



Damages in Trademark Infringement: Yahoo v. Sanjay Patel

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*Dhruv Anand and Udit M. Patro look at the trend of Indian courts granting larger damages in IP cases, particularly those concerned with trademark infringement. With the Indian legislature and judiciary realizing the increasingly important need to safeguard and protect the intellectual property assets of a company, intellectual property litigation in India has recently received a heartening - and much-required and awaited - thrust with the recent enactment of the Commercial Courts Act, which has brought about a time revolution in such cases, and the recent trend of Indian judges granting larger damage amounts in intellectual property cases. A recent judgment of the Delhi High Court wherein the court recognised and upheld the well-known YAHOO trademark of Yahoo! Inc., while granting damages to the tune of Rs. 3.2 million (US\$48,000) and costs of Rs. 640,000 (US\$9,600) is an apt illustration of this recent trend. In another suit for counterfeiting and trademark infringement, *Cartier International AG v. Gaurav Bhatia*, the Delhi High Court awarded Rs. 10 million (US\$150,200) in damages. The judgments point to the changing approach of Indian courts and their willingness to grant high damages in intellectual property cases, proportionate, at least partly, to the illicit commercial exploitation by the infringer. This article was published in *Asia IP* October 2016. To continue reading, please contact us at email@anandandanand.com*

