Another Volvo trademark protection decreed within three months of the institution of suit

News & Updates • August 27, 2019

While the decrees granted in favour of trademark Volvo signifies the well-known nature of the mark however it also bespeaks of the continued fight that the automotive corporation engages in India to ensure that its brand is not diluted by the sheer number of improper adoption and third party use. The suit involving the trademark "Volvo" was decreed on 28.05.2019 protecting the trademark "Volvo" and restraining the Defendants from using the mark VOLVO or VALVO or any other identical or deceptively similar to the Plaintiffs' trademark VOLVO. **AKTIEBOLAGET VOLVO & ORS. vs. BHAGAT SINGH & ORS. CS (COMM) 109/2019** The suit was filed seeking a permanent injunction to restrain the defendants from using the mark/name 'VOLVO' or any 'VALVO' or any other trademark that is identical or deceptively similar to the plaintiffs' trademark VOLVO. Plaintiff No. 1 is an international automotive and transport vehicle group. Plaintiff Nos. 2 and 3 are companies organized under the laws of Sweden. Plaintiffs Nos.1 and 3 manufacture goods and provide related services throughout the world under the trademark/name VOLVO. In addition to their core business in the transportation and automotive sector, the Plaintiffs' use of the VOLVO mark also extends to a wide range of ancillary products, services and businesses. Investigations in 2019 revealed that the Defendants, who were officially named "R.S. Yadav Volvo Bus Services Pvt Ltd" were using the mark VALVO on the buses that they operated as part of their tours-and-travel business. The Plaintiffs represented by team Anand and Anand further averred that the well-known status of the Plaintiffs' trademark in India was also recognised by the Trade Marks Registry and the VOLVO trademark has been inserted in the list of the well-known marks maintained by the Trade Mark Registry. Vide order dated 26.02.2019, the Defendants and anyone acting for or on their behalf were restrained from using the VOLVO or VALVO or any other identical or deceptively similar to the Plaintiffs' trademark VOLVO in any manner whatsoever, including in social media till further orders. Three months later, on 28.05.2019, the Defendants submitted that they will not use the mark VOLVO or VALVO or any other identical or deceptively similar to the Plaintiffs' trademark VOLVO in future. As a result, the Delhi High Court decreed the suit as per the following:

- A permanent injunction was granted in favour of the Plaintiffs, which restrained the Defendants from using VOLVO, VALVO or any other deceptively similar mark;
- Monetary compensation of INR 2 lakh to be paid to the Plaintiffs;
- The Defendants were directed to make appropriate applications to remove "VOLVO" from their corporate name within four weeks;
- A refund of 50% of the court fee under section 16A of the Court Fees Act, 1870 was to be transferred in favour of the Plaintiff on account of early resolution of the lawsuit.

Read more of other matters involving the well-known mark VOLVO at:

https://www.anandandanand.com/trademark-volvo-protected-two-simultaneous-suits-delhi-high-court/ Team Anand and Anand: Vaishali Mittal, Siddhant Chamola, Vrinda Gambhir and Ankita Sabharwal.

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