liberty came to know that M/s Revolution Clothing Pvt. Ltd. started using the mark/name "REVOLUTIONS" for their garments and retail of clothing and issued them a Cease and Desist notice in the year 2004. In response, RCPL contented that Liberty ought not to launch any clothing under the brand name "REVOLUTIONS" as the said mark/name has been merely used for fashion shows and not on the goods themselves and also filed this suit against Liberty. Liberty filed a counterclaim against RCPL in the suit. The matter went to trial and thereafter court began hearing final arguments after almost 15 years since the commencement of the proceedings. Pursuant to the first hearing, RCPL agreed to cease use of the name/mark "REVOLUTIONS" and suffer an injunction in respect of the same. Accordingly, upon recording the rights and the extensive user of the mark REVOLUTIONS by Liberty, the court passed a decree of permanent injunction restraining RCPL, its promoters/Directors/ employees/distributors/shareholders or anyone acting for or on its behalf from selling, manufacturing, offering for sale any clothing/garments or accessories thereof under the mark/name "REVOLUTIONS" including use of the word "REVOLUTIONS" as part of the trading style of the company. The said decree dated 21 May 2019 would come into effect from 1 September 2019, and RCPL has been directed to seek a change of name with the Registrar of Companies. The unprecedented growth in the fashion industry and its consumerism has engaged designers in actively safeguarding its trademarks. Trademarks give them exclusivity and affinity and are rendered vital in distinguishing one material from hundreds of its counterparts. Team Anand and Anand: Pravin Anand, Saif Khan, Shobhit Agrawal and Devesh Ratan.