Volvo Trademark Holding AB right in VOLVO successfully protected against the mark HOLVO

News & Updates • December 14, 2022

Volvo v Holvo

In a recent matter before the Trademarks Registry, Ahmedabad, the rights of **Volvo Trademark Holding AB** in their well-known mark and trading style **VOLVO** were successfully protected against the mark HOLVO by a third party for "*door holder with catcher and hardware items being goods related therewith*" in class 6 after detailed arguments from both sides.

In the matter of *VOLVO vs Holvo trademark dispute*, recently decided by the Trade Marks Registry, Ahmedabad, the rights of Volvo Trademark Holding AB in its well-known mark and trading style VOLVO were successfully protected against the impugned mark HOLVO, sought to be registered by a third party for "door holder with catcher and hardware items being goods related therewith" in Class 6.

The Trademarks Office in its order has held that the mark HOLVO of the Applicant is visually, structurally, phonetically and deceptively similar to the mark **VOLVO** and while pronouncing in ordinary parlance, the mark HOLVO will be slurred to sound as the mark **VOLVO**. It was observed that the explanation given by the Applicant as to the adoption of the mark HOLVO was flimsy and unsatisfactory and that the only reason for adoption of the impugned mark appears to be to ride upon the goodwill and reputation of the mark **VOLVO**. The Hearing Officer also dealt with the order passed by the Apex Court in **Nandhini Deluxe Vs Karnataka Co-Operative Milk Producers Federation Ltd** and has held that the same is not applicable to the present case since the facts of the present case are different. The marks in question before the Supreme Court was Nadhini, which is a name of Hindu Goddess and a cow in Hindu mythology. The mark in question in the present case is a coined and invented mark **VOLVO** which is also declared to be a well-known mark. The parameters for protection of a well-known marks are stricter in law.

The Hearing Officer on the basis of multiplicity of orders in favour of the Opponent was of the view that any use of the mark on the impugned goods by the Applicant would be taken as that of the Opponent, and the ingredients of Section 11(2) and 11(10)(ii) of the Trademarks Act of 1999 having been established, warranted the impugned mark to be refused and allowed the opposition in favour of our client with the refusal of the impugned mark.

click here for order

Team: Sandhya Singh

KEY CONTACT



Sandhya Singh

Partner

View Bio of Sandhya Singh

RELATED INDUSTRIES

CONTRACTUAL AND COMMERCIAL IP

RELATED PRACTICES

COPYRIGHT

PATENTS

TRADEMARK