

GUARDING THE CROCODILE: LACOSTE'S LANDMARK WIN IN DELHI HIGH COURT



Introduction

The Delhi High Court recently decided on the two-decade-long conflict of mirrored logos, which finally came to its culmination in the case of **Lacoste v. Crocodile International Pte Ltd, SCC OnLine Del 5591**, on August 14, 2024. The judgment in this case tackled several complexities regarding trademark infringement in intellectual property law, where the conflict was between the trademark rights of two significant global fashion brands, Lacoste and Crocodile International. The controversy stems from an infringement allegedly perpetrated by Crocodile International, whose logo was claimed to be too close a copy to the well-established crocodile symbol of Lacoste. This decision is historically significant because it firmly rested on the court's interpretation of the trademark laws of India and the importance given to the agreements between firms to coexist in specific markets.

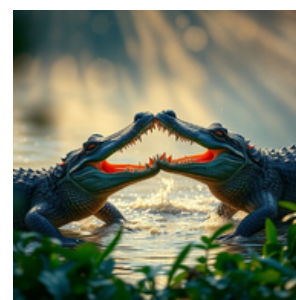
This case revolved around a trademark dispute between the French brand Lacoste and Singapore-based Crocodile International. Lacoste opined that the crocodile logo adopted by the latter, which would be present on the latter's products in the Indian market, would likely confuse consumers as it closely resembled Lacoste's trademarked crocodile device. The case arose when Lacoste claimed the proprietorship of the crocodile mark in India through trademark registration in 1983 and the brand's existence in the market since the same year. Crocodile International responded with a claim of prior rights and coexistence agreements from 1983 and 1985. It contended that these agreements permitted its logo to be used over Asian territories, including India. However, the agreements did not cover stand-alone usage with a comparable crocodile symbol in India. The main issues that were tackled in this case are as follows:

- 1. Trademark Ownership and Infringement:** Whether Lacoste had enjoyed a monopoly over using crocodile devices as a registered trademark in India and whether the emblem of Crocodile International was its infringement.
- 2. Prior Use and Territorial Rights:** Whether Crocodile International had established rights over its crocodile logo in India under prior use or agreements with Lacoste.
- 3. Coexistence Agreement:** Whether the coexistence agreements of 1983 and 1985 between Lacoste and Crocodile International allowed the use of the crocodile emblem by each party in specified territories, including India.

Critical Analysis and Judicial Reasoning

Justice Sanjeev Narula developed a multi-dimensional judgment, crossing several legal dimensions of trademark ownership, prior usage, and consumer confusion. While Lacoste positioned its case as the legitimate owner of the crocodile trademark, it pointed to the valid trademarks registered since 1983. It provided voluminous evidence regarding the long-standing recognition of its logo and brand equity globally and within the Indian market.

Crocodile International argued that it had started using a crocodile logo much earlier in Asian markets, with the first recorded evidence dating way back to Singapore in the 1950s. However, the court found that Crocodile International started selling in India only in the late 1990s, after Lacoste, whose trademark rights had long been established in India. This created a feeling of precedence for Lacoste over the Indian market and denied Crocodile International grounds of defence based on the prior use of a similar logo in Asia. Justice Narula thus found that Lacoste's inaction did not mean that it had implicitly adopted the acts of Crocodile International in the Indian marketplace.



Examining Logo Similarity and Consumer Confusion

The Delhi High Court also looked at the similarity in the logos' visual appearance, as admitted by both parties. Justice Narula noted the two symbols almost resembled each other, with a high probability of consumer confusion, especially concerning the posture and level of detail reproduced by the crocodile. Such a scenario would be highly perplexing due to the tendency of Crocodile International to affix its crocodile symbol on the products without brand marks, which would help consumers avoid getting confused about the actual originator of those products.

It further investigated two agreements for coexistence, which were signed between 1983 and 1985. Crocodile International argued that these agreements approved the joint use of the logos of crocodiles across Asian territories. Justice Narula held that even though these agreements created some form of co-existence in Asia, they did not approve the use by Crocodile International alone of the separate sign mark of the crocodile in India's market. The agreements avoided litigation, which did not invalidate Lacoste's trademarks in India.

Addressing the Doctrines of Acquiescence and Laches

Crocodile International had also contended that by delaying objections to using its crocodile logo, Lacoste had impliedly acquiesced in its usage, relying upon the doctrine of acquiescence and the doctrine of delay and laches. The court, however, rejected this contention as it held that Lacoste has consistently made efforts to end the unauthorized use of its logo in India right since the entry of Crocodile International in the Indian market. In the order of final judgment, the Delhi High Court further consolidated rights for Lacoste in its trademark, dismissed the contention of Crocodile International, and restrained the respondent from further use of the standalone crocodile emblem in India; this became an important landmark decision for trademark protection and avoidance of brand confusion.

Conclusion

The Delhi High Court issued an order in favour of Lacoste and restrained the defendant, Crocodile International, from using the standalone logo of the crocodile because of a permanent injunction order. This judgment brings forward the fact that clear territorial boundaries are to be respected, even when coexistence agreements exist, and the intellectual property rights of others are not allowed to be infringed. The landmark court case dealing with the similarities between trademarks and consumer confusion related to the visual is an excellent precedent in trademark law, especially those focusing on brand emblems. This strengthens Lacoste's rights in India and is a reference point for future intellectual property disputes on iconic brand symbols.