

## **Cherry-picking generic or unregistered features from multiple marks to fabricate a composite case of infringement is not legally sustainable**

The Supreme Court in the case of **Pernod Ricard India vs Karanveer Singh Chhabra [Civil Appeal No. 10638 of 2025]** dated August 14, 2025, has dismissed the interim injunction plea of Pernod Ricard against the alleged infringement of its registered Whisky marks “BLENDERS PRIDE” and “IMPERIAL BLUE” by a country-made Whisky brand “LONDON PRIDE”, after finding that there is no deceptive similarity between the competing marks that could lead to confusion. The Court noted that the brands in question are premium and ultra-premium whiskies aimed at a discerning consumer base, whose purchase decisions are made with greater care and are unlikely to be swayed by trade dress.

The Apex Court observed that the marks – 'BLENDERS PRIDE' and 'LONDON PRIDE', are clearly not identical. Though the products are similar, the branding, packaging, and trade dress of each are materially distinct. The Commercial Court and High Court have rightly held that the term 'PRIDE' is '*publici juris*' and commonly used in the liquor industry. The dominant components, i.e., 'BLENDERS', 'IMPERIAL BLUE', and 'LONDON', are entirely different both visually and phonetically, producing distinct overall impressions.” The Court reiterated that a deceptive similarity does not necessitate exact imitation, and what is material is the likelihood of confusion or association in the minds of consumers arising from an overall resemblance between the competing marks. Even if a particular component of a mark lacks inherent distinctiveness, its imitation may still amount to infringement if it constitutes an essential and distinctive feature of the composite mark as a whole.

The Court further observed that in the liquor industry, where advertising is highly restricted, brand recognition rests predominantly on packaging and consumer loyalty. Unless the imitation is deliberate and intended to mislead, the chance of confusion is minimal. The appellants' attempt to combine elements from two distinct marks, 'BLENDERS PRIDE' and 'IMPERIAL BLUE', to challenge the respondent's mark 'LONDON PRIDE', constitutes a hybrid and untenable pleading. Each mark must be assessed independently, and cherry-picking generic or unregistered features from multiple marks to fabricate a composite case of infringement is not legally sustainable.

The Apex Court added that apart from the shared use of a common term, there is no meaningful similarity between the marks. Key elements such as packaging, typography, bottle design, and label layout are materially distinct. In a market segment where consumers are more discerning, the likelihood of confusion is negligible. When the products in question are premium and ultra-premium whiskies, targeted at a discerning consumer base, such consumers are likely to exercise greater care in their purchase decisions. The distinct trade dress and packaging reduce any likelihood of confusion. The shared use of the laudatory word 'PRIDE', in isolation, cannot form the basis for injunctive relief.