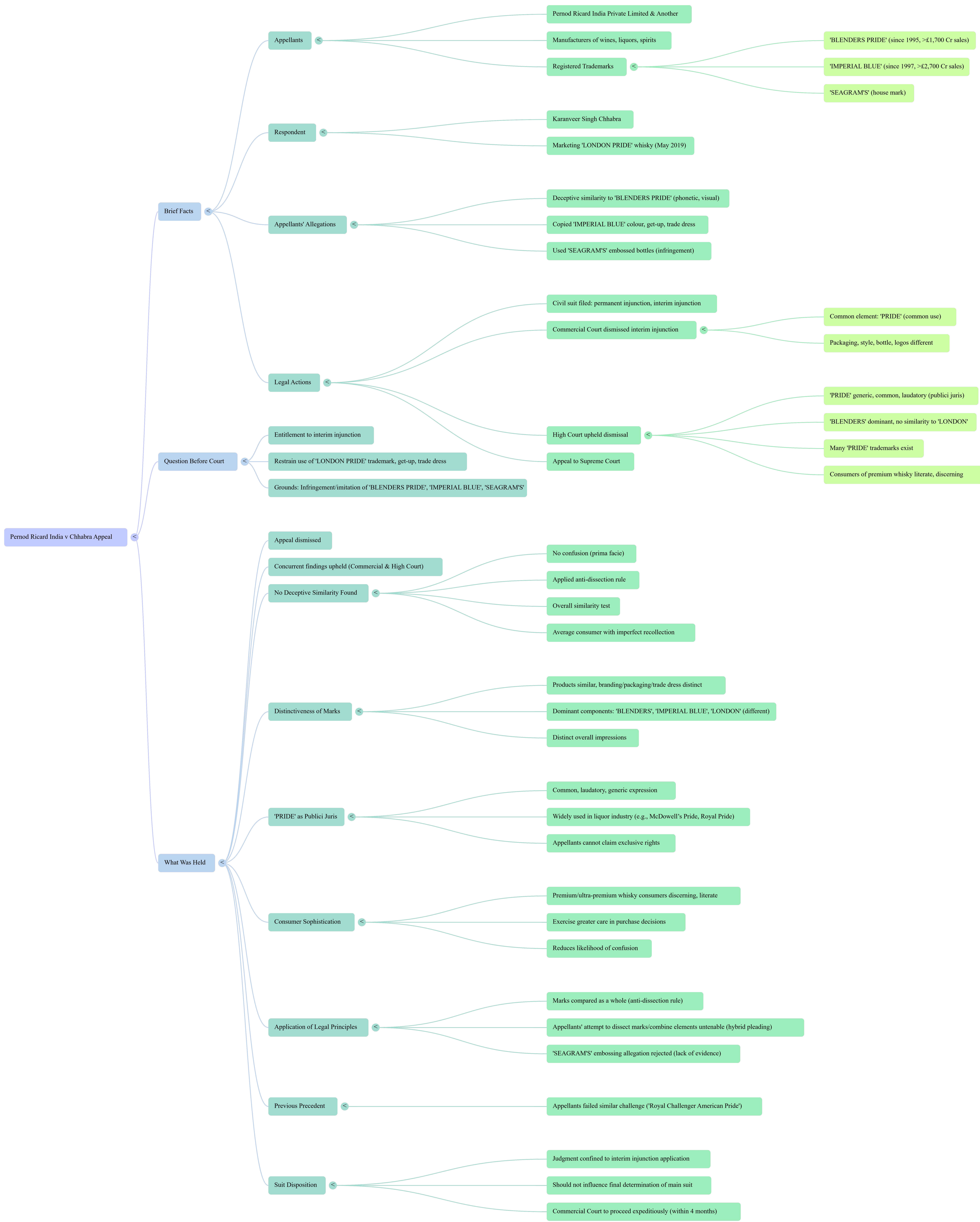
Pernod Ricard India v Chhabra Appeal
Brief Facts
Appellants
Pernod Ricard India Private Limited & Another
Manufacturers of wines, liquors, spirits
Registered Trademarks
'BLENDERS PRIDE' (since 1995, >£1,700 Cr sales)
'IMPERIAL BLUE' (since 1997, >£2,700 Cr sales)
'SEAGRAM'S' (house mark)
Respondent
Karanveer Singh Chhabra
Marketing 'LONDON PRIDE' whisky (May 2019)
Appellants' Allegations
Deceptive similarity to 'BLENDERS PRIDE' (phonetic, visual)
Copied 'IMPERIAL BLUE' colour, get-up, trade dress
Used 'SEAGRAM'S' embossed bottles (infringement)
Legal Actions
Civil suit filed: permanent injunction, interim injunction
Commercial Court dismissed interim injunction
Common element: 'PRIDE' (common use)
Packaging, style, bottle, logos different
High Court upheld dismissal
'PRIDE' generic, common, laudatory (publici juris)
'BLENDERS' dominant, no similarity to 'LONDON'
Many 'PRIDE' trademarks exist
Consumers of premium whisky literate, discerning
Appeal to Supreme Court
Question Before Court
Entitlement to interim injunction
Restrain use of 'LONDON PRIDE' trademark, get-up, trade dress
Grounds: Infringement/imitation of 'BLENDERS PRIDE', 'IMPERIAL BLUE', 'SEAGRAM'S'
What Was Held
Appeal dismissed
Concurrent findings upheld (Commercial & High Court)
No Deceptive Similarity Found
No confusion (prima facie)
Applied anti-dissection rule
Overall similarity test
Average consumer with imperfect recollection
Distinctiveness of Marks
Products similar, branding/packaging/trade dress distinct
Dominant components: 'BLENDERS', 'IMPERIAL BLUE', 'LONDON' (different)
Distinct overall impressions
'PRIDE' as Publici Juris
Common, laudatory, generic expression
Widely used in liquor industry (e.g., McDowell's Pride, Royal Pride)
Appellants cannot claim exclusive rights
Consumer Sophistication
Premium/ultra-premium whisky consumers discerning, literate
Exercise greater care in purchase decisions
Reduces likelihood of confusion
Application of Legal Principles
Marks compared as a whole (anti-dissection rule)
Appellants' attempt to dissect marks/combine elements untenable (hybrid pleading)
'SEAGRAM'S' embossing allegation rejected (lack of evidence)
Previous Precedent
Appellants failed similar challenge ('Royal Challenger American Pride')
Suit Disposition
Judgment confined to interim injunction application
Should not influence final determination of main suit
Commercial Court to proceed expeditiously (within 4 months)