

Delhi firm barred from using Finolex trademark

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In a petition filed by the PP Chhabria-owned Finolex Industries Ltd alleging violation of its trademark, the Delhi high court has restrained Delhi-based PVC Pipes manufacturer Finolex Tubes (owned by Ved Prakash) from conducting business under Finolex or any other word deceptively similar to the Finolex trademark. The matter will come up for hearing on March 22.

The Finolex group came to know about the violation of its trademark in April last year through Trademark Journal Mega 3 where the defendants had advertised their products under the name Finolex Tubes. "The adoption and use of the name Finolex by the defen-

dants in relation to its products was a blatant violation of its statutory rights in the 'Finolex' trademark," it said.

According to the company, it was the registered proprietor of the various trademarks including Finolex since 1958 and had been using the trade mark in a characteristic style.

"The Finolex trade mark is exclusively associated with us and no one else. The trade mark as well as various corporate names bearing the trade mark Finolex are very well known in the Indian market and form an essential and dominant part of our corporate name.

The trade mark/name has achieved unique reputation, goodwill and name in the country," the company said in its petition.

According to counsel Manmohan Singh, appearing for Finolex, in short-sighted bid to cash in on and exploit the enviable goodwill and reputation enjoyed by the plaintiff under the Finolex mark, the defendants were likely to hurt the public interest and cause irreparable damage to the plaintiff's business reputation developed over the years.

"The goods of the plaintiff and defendants are of the set of goods and or allied and cognate goods i.e. PVC pipes. Hence the defendants cannot possibly deny that they were not aware of the fame and use of the plaintiff's Finolex mark and trading style," he argued.

"It is clear that the impugned tradename has been conceived with a view to gaining instant notoriety and easy

recollection for their goods and services riding on the popularity of the Finolex tradename." Besides, the use of a closely resembling name/mark by the defendants would inevitably lead to confusion, resulting in diluting the distinctiveness and ownership of the plaintiff in the Finolex mark, Mr Singh contended.

The group has interests spanning across power, telecommunications, petrochemicals, agriculture and energy, besides joint ventures with leading multinationals like Lucent Technologies, LXE Lightpack Cables and Finolex Essex Industries Ltd for electrolytic grade continuous cast copper rods, etc. While the company spent around Rs 9.5 crore on promotions in 2003, its ad spend crossed Rs 7.7 crore in 2004. ♦