Defending An Iconic Mark: ‘Old Monk’



Mohan Meakin Limited (the plaintiff), a pioneer in the liquor industry, recently secured an interim injunction order from the High Court of Delhi against HG Brewers Pvt. Ltd. & Ors. (the defendants), in a suit filed by Remfry & Sagar to restrain the latter from manufacturing, marketing, distributing and selling beer under the mark CRAFTY MONK.

The plaintiff is a large group of companies which started with Asia's first brewery in the early 1800’s; today, its principal brands are Old Monk Rum and Golden Eagle Beer. It also continues to sell beer under the brand ‘Lion’, which was the main brand at the inception of the company and the number one beer brand in India until the 1960s whereafter ‘Golden Eagle’ assumed prominence. Mohan Meakin owns several trademark registrations in connection with its brands including registrations (in respect of rum as well as beer) for the mark OLD MONK and/or formative variants thereof. It has been using the trademark OLD MONK at least as early as 1959 and OLD MONK has remained the biggest Indian Made Foreign Liquor (IMFL) brand for many years as well as held the distinction of being the third largest selling rum in the world. The plaintiff has also been using the OLD MONK trademark in respect of beer, particularly in overseas markets.

When the plaintiff learnt that defendants were selling beer under the mark CRAFTY MONK and that this brand was also being advertised on the defendants’ website and social media webpages, it addressed a cease and desist letter to the defendants. However, the latter evasively refuted the contents of the said notice and thereafter, maliciously filed applications to register the marks CRAFTY MONK and CRAFTY MONK (Device) in Class 32 before the Indian Trade Marks Office.

Given the intransigent stance adopted by the defendants, the plaintiff filed a lawsuit for infringement and passing off before the High Court of Delhi arguing that use of a deceptively similar mark CRAFTY MONK, that too for alcoholic beverages, was an attempt to create confusion in the minds of the people that such products originated from the plaintiff. The defendants’ adoption/use of a deceptively similar variant of the plaintiff’s trademark OLD MONK was inexplicable - the only intent clearly being to mislead the consumers and members of the trade.

The court, in its order dated September 29, 2020, observed that the marks OLD MONK and CRAFTY MONK were deceptively similar and based on the plaintiffs’ statutory rights and goodwill in the mark OLD MONK for alcoholic beverages, stemming from its trademark registrations, decades old prior use and extensive sales, granted an injunction to restrain the manufacture, marketing, distribution and sale of beer under the mark CRAFTY MONK. The court also clarified that the defendants could not sell or distribute goods under the mark CRAFTY MONK or any other mark deceptively similar to OLD MONK which were on the high seas and bound towards India.