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Madras High Court Holds Vernacular Version of Registered Trademark Can Amount to Infringement

In *Vikas Mandoth v. M/s. Shanghai Huanqiu Lock Making Company Ltd., C.S.*(COMM.DIV.) No.307 of 2025, the Madras High Court held that the use of a phonetically and visually similar version of an established trademark in a vernacular language would not protect the subsequent user from an allegation of trademark infringement.

The dispute concerned the "GLOBE" trademark used by the plaintiff in relation to locks and padlocks. The defendant was using a Tamil-language version of the mark on his products. The plaintiffs alleged that the impugned mark was phonetically and visually similar to "GLOBE" and was likely to cause confusion among consumers.

The defendant sought vacation of the ex-parte injunction, contending, inter alia, that his Tamil device was independently conceived, was registered as a trademark and that he was a prior user. The Court, however, noted that the defendant's trademark application filed in 2023 described the mark as "proposed to be used", which was inconsistent with the claim of prior use.

The Court further observed that the plaintiffs had placed material establishing their prior use, reputation and goodwill in the trademark. It held that the fact that the defendant's mark was expressed in a vernacular language did not entitle



him to use a mark which was phonetically and visually similar to the plaintiff's established trademark. The Court accordingly dismissed the applications seeking vacation of the injunction and made the earlier injunction absolute.

The Court also observed that the defendant's registration did not, by itself, conclude the dispute in his favour, particularly when rectification and opposition proceedings concerning the mark were pending before the Trade Marks Registry. Issues relating to the alleged fabrication of documents and maintainability of the suit were left to be considered at trial.

Key takeaway: A trademark does not necessarily become distinguishable merely because it is represented in a different script or vernacular language. Where the overall mark remains phonetically and visually similar to a trademark having prior use, reputation and goodwill, such use may be restrained.



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