

Where a plaintiff establishes prior adoption, statutory registration, long-standing reputation and well-known trademark status in a coined and inherently distinctive mark, the Court can protect that mark even against use in relation to dissimilar goods

The **Delhi High Court** in the case of **Aktiebolaget Volvo vs Shree Vishwakarma Engineering Works [CS(COMM) 765/2026]** dated **July 22, 2026**, has held that where a plaintiff establishes prior adoption, statutory registration, long-standing reputation and well-known trademark status in a coined and inherently distinctive mark, the Court can protect that mark even against use in relation to dissimilar goods. Where, in addition, the defendant's goods are allied and cognate to the plaintiff's registered class of goods, and the defendant has adopted a mark incorporating the plaintiff's mark in its entirety, a strong prima facie case of infringement and passing off is made out.

The Court held that in such circumstances, visual deceptive similarity, phonetic identity, likelihood of public confusion, brand dilution, and misrepresentation of association are sufficient to justify interim injunctive relief. The Court also applied the settled interim injunction test and held that the plaintiffs had established a prima facie case, that the balance of convenience lay in their favour, and that they were likely to suffer irreparable harm if relief was denied.

The Court noted, at the prima facie stage, that the plaintiffs had shown a strong case for protection of the VOLVO mark. It recorded that Plaintiff No. 1 had executed a Global Deed of Assignment in favour of Plaintiff No. 2, which became the subsequent proprietor of the trademark, and that Plaintiffs No. 1 and 3 were licensed users. The Court accepted the plaintiffs' case that the mark "VOLVO" had been adopted in 1915, that it is not found in any authoritative English dictionary, and that it is therefore inherently distinctive. The Court also observed that because of continuous, extensive and uninterrupted use, the plaintiffs had acquired common law rights, while registrations gave them statutory protection as well.

The Court further observed that the VOLVO mark has well-known trademark status in India, and on that basis the plaintiffs are entitled to restrain third parties from using the mark even for dissimilar goods and across classes. In addition, the Court found it significant that the plaintiffs also held registration in Class 07 covering goods such as shafts, shaft seals, gear wheels, springs, gear boxes, pulleys, drive chains and belts, which the Court considered allied and cognate to the defendant's elevator components and spare parts. This strengthened the plaintiffs' case even on product proximity, apart from the mark's well-known status.

On comparison of the rival marks, the Court held that the defendant had adopted marks which subsumed and incorporated the plaintiffs' well-known mark VOLVO in its entirety. The Court found the marks visually deceptively similar and phonetically identical, with "VOLVO" being the dominant feature. It also observed that, given the immense reputation of the VOLVO mark, there was a likelihood of confusion among members of the public. The Court prima facie accepted the plaintiffs' contention that the defendant's adoption was intended to misrepresent an association with the plaintiffs and to ride on their goodwill and reputation.

The Court also took note of the plaintiffs' substantial goodwill, revenues, promotional spending, social media presence and brand recognition. It observed that the defendant's use of the impugned marks was causing irreparable damage to the plaintiffs and was diluting the distinctiveness of the VOLVO mark. On that basis, the Court prima facie held that the defendant's conduct amounted not only to infringement of the plaintiffs' registered and well-known trademark, but also to passing off.

Accordingly, the Court restrained an elevator components business from using the mark and found a strong prima facie case of infringement, passing off, confusion and dilution. Essentially, till the next date of hearing, the defendant and all persons acting on its behalf were restrained from using the impugned marks and any other trade name or trademark deceptively similar to the plaintiffs' registered and well-known trademark VOLVO and its formative marks in relation to the impugned goods, including elevators.