

Well-Known Trademarks and Passing Off: Contemporary Judicial Trends in India

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Abstract: The protection of well-known trademarks is a critical component of intellectual property law, especially in an era of intense market competition and brand replication. This paper investigates contemporary judicial trends in India, including passing off and trademark infringement, with particular emphasis on recent decisions of the Bombay High Court. The study examines how Indian courts assess misleading similarities, bad faith, and the aim to abuse established goodwill through high-profile lawsuits, including *Bisleri International Pvt. Ltd. v. Natvits Beverages & Ors.*, which is widely connected with the Aquapeya brand, demonstrating the judiciary's tough stance against purposeful duplication, mainly when parties operate in different market categories such as B2B and B2C. The Court's reliance on admissions of intent, visual trade dress similarities, and the repute of a well-known mark exemplifies a developing rights-centric approach that values brand integrity over formal market distinctions. By citing parallel injunctions and settlements involving deceptively similar marks, the report demonstrates a persistent judicial tendency towards deterrence of wilful infringement. The findings indicate that Indian courts are increasingly emphasising purpose, consumer perception, and dilution risks when adjudicating passing off cases, supporting strong protection for well-known trademarks in modern economic situations.

Keywords: Well-Known Trademarks; Passing Off; Trademark Infringement; Deceptive Similarity; Trade Dress; Judicial Trends; Bad Faith; Brand Dilution; Consumer Confusion; Intellectual Property Law