

TRANSBORDER REPUTATION OF TRADEMARKS IN INDIA

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The concept of trans-border reputation has evolved in some of the developed and highly industrialised countries of the world and are based on the concept that even if the well-known trademark is widely used in one or two countries and in other countries the product with the said trademark is not available in the market, even then in the said countries, if someone adopts the similar trademark, the owner of the well-known trademark can bring an action on the basis of trans-border reputation. This concept is nowhere expressly provided in the statutes. On the contrary, Indian Trademark law recognises the regional protection to the registered Trademark. That is to say, that a particular trademark can be registered and its protection can be confined to a particular region and the owner of the trademark cannot seek further protection in other region, even if his trademark is infringed in other regions. A trademark which is not used or adopted in India may be said to be a well known trademark in other countries. But, the owner of the trademark cannot bring an action on the basis of the said trans-border reputation¹.

The question arises whether such reputation by itself without actual availability of goods can be considered as a factor in a passing off action against local traders who have adopted the foreign brands for their products which are manufactured in India by them. There is no doubt that if the foreign plaintiff could establish the three elements of passing off which are reputation or goodwill, likelihood of confusion and damage then a case of passing off can be certainly established.

The term reputation can be distinguished from goodwill although in trademark literature the two words are often used interchangeably. A reputation is the means by which something is recognised. It is the knowledge among a considerable number of people recognised. It is the knowledge among a large number of people of the existence of something, a well-known product or a well known person. Goodwill exists in the mind of customer of goods or business who are aware of the good qualities or reliability of the goods or business concerned. "It is the

state of mind which makes them wish to patronise certain brands of goods or services. Foreign traders may well have a reputation even though they carry on no business there. Such a reputation however extensive it will not support a passing off action unless the business's goods or services are available in this country so that the business is able to have customers here.”ⁱⁱ

WHAT IS REPUTATION?

It is frankly one of the most distorted words in the IPR regime. A number of ambiguities emerge from the use of the word in the popular sense. The question arises that whether this term is associated with a particular good or service or a particular name or mark? Reputation has acquired two mutually incompatible terms of use: use in respect of the marks denoting distinctiveness with the goods or services and use as a synonym for goodwill, as legal property protected by the action. Reputation may depend upon the extent of use of the mark with regard to a particular good or service in business. Plaintiff's reputation doesn't have to be extended all over the country it may be limited to a particular locality where business is conducted, like a hotel.

In the case of *Leahy v Glover Lord Hershell* ⁱⁱⁱLC held “In order to succeed in an action of passing off the first essential is for the plaintiff to prove the existence of a business in which there is goodwill and that the goodwill or part of it resides in exclusive association of the name, mark or other indicia relied on with the business.” In another case *Spalding v Gamage* ^{iv}it was held that “held that the association is of ephemeral nature and it is necessary to prove that by reason of continuous use by the plaintiff the reputation subsisted at the material time.”

In *Star Industrial Co Ltd v Yap Kwee Kor* ^v in which reputation was defined as “essential species of personal property and transferable with the business. Reputation is essential to passing off action in more than one aspect. The most important is that misrepresentation is generally based on reputation of the plaintiff's mark in the mind of public. The second is that the plaintiff's reputation can suffer if the goods passed off by the defendant are inferior. The third is existence of goodwill.”

DISPARITY BETWEEN GOODWILL AND REPUTATION

Goodwill has been considered a property and therefore is protected under law. Reputation on the other hand is complex and is manifested through many factors which lead to the customers

associating a particular business with the plaintiff. It is not possible to have goodwill without reputation. Reputation is associated with a particular product or person. In - *Busch Inc v Budějovický Budvar*^{vi}, the difference between the two were deliberated, as ‘That, as it seems to me, is to confuse goodwill, which cannot exist in vacuum, with mere reputation which may no doubt and frequently does exist without any supporting local business, but which does not by itself constitute a property which the law protects.’

TRANSBORDER OR SPILLOVER OF REPUTATION

This concept emerged out of the policy of liberalisation, which was vociferously adopted by many countries across the globe. This concept is embodied in Section 35 of TMM Act, 1999 which prohibits a person from using a name which is like to cause confusion and diverts the business of one person to someone else or is likely to cause confusion in the mind of the person dealing with the two competing business.

The genesis of this concept lies in the English court. Whether a foreign plaintiff may succeed in an action of passing off is decided by the fact that whether his business has goodwill in England^{vii}. In *Taco Bell Pty Ltd v Taco Co of Australia Inc*^{viii}, it was said “to succeed in a passing off action within the Australian Metropolitan area a plaintiff must demonstrate that he has goodwill in that area. This can be proved by a prior business set up within the territory in which the mark has been used.”

In India the concept originated in 1995 with the case of *Haw Par Bros International Ltd v Tiger Balm Co Pvt Ltd*^{ix}, in which “Indian merchant was selling a merchandise under the trademark of ‘Tiger’. In this case, however, trans- border reputation wasn’t the sole criteria to decide the case.

DECISIONS OF HIGH COURTS ON TRANSBORDER REPUTATION

Haw Par Bros International Ltd v Tiger Balm Co Pvt Ltd

Haw Par of Singapore had been marketing Tiger Balm all over the world. The word ‘Tiger’ with the device of a leaping tiger have been identified exclusively with the Haw Paw. This product was exported to India. Haw Paw had already applied for registration in India but due

to opposition the registration application was rejected and the appeal was pending before the High Court of Calcutta. Dr. D.A. Nirmala, respondent No.4, got the trademark Tiger Balm registered as a trademark in India in the year 1961. Respondent No. 4 together with two others established the Tiger Balm Co. (P) Ltd to undertake manufacture of Tiger Balm. Haw Paw filed a suit for passing off praying for the permanent injunction against the use of trademark Tiger Balm as well as their trade name.

The Single Judge had refused interim injunction and he had given cogent reasons for rejecting the claim of trans-border reputation. The main reasons for refusal of interim injunction against the respondents who were the owners of Tiger Balm mark in India, by the single judge, were as under:

1. Respondents (Indian registered trademark owner of Tiger Balm) registered trademark and designs, which were entitled to protection under TMM Act, 1958.
2. The appellant-plaintiff had not established goodwill and reputation in the area of passing off, as reputation outside the country is irrelevant.
3. There was acquiescence and laches in filing the suit.
4. The applicant was seeking to gain by passing off action, what he failed to achieve by trademark rectification proceedings.
5. The case involved difficult questions of law to be decided in regular trial and not in an interlocutory motion.
6. Balance of convenience was in favour of respondent, who has also made out a prima facie case.
7. Respondent's interests would be jeopardised, if interim injunction was granted, whereas no loss would be caused to the appellant as it had no commercial business in India.

DECISION OF DIVISION BENCH

The Division Bench considered all the pleadings, documentary evidence, finding of market research, etc., in depth and noted its findings, which are the necessary basis for grant of relief in passing off and is observed as follows:

The appellant has been selling TIGER BALM for several decades internationally and had acquired worldwide reputation including in India. The mark was registered in several countries and was awaiting registration in India. Despite the want of registration, the appellant's product was available in India through official and non-official channels. The respondents were fully aware of the long-standing use of the appellants mark, its international reputation, popularity and extensive sales of the trademarked goods in India and abroad.

The respondents were aware of the fact that as per market survey, the public in India recognised TIGER BALM as a foreign trademark for the quantity product of the appellant and it was pirated severally in India by using different versions of the device of the TIGER for pain balm.

The design of TIGER BALM bottles, their shapes, the label and cartons originated from the appellant, to the knowledge of the respondents since several Indians had their business in Burma, Malaya, Singapore, etc., prior to the outbreak of second world war, and these were lavishly copied by others.

Based on these and other findings, the Division Bench of Madras High Court expressed its views on several points of law and held:

Registration of the respondent's trademark was not a bar for the appellant's suit for passing off since Common law rights were left untouched as per section 27(2). The appellant being the first to enter the mark with its trademark, the appellant had a right to prevent the use of the same or similar mark even by a later registration.

Under the present day conditions of instant communications and publicity by T.V., wireless, radio, newspapers and magazines, international exchange of information, growth in tourism, migration of population speaking different languages, etc., the doctrine which held its sway till now that reputation or goodwill can only be claimed on the strength of business actually carried out in a locality, is fast losing ground and user or registration of a mark or availability of branded products in a particular territory is no longer necessary. The effect of trans-border reputation has to be accepted and recognised while dealing with a dispute concerning a well-known trademark and its protection.

Rejection of a rectification application of the appellant to expunge the respondent's registered trademark from Indian Trade Marks Register is neither barred the appellant from taking actions

under ‘Passing off’ nor did it prevent the appellant from resisting respondents action based on a mark other than their registered mark.

In the light of the above findings the court:

1. Allowed the appellant’s prayer for interim injunction to prevent continued use of TIGER BALM trademark by the respondents for their products, and
2. Directed the respondent to specify while using the words TIGER BALM in their trading style or corporate name that they have nothing to do with the appellant or its trademark TIGER BALM.

The Division Bench of Madras High Court in Tiger Balm case dismissed the observations of the single judge and held that:

“The protection which the law affords to traders using a trademark in this country would be seriously diminished, if immunity from action were secured to rival trader who, having brought goods into the market with the same mark were able to prove that in some other quarter of the globe some other trader had been in the habit of using the mark for a period longer than that alleged by the plaintiff.”

In *Jolen Inc. v. Shoban Lal Jain*^{xi}, The Madras High Court examined the requirements of trans-border reputation to claim passing off remedy for a mark that was not in actual, use in India by sale of the goods. In this case by the plaintiff, the owner of trademark “JOLEN” was doing business in cream bleach since 1955 and his mark has acquired international reputation. But he has not sold his product in India at any point of time though the mark is published in journals having circulation in India. The application for registration of the mark by the plaintiff was rejected by the registrar based on the opposition by the defendant and an appeal is pending before the Delhi High Court.

The defendant alleged that he started the business of toothpastes and perfumes in the name, ‘JOLEN’ from 1985 and produced evidence to that effect. He had also registered this mark in 1987. The artistic work of the carton along with the name was also registered under the Copyright Act. In a suit for passing off it was argued that the plaintiffs mark has trans-border reputation in India and hence it was entitled for injunction. Regarding the applicability of trans-border reputation the court after referring to the earlier judgments, held that failure to sell the

products in the Indian market and use of the mark for a considerable period of time by the defendant can defeat the claim in India.

The observation of the court was:

“Even assuming that the plaintiff company is having trans-border reputation relating to goods in question, their products are not marketed in India through official sources. It is also not the case of the plaintiff that their products are sold in India in duty free shops. Just because people visiting foreign countries bring the product of the plaintiff they cannot claim any superior right over the defendants who have acquired valid rights in accordance with law. By virtue of this injunction, naturally, the defendants who are in the business since 1987 would be much affected as such, the balance of convenience is also in favour of defendant.

This seems to be a balanced approach keeping in mind, the basic principles of passing off remedy that is based on the concept of goodwill that is acquired in a particular country.

The Delhi High Court in *B.L. & Co. V. Pfizer Products*^{xii}, also took a similar view. The court held that the mark “VIAGRA” though reputed outside India has no reputation and goodwill in India since the product was not introduced in Indian market. Thus the court refused to grant injunction preventing the defendants from using the mark “PENEGRA” for selling similar products developed by them in India.

In, *Playboy Enterprises, Inc v. Bharat Malik & Anr*^{xiii}, Playboy Enterprises Inc.(Plaintiff) is a publisher of widely known magazine PLAYBOY which is pre-eminently sex oriented and male entertainment magazine. The plaintiff is known mainly through this magazine.

It is the registered proprietor of the mark PLAYBOY in India with several other countries all over the world. The mark “PLAYBOY” has become a household name on the account of extensive sales and advertisements in international media. It has attained such popularity that the word “PLAY” is bound to create confusion if one tries to exploit the word “PLAY”. The defendants are publisher, printer and owner of the Indian Magazine known as “PLAYWAY”. The plaintiff has through this suit sought a permanent injunction against the defendants.

Delhi High Court in this case held the following:

1. Though the plaintiff has secured registration of the trademark Playboy in respect of the magazine and several other goods which is more than seven years old and has demonstrated its strength due to the degree of distinctiveness, fame and reputation of the trademark Playboy yet being a title of the magazine it qualifies to be a valid trademark even if it is not registered because of its long and continuous use.
2. The trademark Playboy falls in the category of arbitrary or fanciful trademark and deserves the highest degree of protection. The trademark Playboy has acquired its world-wide circulation and publication in as many as 16 countries and huge amounts spent on its publicity and promotion of this mark.
3. The defendant's adoption of the trademark 'Playway' not only amounts to infringement of the plaintiff company's statutory right because of its being deceptively similar as to its ideas, contents, themes, concepts and photographs resulting in confusion and deception as to its source but also amounts to passing off as it tends to thrive upon the strength of its reputation and goodwill.
4. Temporary legal ban or import restrictions in a particular country particularly of an international trade name or brand do not confer right on any person to adopt either the same name or deceptively similar name.

DECISIONS OF HIGH COURTS ON TRANSBORDER REPUTATION

N. R. Dongre v. Whirlpool Corpn. Ltd.^{xiv}

FACTS:

Respondents were manufacturing Washing Machines under the trademark WHIRLPOOL and for that they registered their trademark in different countries. In India, their registration expired since 1977. After that appellant, an Indian company in 1992 got the trademark WHIRPOOL registered for Washing Machine. The respondent filed a suit for passing off against the appellant. A single judge bench and division bench restrained the appellant from using the trademark WHIRPOOL. This was appealed to Supreme Court.

ISSUE:

Whether an act for passing off could be maintained against the registered proprietor of a trademark?

The Supreme Court, while upholding the decision of the Delhi High Court observed: “ The mark/name ‘WHIRPOOL’ is associated for long, much prior to the defendant’s application in 1986 with the Whirlpool Corporation, plaintiff No. 1. In the view of the prior user of the mark by plaintiff No. 1 and its trans-border reputation extending to India, the trademark “WHIRPOOL” gives an indication of origin of the goods as emanating from or relating to the Whirlpool Corporation, Plaintiff No. 1. The use of the ‘WHIRLPOOL’ mark by the defendants indicated prima facie an intention to pass off the defendants’ washing machine as those of the plaintiffs, or at least the likelihood of the buyer being confused or misled into that belief. The fact that the cost of defendants’ washing machine was 1/3rd of the cost of the plaintiff’s washing machine supported the plaintiff’s plea that the defendants’ washing machines were not of the same engineering standard and were inferior in quality to the washing machines of the plaintiff’s.”

“The knowledge and awareness of a trademark in respect of the goods of a trader is not necessarily restricted only to the people of the country where such goods are freely available, but the knowledge and awareness of the same reaches even the shores of those countries where the goods have not been marketed. When a product is launched and hits the market in one country, the cognizance of the same is also taken by the people in other countries almost at the same time by getting acquainted with it through advertisements in newspapers, magazines, television, video films, cinema, etc. even though there may not be availability of products in those countries because of import constrictions or other factors. In today’s world it cannot be said that a product and the trademark under which it is sold abroad, does not have a reputation or goodwill in countries where it is not available. The knowledge and awareness of it, and its critical evaluation and appraisal travels beyond the confines of the geographical area in which it is sold. This has been made possible by the development of communications systems which transmit and disseminate the information as soon as it is sent or beamed from one place to another. Satellite television is a major contributor of the information explosion. Dissemination of knowledge of trademark in respect of a product through advertisement in media amounts to use of the trademark, whether or not the advertisement is coupled with the actual existence of the product in the market.”

Court further held that the rights of action under section 27(2) are not affected by the section 28(3) and Section 30(1)(d) of the 1958 Act. Therefore, the registration of the trademark would be irrelevant in an action of passing off. Registration of trademark in fact doesn't confer any new right on the proprietor other than what already existed at common law without registration of the mark. The right of goodwill and reputation in a trademark was recognised at common law even before it was subject of statutory law. Prior to codification of trademark law, there was no provision in India for registration of a trademark. The right in a trademark was acquired only by use thereof. This right has remained unaffected under the 1999 Act also and is recognised by section 27(2) and section 33 of the 1999 Act.

Finally court held that the fact that the registration was not renewed by the respondent company in India after 1977 is no ground to believe that respondent will not use trademark WHIRPOOL and an irreparable loss will likely to be caused to the goodwill and reputation to respondent.

Milmet Oftho Industries v. Allergen Inc.^{xv}

FACTS:

The appellants are Indian Pharmaceutical Company selling "OCUFLOX", a medical preparation containing CIPROFLOXACIN HCL to be used for the treatment of the eye and the ears. The respondents filed a suit for injunction based on an action of passing off in respect of the mark "OCUFLOX" used on a medical preparation manufactured and marketed by the respondents. The respondents claimed that they were the prior user of the mark OCUFLOX in respect of an eye-care product obtaining Ofloxacin and others compounds. They claimed that they first used this mark on 9.9.1992 after which they marketed the product in other countries like Europe, Australia, South Africa and South America and obtained registration there, they claim that they has also applied for registration of mark in several other countries including India and their applications pending. The appellants claim that they coined the word "OCUFLOX" by taking the prefix "OCU" from "OCULAR" and "FLOX" from "CIPRO FLOXACIN" which is the basic constituent of their product they has also applied for registration of the mark OCUFLOX and their application is also pending. The respondents got an ad interim injunction which was later vacated where the single judge held that the respondent's product was not being sold in India and the appellants having introduced the

product in India, the respondents were not entitled to an injunction. Aggrieved by this respondents appealed.

The Division Bench of Calcutta High Court held that as the respondent's product was advertised before the Appellants entered the field, so on that basis respondents were the first to adopt the mark in the market and allowed injunction. This was challenged in SC.

DECISION:

Supreme Court held that law on the subject is well settled and relied on the decision of the Supreme Court in the Whirlpool case in which court had recognized the concept of use by advertisement. Court also referred *Cadila Health Care v. Cadila Pharma Care*^{xvi} in which court had held that in the field of medicine and healthcare all possibility of confusion must be avoided as public health is in issue. Court in this case held "while considering the possibility of likelihood of deception or confusion, in present times and particularly in the field of medicines, the court must also keep in mind the fact that nowadays the field of medicine is of an international character. The court has to keep in mind the possibility that with the passage of time, some conflicts may occur between the use of the mark by the application in India & the user by the overseas company. The court must ensure that public interest is in no way breached.

The court had a note of caution in this case:-

"One note of caution must be expressed, multinational corporations, who have no intention of coming to India or introducing their product in India shall not be allowed to throttle an Indian economy by not permitting it to sell a product in India, if the Indian company has genuinely adopted the mark and developed the product and is first in the market. Thus, the *ultimate test should be who entered the first in the market.*"

In this case, the marks are same. They are in respect of pharmaceutical products. The mere fact that the respondents have not been using the mark in India would be irrelevant if they were first in the world.

Finally, SC did not restrain the order of injunction restraining appellant from using the trademark OCUFLOX for eye care product.

PASSING OFF AND TRANSBORDER REPUTATION

The modern law of passing off and its development as a part of Common law may be understood as follows. It originated as an action in tort, to redress the wrongful conduct of the defendant in passing off his goods as the goods of the plaintiff, by using the trade name or trademark of the plaintiff so as to induce in potential purchasers the belief that his goods or business were those of the plaintiff. The tort was in the misrepresentation by the defendant to the potential buyers of his good that the goods were of his plaintiff. Defendant achieved this result by deceptive and deceitful use of trade names, marks or other indications of the plaintiff.

In the course of time, the passing-off action was extended to other cases in which misrepresentation took some form other than the deceptive use of the plaintiffs trade name, mark or other things such as packaging or get-up of his product. In the subsequent developments of the action, the focus shifted to the effect of misrepresentation, which was injury to the goodwill, or business reputation, by his wrongful conduct. Now instead of previous two ingredients of 'use and registration' for relief, there are three alternative ingredients, i.e, use, registration or reputation in India at common law, where as in statute it is

1. Use and reputation and
2. Registration and Reputation.

Traditionally, the foreign proprietor of a trademark could claim rights or protection in India only if the trademark is registered or is actually used in India.

If the mark had been used on good/services of Indian manufacture or imported goods/services offered for sale in the course of trade in India, the mark would acquire rights in India as trademark either registered or unregistered. Foreign trademarks can have reputation and resultant protection in India, even though they are neither registered nor used in India. Indian courts gave them protection in early nineties on the basis of trans-border reputation . Still there was an impending question that traditionally the reputation of the trademark subsisted only for those goods on which it is used.

A trademark which is not well known and has not been registered or used in India, it does not have trademark rights either under the 1999 Act or Common law or under treaty law of the Paris Convention or TRIPS and therefore, such a proprietor should neither feel aggrieved nor it was necessary for him to approach the courts for the protection of mark in India.

The protection against the unauthorised adoption of foreign trademark was claimed by the foreign proprietors, by promoting the cause of the general public or consumer interest, as no right of their own was offended as per literal interpretation of trademark law. The judiciary carved out the doctrine of trans-border reputation in common law by a series of cases.

However, recent decisions in High Courts in India and those which have received approval of Supreme Court that trans-border reputation in India can be taken into consideration as one of the factors in favour of a foreign plaintiff in an action for passing off.

CRITICISM OF TRANSBORDER REPUTATION

Firstly, there has been no conclusive definition of goodwill or reputation in the statute which result in ambiguities. Courts have generally failed to distinguish between the two terminologies resulting in them being used interchangeably. Goodwill is quantifiable and thus a property. The action of passing off is based in the reputation which transgresses boundaries. It is more perplexing if the two overlap due to the nature of a particular good.

Secondly, the courts have not in entirety applied this concept. The concept of residual reputation and shared reputation has been completely ignored. Residual reputation was discussed in *Ad Lib-Club Ltd v Granvill*^{xvii}, wherein “plaintiff relied upon the reputation in their name four years after the business had closed down. When the plaintiff’s have ceased to use the mark or name, they can still rely upon the residual reputation from the past use of the name or mark.”

Thirdly, what is the extent of spillover of the reputation that can be considered by the courts? Courts have generally laid emphasis on various extraneous factors like newspaper and magazines, which is a non-exhaustible list. There needs to be some proper law on the same without which the concept will have no bounds.

Forthly, what are the parameters to judge that there has been trans-border reputation of the goods? The courts have conservatively relied on the circulation of magazine, journals and tourists and travellers. This approach seems to be outdated in the light of emergence of internet which provides a global forum for any manufactured product which becomes accessible throughout the globe. Also, in absence of any guideline every product by a MNC would enjoy

international repute and would be capable of eliminating any local competition on the ground of likelihood of confusion.

Lastly, what is the recourse for a local trader who innocently adopts a mark without the knowledge of its existence in some other country?

CONCLUSION

Trans-border reputation means a reputation that has spilled over to various other jurisdictions in which there is neither registration nor use of the trademark.

The term reputation can be distinguished from goodwill although in trademark literature the two words are often used interchangeably. A reputation is the means by which something is recognised. It is the knowledge among a considerable number of people recognised. It is the knowledge among a large number of people of the existence of something, a well-known product or a well known person. Goodwill exists in the mind of customer of goods or business who are aware of the good qualities or reliability of the goods or business concerned. The Indian courts have often failed to lay down the distinction between the two terms.

The recent decisions in High Courts in India and those which have received approval of Supreme Court hold that trans-border reputation in India can be taken into consideration as one of the factors in favour of a foreign plaintiff in an action for passing off.

The approach of the court has had implications upon the traders and public. This approach is not applicable to all the situations. Courts should in certain cases apply the rigid approach of UK for the protection of interests of nationals and in economic interest of the country. The courts have laid down guidelines to combat the menace of passing off in cases of bona fide infringement. However, the plagiarisms and the large extent of the Indian market have somehow whittled down its benefits. However, the adoption of this concept has evolved trade mark laws in India.

REFERENCES

ⁱ M. R. Shah, Trademark Law: Unexposed Dimensions in Law of Intellectual property Rights. In prospect and retrospect, faculty of Law, University of Delhi, pp.173.

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- ii *Clock Ltd v Clock House Hotel Ltd* [1936] 53 RPC 269.
- iii [1893] 10 RPC 141.
- iv [1915] 32 RPC 273.
- v [1976] FSR 256.
- vi NP [1984] F.S.R. 413.
- vii *Erven Warnink B V v J Townend & Sons (Hull) Ltd* [1979] AC 731, [1979] 2 All ER 927.
- viii *Taco Bell Pty Ltd v Taco Co of Australia Inc*, [1981] 42 ALR 177.
- ix 1996 PTC 311.
- x 1996 PTC 311.
- xi *Jolen Inc. v. Shoban Lal Jain*, 2005 (30) PTC 385.
- xii 2001 PTC 797.
- xiii 2001 IVAD Delhi 356.
- xiv (1996) 5 SCC 714.
- xv (2004) 12 SCC 624.
- xvi *Cadila Health Care v. Cadila Pharma Care* 2001 PTC 541 (SC).
- xvii [1972] RPC 673
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