

YATRA' Is a Generic Word, Can't Be Monopolised: Delhi High Court

In *Yatra Online Ltd. v. Mach Conferences & Events Ltd.* (CS(COMM) 1099/2024), the Delhi High Court rejected Plaintiff's interim plea to restrain the use of "BookMyYatra" by a competing travel company.

The Court held that 'Yatra', meaning "travel" in Hindi, is a generic term and therefore not entitled to exclusive protection under trademark law. It emphasized that Yatra's own trademark registrations carry a disclaimer against exclusivity over the word 'Yatra' per se. The Court further held that no user could have a monopoly over the word 'YATRA' in relation to travel and tour services as it merely describes the nature of business.

Despite Yatra.com's long standing use and advertising since 2006, the Court held that the mark had not acquired secondary meaning, noting that the term "Yatra" continues to be widely used across the travel industry in its ordinary sense. For a generic term to gain distinctiveness, its original meaning must recede which had not occurred here.

It found "*BookMyYatra*" to be sufficiently distinct and ruled that no prima facie case of infringement or passing off had been established.

This judgment highlights the challenges in enforcing trademark rights over generic or descriptive terms, even after prolonged use, and serves as a caution for businesses considering such marks.

