



CONSUMER CONFUSION AND THE PROTECTION OF COMPOSITE TRADEMARKS: A CASE COMMENT ON PERNOD RICARD INDIA PRIVATE LIMITED VERSUS KARANVEER SINGH CHHABRA

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ABSTRACT

The Supreme Court of India decided in the case of Pernod Ricard India Private Limited versus Karanveer Singh Chhabra. This case was about protecting trademarks and stopping people from getting confused. The Court said we should think about what the consumer thinks. So, they look at the picture of trademarks, including what they look like and how they are seen in the market. They do not just look at technical differences. The Supreme Court of India also said that even if a word is common, if it is a part of a trademark, you cannot just use it if it will confuse people about Pernod Ricard India Private Limited's trademarks. The Court wants to protect trademarks, like Pernod Ricard India Private Limited trademarks, from being copied in a way that confuses people. The judgment really shows how important it is to protect the name of a brand that people already know and trust. This is about stopping people from being unfair and making sure that people who buy things can trust the companies they are buying from. The judgment is about protecting brand goodwill and making sure people can trust the companies in the marketplace.

Keywords: Composite Trademarks, Consumer Confusion, Trade Dress, Passing Off, Interim Injunction.

INTRODUCTION

Trademarks are crucial to businesses today. They help identify products and also reflect what consumers think about a brand. Brands invest years in building reputation and trust, and consumers often rely on familiar trademarks while making purchases, sometimes without even realising it. This is why trademark law plays an important role. It protects businesses from

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unfair practices and, at the same time, protects consumers from being misled into buying products they did not intend to purchase. Trademark law, therefore, serves a dual purpose of safeguarding commercial goodwill and consumer trust.

In today's market, many products appear similar and are displayed next to each other. Trademarks act as quick identifiers that help consumers distinguish between such products. Even minor similarities in names, packaging, or appearance can influence purchasing decisions. This makes trademark protection more significant than ever, as trademarks are often what consumers remember and rely upon when buying goods. With the growth of mass production and aggressive marketing, consumers are frequently exposed to several competing brands at the same time, making it easier for confusion to occur.

The Supreme Court of India addressed these concerns in Pernod Ricard India Private Limited versus Karanveer Singh Chhabra.¹ The case deals with trademark infringement, passing off, and the protection of composite trademarks. The Court examined how similarity between trademarks should be assessed, especially where competing marks share a common word. It also considered the role of trade dress, consumer perception, and the grant of interim injunctive relief. The judgment is significant because it clarifies how trademark law should respond to real market behaviour rather than remaining limited to technical comparisons.

This judgment is important because it moves beyond a purely technical comparison of trademarks and focuses on how trademarks are perceived in real market conditions. The Court emphasised that trademark disputes must be examined from the perspective of the ordinary consumer and that dishonest adoption cannot be permitted merely because there are minor visual or textual differences. By doing so, the Court strengthened the idea that trademark law must be practical and effective in preventing unfair competition.

BACKGROUND OF THE CASE

Pernod Ricard India Private Limited is a well-known company in India engaged in the manufacture and sale of alcoholic beverages. Over the years, it has established popular brands such as Blenders Pride, Imperial Blue, and Seagram's. These brands have been in the Indian

¹ Pernod Ricard India (P) Ltd. v. Karanveer Singh Chhabra, 2025 SCC OnLine SC 1701

market for a long time and enjoy substantial goodwill and reputation.² Continuous advertising, large-scale sales, and consistent quality have helped these brands gain strong consumer trust.

The alcoholic beverage market in India is highly competitive, with consumers often identifying products through brand names and packaging rather than detailed examination. As a result, established brands like Blenders Pride and Imperial Blue carry significant commercial value. Any imitation or similarity has the potential to affect consumer choice and dilute brand reputation.

In the year two thousand nineteen, the appellants discovered that the respondent had introduced a whisky product named London Pride. The appellants alleged that the respondent's product not only used a similar name but also closely resembled their Imperial Blue whisky in terms of packaging, colour scheme, and label design. It was further alleged that the respondent used bottles bearing the Seagram's mark, which is owned by the appellants.³

The appellants believed that such use was likely to confuse consumers and dilute the value of their established trademarks. They therefore approached the Commercial Court seeking an injunction to restrain the respondent from using the impugned mark and trade dress, along with damages. The Commercial Court refused to grant interim relief, and this decision was upheld by the High Court of Madhya Pradesh. Aggrieved by these orders, the appellants approached the Supreme Court of India.

ISSUE BEFORE THE COURT

The primary issue before the Supreme Court was whether the appellants were entitled to an interim injunction restraining the respondent from using the mark London Pride and its associated trade dress on the ground of trademark infringement and passing off. The Court was required to balance the statutory rights of the registered trademark owner against the respondent's claim to use the impugned mark, while also considering the likelihood of consumer confusion.⁴

² Pernod Ricard India (P) Ltd. v. Karanveer Singh Chhabra, 2025 SCC OnLine SC 1701

³ Pernod Ricard India (P) Ltd. v. Karanveer Singh Chhabra, 2025 SCC OnLine SC 1701

⁴ Pernod Ricard India (P) Ltd. v. Karanveer Singh Chhabra, 2025 SCC OnLine SC 1701

SUBMISSIONS MADE BY THE PARTIES

The appellants argued that the respondent had deliberately adopted the mark London Pride to benefit from the reputation and goodwill of Blenders Pride. They contended that the word “Pride” formed a dominant part of their trademark and that its use by the respondent for identical goods would inevitably lead to consumer confusion.⁵ The appellants further submitted that the respondent’s packaging and overall trade dress closely resembled that of Imperial Blue, thereby increasing the likelihood of deception.

According to the appellants, the respondent’s actions amounted to dishonest adoption intended to mislead consumers. They argued that even if consumers later realised the difference between the products, the initial confusion was sufficient to cause damage to their brand.

The respondent, on the other hand, argued that London Pride was independently adopted and that no one could claim exclusive rights over the word “Pride”. The respondent also claimed that whisky consumers are discerning and capable of distinguishing between different products. It was further submitted that the appellants had failed to establish irreparable harm, and therefore, interim relief should not be granted.

LEGAL POSITION

The Supreme Court examined the relevant provisions of the Trade Marks Act, 1999. It reiterated that Section 28 of the Trade Marks Act, 1999,⁶ grants exclusive rights to the registered proprietor to use the trademark and seek relief in case of infringement. These rights are statutory in nature and are intended to protect the commercial value of registered trademarks.

The Court further relied on Section 29 of the Trade Marks Act, 1999,⁷ which defines infringement and focuses on similarity, association, and likelihood of confusion in the minds of consumers. The Court clarified that while individual elements of a trademark may not be protected separately, they cannot be ignored when assessing overall similarity, especially where composite marks are involved.

⁵ Pernod Ricard India (P) Ltd. v. Karanveer Singh Chhabra, 2025 SCC OnLine SC 1701

⁶ The Trade Marks Act, 1999, s 28.

⁷ The Trade Marks Act, 1999, s 29.

The Court also emphasised the importance of passing off and referred to Section 27(2)⁸ of the Trade Marks Act, 1999, which preserves the common law remedy of passing off even where trademarks are registered. This ensures that businesses are protected against misrepresentation and unfair competition beyond statutory infringement.

ANALYSIS AND REASONING OF THE COURT

Assessment of Similarity: The Supreme Court criticised the approach adopted by the lower courts for focusing excessively on minor differences between the marks. It held that trademarks must be compared as a whole and not by dissecting them into individual elements.⁹ This approach aligns with Section 29¹⁰ of the Trade Marks Act, 1999, which focuses on overall impression rather than the technical distinctions.

The Court observed that the word “Pride” formed a significant part of the appellants’ trademark, Blenders Pride. The use of London Pride for whisky could lead consumers to associate the respondent’s product with the appellants’ brand. Since consumers generally rely on quick impressions and do not analyse trademarks carefully, even non-identical marks can create confusion.

Common Words and Market Context: The Court rejected the respondent’s argument that the word “Pride” was common. It held that the mere presence of similar marks on the trademark register does not weaken statutory protection under Section 28¹¹ and 29¹² Unless it is shown that the word is widely used and understood as generic in the market. As the respondent failed to establish widespread use of “Pride” in relation to whisky, the argument was rejected.¹³

Importance of Trade Dress: The Supreme Court placed significant emphasis on trade dress, including packaging, colours, and label design. It noted that consumers often identify products based on visual appearance rather than names. Imitation of trade dress can therefore create confusion and false association.¹⁴

⁸ The Trade Marks Act, 1999, s 27(2).

⁹ Pernod Ricard India (P) Ltd. v. Karanveer Singh Chhabra, 2025 SCC OnLine SC 1701

¹⁰ The Trade Marks Act, 1999, s 29.

¹¹ The Trade Marks Act, 1999, s 28.

¹² The Trade Marks Act, 1999, s 29.

¹³ Pernod Ricard India (P) Ltd. v. Karanveer Singh Chhabra, 2025 SCC OnLine SC 1701

¹⁴ Pernod Ricard India (P) Ltd. v. Karanveer Singh Chhabra, 2025 SCC OnLine SC 1701

The Court treated trade dress as an integral part of the mark for infringement under Section 29 of the Trade Marks Act, 1999.¹⁵ particularly where visual similarity plays a major role in influencing consumer behaviour.

Consumer Perspective: The Court reaffirmed that trademark disputes must be assessed from the perspective of the average consumer with imperfect recollection. It rejected the idea that consumers of alcoholic beverages are exceptionally cautious. The likelihood of confusion or association is sufficient to establish infringement under Section 29(2)¹⁶ and Section 29(3)¹⁷ of the Trade Marks Act, 1999, and actual deception need not be proved at the interim stage.

Initial Interest Confusion and Injunction: The Court recognised the doctrine of initial interest confusion, holding that even if confusion is resolved later, the initial attraction caused by a similar mark can still harm the original brand.¹⁸ Applying the principles underlying Section 135¹⁹ Under the Trade Marks Act, 1999, the Court held that the appellants had established a strong *prima facie* case and that refusal of interim relief would cause irreparable harm.

DECISION

The Supreme Court allowed the appeal and set aside the orders of the Commercial Court and the High Court of Madhya Pradesh. It restrained the respondent from using the London Pride trademark, the impugned packaging, and bottles bearing the Seagram's mark. The injunction was directed to remain in force pending final adjudication.²⁰

CRITICAL OBSERVATIONS

The judgment reflects a strong shift towards a consumer-oriented approach in trademark law. By focusing on overall impression and market reality, the Court ensured that established brands are not unfairly disadvantaged by deceptive practices.²¹ The recognition of trade dress as a crucial element further strengthens protection against imitation.

¹⁵ The Trade Marks Act, 1999, s 29.

¹⁶ The Trade Marks Act, 1999, s 29(2).

¹⁷ The Trade Marks Act, 1999, s 29(3).

¹⁸ Pernod Ricard India (P) Ltd. v. Karanveer Singh Chhabra, 2025 SCC OnLine SC 1701

¹⁹ The Trade Marks Act, 1999, s 135.

²⁰ Pernod Ricard India (P) Ltd. v. Karanveer Singh Chhabra, 2025 SCC OnLine SC 1701

²¹ Pernod Ricard India (P) Ltd. v. Karanveer Singh Chhabra, 2025 SCC OnLine SC 1701

The decision also sends a clear message to businesses that the adoption of similar marks, even where common words are involved, can lead to legal consequences if consumer confusion is likely. This promotes fairness and honesty in competition.

CONCLUSION

This judgment clearly indicates that trademark law in India is evolving towards a more practical and consumer-centric approach. In a market where purchasing decisions are made quickly and visual cues play a major role, even minor similarities can influence consumer choice. The Supreme Court recognised this reality and intervened at an early stage to protect established trademarks.

Looking ahead, this decision is likely to guide future disputes involving composite trademarks and trade dress. Businesses must exercise greater caution when choosing brand names and packaging, particularly in competitive markets. Overall, the judgment strengthens trademark protection by discouraging dishonest adoption and safeguarding consumer trust, while reinforcing fairness and transparency in the marketplace.