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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

STUDYING THE RELATIONSHIP BETWEEN TRADEMARK INFRINGEMENT DISPUTES AND BRAND VALUE IN THE INDIAN LUXURY GOODS MARKET - IN CASE STUDY OF LOUIS VUITTON IN INDIA

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I. ABSTRACT

This research examines how trademark infringement cases relate to brand value in the Indian luxury goods economy with particular reference to Louis Vuitton. As the Indian market grows, so does the market for counterfeit items, with major implications for the exclusivity and reputation of luxury brands. From the examination of legal systems, case laws, and consumer attitudes, the paper examines the degree to which trademark enforcement affects brand value. The conclusion is that there is evidence of increased consumer confidence and brand integrity through proactive legal approaches and IP protection, supporting the importance of judicial support and awareness in the maintenance of luxury brands in new markets.

II. INTRODUCTION

With the significant growth of the luxury industry in India due to rising influence of international trends, trademark infringement has become a rising concern for the luxury brands in the Indian Economy. For luxury brands, brand reputation and exclusivity plays a major role as key components of these brands. Consumers seek to buy a luxury product majorly due to it being exclusive and that makes it even more important for brands to protect themselves from infringement of trademark (Kapferer & Bastien, 2012.) , that might lead to confusion or deter the consumers from making purchases.

There has been a significant increase in the number of trademark conflicts of luxury brands in India. In the case study of Louis Vuitton, the year 2023 observed the highest number of trademark conflicts in India. This leads to the increase in financial and legal difficulties for the luxury brands as it creates a potential of lack of consumer trust, loss of reputation among potential consumers (Chaudhuri & Majumdar, 2010.)

The Trade Marks Act of 1999 governs the use, registration and prevents exploitation of trademarks in India. Counterfeiting of products of established luxury brands is a common phenomenon in India. A recent study by Authentication Solution Providers Associations (ASPA) & Credit Rating Information Services of India Limited (CRISIL) projects that counterfeited goods accounts for 35 % of the Indian markets (ASPA&CSRIL,2020) The use of unauthorized logos, design and brand name has been a common cause behind rising trademark disputes in India over the years. Local markets can easily be observed flooded with counterfeited luxury goods specially brands like Gucci, LV etc.

However, the lengthy legal process and difficulty in establishing trademark infringement poses a threat to enforce the laws against the infringers (Kuman, 2020.) More stringent application of the current legal provision is needed to protect the established luxury brands and to motivate the newer Indian firms that aspire to become a global established brand.

The recent case laws involving global established luxury brands in India suing local sellers reflects on the efforts of these brands to aggressively protect their brand identity in a competitive market like India (Sen & Bhattacharya, 2017.) The impact of trademark disputes on a brand's value needs to be evaluated. Frequent legal conflicts may create conflicts among the stakeholders which could affect the brand's perceived value (Aaker, 1996). On the other hand, an aggressive legal defense adopted by established brands can enhance a brand's distinctiveness and power, perhaps raising its value (Pillai & Goldsmith, 2011).

III. OBJECTIVE:

- To examine whether trademark disputes affect the brand value of established luxury goods in the Indian market with the help of Louis Vuitton case study in India.
- To understand the effect of counterfeiting and trademark infringement disputes on various components of brand value including consumer perception, trust in the luxury brand (LV) and its impact on the brand value.

IV. DISCUSSIONS

A. HOW LUXURY BRANDS ARE PROTECTED IN INDIA UNDER TRADEMARK PROTECTION?

Strong legal protection is offered for both registered and well-known trademarks under the Trade Marks Act, 1999 (TMA) and Trade Marks Rules, 2017, which is crucial since the

exclusivity, repute, and premium market placement of luxury items are closely linked to their brand value. Indian law significantly supports the intellectual property rights of luxury firms, particularly in the areas of trademark infringement and counterfeit disputes. Stakeholder trust and brand value can be severely damaged when these components are jeopardized as a result of trademark infringement or counterfeiting (TMA, 1999).

Legal Protections and Their Impact on Brand Value:

- Distinguished Trademarks (TMA Section 2(zg)): The identity of a brand is vital in the luxury market. Well-known trademarks are recognized under Indian law and are given more protection. According to TMA, 1999, Sec. 2(zg)), courts and the Registrar of Trademarks have the power to declare a brand's mark to be "well-known," which forbids the use of confusingly similar or comparable marks, even in unrelated businesses. The trademark is shielded against dilution by this wider protection, which would otherwise reduce its worth and repute. Among the brands that have achieved this recognition in India are Revlon, Cartier, and Louis Vuitton (ASSOCHAM & KPMG, 2014). In addition to providing them with legal protection, this designation raises their perceived status, which in turn affects customer loyalty and trust.
- Indian courts have shown initiative in protecting luxury brands from products that are directly counterfeit and sold on the gray market, endangering the brand's value. **The Hermes v. Da Milano case (2013)** serves as an example of the importance of design protection in maintaining brand exclusivity. In this case, the court issued an injunction to prevent the sale of handbags that bore a striking resemblance to Hermes' Birkin Bag. In contrast, in *Christian Louboutin Sas vs. Nakul Bajaj & Ors.*, the Delhi High Court preserved the rights of the luxury brand by putting an end to the illicit online sales of counterfeit shoes, which, had they continued unchecked, might have gravely damaged Louboutin's reputation (**Christian Louboutin Sas v. Nakul Bajaj, 2018**). These rulings demonstrate the critical role the judiciary plays in protecting brand value by averting unauthorized use and market dilution, both of which can erode consumer confidence.
- The court's power to grant injunctions and punitive damages, like the Rs 1 crore awarded in the *Cartier International vs. Gaurav Bhatia* case, deters the future infringers and ensures that the brand's competitive place is protected (**Cartier Int'l Ag v. Gaurav Bhatia, 2015**). High punitive damages not just compensate for financial losses but also act as a warning to potential counterfeiters, ensuring that the brand's value remains untarnished. These decisions demonstrate how the judiciary plays a critical role in

protecting brand value by preventing the market.

- Usage-Based Protection and Common Law Remedies: Passing off is a common law remedy that protects even unregistered luxury trademarks in India since it acknowledges prior usage as a source of trademark rights (TMA, 1999, Sec. 27(2)). This is especially important in a market like India, where some high-end companies may have a solid reputation even when their trademarks are not immediately registered. The capacity to defend these trademarks even in the absence of official registration preserves the market character of the high-end brand and makes sure that its worth is maintained.
- The spread of counterfeit goods, particularly on e-commerce platforms, is one of the largest obstacles facing luxury businesses.

How Legal Protection Impacts Brand Value?

Enforcing trademark rights is essential to preserving the distinction and exclusivity that characterize luxury goods. Indian courts convey a clear message that a brand's identity and reputation are valuable assets that should be safeguarded at all costs when they award injunctions or punitive penalties. As a result, the brand's market value is positively correlated with consumer perception and trust in the brand (ASSOCHAM & KPMG, 2014).

Indian law guarantees the preservation of luxury products' premium image by prohibiting unauthorized usage and counterfeiting, thereby upholding or even increasing their brand value. These safeguards ensure the luxury firms' continuous supremacy in the market by directly protecting their brand value. The stability and expansion of luxury brands in India are made possible by the courts' vigilant enforcement of trademark rights, which helps these companies to preserve their exclusivity, prestige, and customer confidence. Thus, in a highly competitive luxury market, this guarantees that trademark disputes do not adversely affect the brand's financial and reputational status.

B. LOUIS VUITTON AS A LUXURY BRAND IN INDIA

Louis Vuitton entered the Indian Luxury goods market in the year 2003 and significantly captured the market as a leading luxury brand in India. LV only operates its business through its exclusive stores in 3 major cities in India, ie Delhi, Mumbai, Bangalore and digitally through its official website (in.louisvuitton.com), LV aims to cater to the exclusive affluent customers in India. According to (Deloitte, 2019) over the years having owned an original LV product has become a status symbol for its customers. LV has played on its exclusivity component to

become a global leading luxury brand. The limited and restricted availability of the LV Products and its insanely high prices in the Indian market has made LV an aspiration for people who cannot become the consumers of the brand and a status symbol for those who desire exclusivity being the customer of a luxury brand. Indians' aspiration for international brands has also supported its positioning in the Indian luxury goods market. LV's iconic design including its monogram that distinguishes itself and its top celebrity sponsorship has also contributed to its success (Kapferer & Bastien, 2012). However the rising cases of counterfeited products being available in the Indian market, poses a threat to the brand's exclusivity and reputation. To safeguard its trademarks, the company has filed numerous lawsuits over the years. This also reflects on the brand's effort to maintain exclusivity and protect the customers.

TRADEMARK ENJOYED BY LV in India:

In India, Louis Vuitton (LV) has a number of trademarks registered and recognised, including:

- The brand name "Louis Vuitton" is registered and recognised for use on a number of goods, mostly in the high end fashion industry.
- "Louis Vuitton" in India enjoys trademark protection in its "LV" logo since 1890 and is well recognized as a brand reputation and recognition symbol.
- Louis Vuitton also owes Toile Monogram as its trademark in India, as its unique pattern is found on its items across all its goods.

Due to the registration of these trademarks in multiple classes, such as Class 3 (perfumes and cosmetics), Class 14 (jewelry), Class 18 (leather products and accessories), and Class 25 (clothing and footwear), Louis Vuitton's intellectual property is well-protected in the Indian market.

In the case of **Louis Vuitton Malletier vs Iqbal Singh And Ors (2019)** the Delhi High Court, the plaintiff, Louis Vuitton Malletier, is the registered owner of the "LV" logo, the "Toile Monogram" design, and the trademark "LOUIS VUITTON".

C. TRADEMARK PROTECTION OF LV IN OTHER COUNTRIES:

Louis Vuitton enjoys stronger trademark protection, in countries that have stricter intellectual property (IP) laws against counterfeiting and infringement by local players. Luxury brands like LV, need a graver extent of laws, and stricter enforcement agencies along with speedy trial

process.

UNITED STATES:

The "Louis Vuitton" wordmark, the "LV" monogram, and the "Toile Monogram" are among the trademarks of LV that are heavily protected in the US under the Lanham Act. This law deals with trademark registration, trademark infringement, and diluting well-known trademarks.

Section 43(c) of the Lanham Act, which addresses dilution by blurring or tarnishment, grants additional protection to Louis Vuitton's trademarks since the USPTO has determined that the brand is well-known. This offers defense against situations where illicit usage can lessen the luxury brand's uniqueness, even beyond mere confusion.

In the 2010 case of **Louis Vuitton Malletier v. Akanoc Solutions, Inc.**, for instance, the corporation was awarded \$32 million for copyright violations and trademark infringement. This case showed how American courts support luxury brands against counterfeiters, particularly when it comes to online sales when LV's reputation is at risk (Hajdari, 2010).

In the US, LV has aggressively maintained its rights by filing numerous lawsuits against websites that market knock offs and counterfeit goods.

EUROPEAN UNION

LV benefits from the EU Trade Mark (EUTM) system in the EU, which provides uniform protection throughout the EU member states. Louis Vuitton's trademarks are so safeguarded by the EU Intellectual Property Office (EUIPO), including renowned marks as those defined by EU Trade Mark Regulation (EUTMR) Article 8(5).

This gives LV's trademarks more defense against dilution or tarnishment, even in circumstances when it is improbable that there will be misunderstandings. This is a significant advantage for high-end businesses.

The European Court of Justice (ECJ) has additionally reaffirmed the importance of protecting well-known trademarks in the luxury sector. In the 2009 case of Copad SA v. Christian Dior Couture SA, the European Court of Justice (ECJ) ruled that the unauthorized resale of luxury products in a manner detrimental to their brand could be deemed as a violation of trademark

rights. The notion that luxury businesses need to protect their reputation above and beyond customer misinterpretation was reinforced by this ruling.

CHINA

The Chinese Trademark Law provides enhanced protection for well-known trademarks, especially under Article 13. This was changed in 2014, though. Louis Vuitton can better protect the reputation of its trademark by employing this clause, which prohibits the registration and use of marks that are similar to its for products that are not the same.

As seen by its wins in significant court cases like Louis Vuitton Malletier ("LV") Vs. Chongqing Maoluxin Import and Export Trading Co., Ltd. ("Miolaxin"), and Lutong Chen, the brand has shown that it is taking a proactive stance in defending its rights in China. The court's decision against the manufacturer of counterfeit LV bags set a precedent for strict enforcement against counterfeiters in China (McKnight, 2016).

D. CASE LAWS OF LV IN INDIA - LEGAL STRATEGY ADOPTED

Louis Vuitton Malletier v. Atul Jaggi & Anr.(2010)

The Delhi High Court granted a permanent injunction in favor of Louis Vuitton, restraining the defendants from selling any products bearing the "Louis Vuitton" mark or any similar trademarks. Louis Vuitton had accused the defendants of selling counterfeit products using its well-known trademarks, including the "Louis Vuitton" word mark, the "LV" logo, and the distinctive Toile Monogram pattern. The suit is premised on the plaintiff being proprietor of the registered trademark "LOUIS VUITTON" in respect of accessories and a variety of leather goods. The plaintiff claims to have coined and used the mark since 1890. It also claims that the mark is distinctive and has acquired a world-wide reputation. The plaintiff had complained that the defendants had indulged in trademark infringement in similar kinds of goods that were using the "LOUIS VUITTON" brand or mark. The plaintiff provided evidence of the infringing products with photographs of counterfeit items purchased from the defendants' stores in Karol Bagh, New Delhi. The Court, after an ex-parte and interim injunction, agreed with Louis Vuitton's claims and ruled that the defendants' actions were causing significant harm to the luxury brand's reputation and goodwill. Upon reviewing the case, the Court ordered a permanent injunction and appointed a local commissioner to investigate the matter. The commissioner confirmed the defendants' involvement in infringing activities, and the Court subsequently ordered the destruction of the counterfeit goods. The defendants were directed to

cover the costs and destroy the infringing materials in the presence of Louis Vuitton's representatives. This decision reinforced the protection of Louis Vuitton's intellectual property rights and highlighted the court's intolerance toward counterfeiting, especially involving well-known luxury brands.

Louis Vuitton Malletier vs Mr. Manoj Khurana & Ors. (2015)

Louis Vuitton filed a suit for permanent injunction to prevent the defendants from infringing on their registered trademarks, including the Louis Vuitton name, LV logo, and Damier pattern, which were being used on counterfeit wallets, handbags, purses, and belts sold by the defendants. Louis Vuitton argued that these trademarks are globally recognized and exclusively associated with their brand.

Louis Vuitton's trademarks have been used since the 19th century, with the LV logo used since 1890 and the Toile Monogram design since 1896. The plaintiff discovered the sale of counterfeit products through a market investigation, where samples bearing infringing marks were purchased. Louis Vuitton claimed that its products are only sold through authorized retailers, with four exclusive boutiques in India, implying that any Louis Vuitton product found elsewhere is counterfeit. They argued that the defendants were engaged in the deliberate and unauthorized sale of fake products, causing damage to their reputation.

The defendants claimed they were unaware that the products they sold were counterfeit and mistakenly believed they were genuine goods. However, no documentary evidence was provided by the defendants to support this claim, and they failed to file necessary documents during the court proceedings. The court found the defendants guilty of selling counterfeit Louis Vuitton products and ruled that their claim of good faith belief in the products' authenticity was false.

The permanent injunction was granted, restraining the defendants from manufacturing, selling, or dealing in products with the Louis Vuitton trademarks. A total of 165 counterfeit items were seized from the defendants' premises during local commissioner proceedings. The court also held that the Louis Vuitton name, LV logo, and Damier pattern were well-known trademarks under Section 11(6) of the Trademarks Act, 1999. Louis Vuitton was awarded costs of Rs. 50,000, but the court did not grant relief for damages, as the plaintiff waived that request.

Louis Vuitton Malletier vs Santosh & Ors. on 18 April (2023)

In its lawsuit against trademark infringement, Louis Vuitton was successful in seeking a permanent injunction in the Delhi HC to stop the defendants from using its well - known trademarks, including “Louis Vuitton” and the “LV” logo.

Citing potential harm to the company's reputation and confusion among customers, the plaintiff initially asked for a “permanent injunction” to immediately prevent the defendants from utilizing its well-known trademarks. Since the evidence of ongoing counterfeiting operations demonstrated the urgency, LV requested a “ex parte ad interim injunction”. Because of this, the court was able to find in favor of LV even though the defendants were not present, putting an end to their operations and preventing further infringement.

Louis Vuitton Malletier vs Capital General Store & Ors. on 6 February (2023)

The defendants' sale of fake Louis Vuitton merchandise is at the center of the Louis Vuitton Malletier v. Capital General Store & Ors. case. The defendants persisted in selling counterfeit LV merchandise in defiance of a court order to cease. The court decided against them, fining them ₹5 lakhs, or if they didn't pay, a week in jail. Louis Vuitton made the following points in the Louis Vuitton Malletier v. Capital General Store & Ors. case:

1. Widespread Counterfeiting: This pervasive societal evil damages the years-long worth that brands have built up.
2. Dilution of Brand Value: The sale of fake items misleads consumers and damages high-end brands like Louis Vuitton.
3. Deterrent Punishment: If punishment were lax, counterfeiters would be encouraged to carry out similar operations, thereby lessening the influence of luxury brands.

Louis Vuitton Malletier vs Futuretimes Technology India Private (2022)

Louis Vuitton contended in the Louis Vuitton Malletier vs. Futuretimes Technology India Private Limited lawsuit that the defendants were infringing on their rights by selling products on www.clubfactory.com that were not approved and that used their trademarks. Although the defendants said they followed the orders, they were charged with hiding URLs. The defendants were barred from selling products that violated intellectual property rights and the website was blocked by a permanent injunction granted by the court.

The verdict supported Louis Vuitton, providing relief but permitting additional damage proof.

Louis Vuitton contended that Futuretimes Technology India, the defendants, were exploiting Louis Vuitton's registered trademarks without authorization in order to sell illicit and counterfeit goods on their website, www.clubfactory.com. The defendants are accused of hiding the URLs rather than completely complying with a previous court order to remove content that caused copyright violations.

V. CONCLUSION

Trademark infringement cases have an immense impact on premium brands in India, like Louis Vuitton. Trademark conflicts, especially those involving counterfeit goods, clearly impact consumer behavior. This exposure erodes consumer confidence in the brand and raises doubts about the authenticity of the products. With a particular focus on Louis Vuitton in India, this study emphasizes the substantial effect that trademark infringement cases have on the brand value of luxury goods companies. The results show that younger consumers have a tendency to show changes in their purchasing behavior, which results in a decrease in brand loyalty. This is because they are more aware of counterfeiting and legal activities. In addition to undermining consumer confidence in product authenticity, counterfeiting lowers the perceived value and exclusivity of luxury goods. In the end, the study demonstrates that preserving brand value in the cutthroat Indian luxury market requires vigorous legal defense and consumer awareness. This study emphasizes how crucial it is to defend brand integrity by aggressive legal defense, strict enforcement, and proactive consumer education. High-end labels such as Louis Vuitton need to concentrate on maintaining their image by battling fakes and raising awareness of their attempts to safeguard genuineness. Maintaining brand value and ensuring long-term success in the cutthroat Indian luxury goods industry require taking these steps.

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