



Jaguar Land Rover succeeds in enjoining modified Range Rover Evoque lookalikes

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*The Delhi High Court decreed a suit in favour of Jaguar Land Rover restraining the defendants from modifying motor vehicles to imitate the Range Rover Evoque and using RANGE ROVER, LAND ROVER, ROVER or similar marks. Jaguar Land Rover (plaintiff), a wholly owned subsidiary of Tata Motors Ltd. and maker of the globally renowned Range Rover brand of SUVs, served the defendants cease and desist letters to refrain from copying the get-up and trade dress of the Range Rover Evoque, and for unauthorised infringing use of its registered trademarks. Ironically, the vehicle used for modification by the defendants was a Tata Safari. In response, the defendants confirmed modification of just the one vehicle, named the Moon Rover, acknowledged Land Rover and Range Rover being the brands of the plaintiff and undertook to withdraw use of the Moon Rover name. However, the plaintiff discovered continued promotion of the impugned vehicle on social media to induce purchase of the vehicles. The court noted the plaintiff's trademark registrations, its sales and advertisement figures, and held that the balance of convenience rested in the plaintiff's favour as the defendants had begun their business only recently, and had also admitted the brand value of Range Rover and Land Rover. Accepting that irreparable harm would be caused to the plaintiff by the defendants' activities the court granted an ex parte interim injunction against them from using the ROVER mark and making lookalike vehicles. The suit was subsequently decreed in favour of the plaintiff when the defendant undertook before the court that it would not modify cars to imitate the plaintiff's distinctive Range Rover Evoque or use its registered marks. *Jaguar Land Rover Ltd. v Saurabh Khaneja and ors.; CS (OS) 1663/2013**

