India

“Prius”

Decision of the Supreme Court

14 December 2017 – Case No. 5375-5377/2017

Toyota Jidosha Kabushiki Kaisha v. M/S Prius Auto Industries Limited & Ors.

Case Law on Passing Off

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Keywords Passing off · Prior use · Trans-border goodwill and reputation · Well-known trade mark · Spill-over of reputation and goodwill · Territoriality and universality

1. To give effect to the territoriality principle, the courts must necessarily have to determine if there has been a spill-over of the reputation and goodwill of the mark used by the claimant who has brought the passing off action.
2. In the course of such a determination it may be necessary to seek and ascertain the existence of not necessarily a real market but the presence of the claimant through its mark within a particular territorial jurisdiction in a more subtle form.