

**If the plaintiff is the prior adopter, prior user, and prior registrant of an identical word mark and device mark, and the defendants subsequently adopt the same dominant mark without any apparent explanation, the plaintiff is entitled to interim protection against infringement and passing off**

The **Delhi High Court** in the case of **Motherson Through Its Partners vs Motherson Industries [CS(COMM) 623/2026]** dated **May 29, 2026**, has held that where the plaintiff is the prior adopter, prior user, and prior registrant of an identical word mark and device mark, and the defendants subsequently adopt the same dominant mark without any apparent explanation, the plaintiff is entitled to interim protection against infringement and passing off. The Court applied the principle that prior adoption and registration entitle the trademark proprietor to injunction, and concluded that, because the plaintiff's registered trademark included the word mark itself, Section 29(3) of the Trade Marks Act would justify a presumption of likelihood of confusion.

The Court observed, that upon visual examination of the rival marks, that the plaintiff's word mark "MOTHERSON" and device mark appeared on the defendants' impugned marks and were identical in their dominant and prominent feature. The Court noted that although the defendants' marks contained additional elements such as abbreviations and the word "INDUSTRIES," the dominant part remained "MOTHERSON," and that this would be what struck the public at first instance.

The Court also observed that the plaintiff's registrations dated back to 2005 and its use was claimed from 1975, whereas the defendants had only sought registration in 2024 and 2025 on a "proposed to be used basis." On that basis, the Court held it safe to infer that the plaintiff was the prior adopter, prior user, and prior registrant of the mark "MOTHERSON" and its variants.

The Court further noted that even though the defendants' goods fell in a different class, there was nothing on record to explain how or why the defendants had coined the word "MOTHERSON" as their trademark. It accepted that the plaintiff had demonstrated long and continuous use and that "MOTHERSON" functioned as a source identifier exclusive to the plaintiff. Since the plaintiff held registration not only for the device but also for the word mark, the Court observed that Section 29(3) would aid the plaintiff and that confusion on the part of the public would be presumed.

Thus, the Court restrained the defendants, their directors, wholesalers, distributors and others acting for them from using, manufacturing, selling, exporting, importing, offering for sale, or distributing any goods or products bearing the plaintiff's registered trademark "MOTHERSON" and device mark in any manner whatsoever, including on their website or advertising material, insofar as such use may amount to infringement of the plaintiff's trademark.