



IPTSE QUARTERLY NEWSLETTER – SEPTEMBER 2025

IPTSE – An Initiative of IPETHICON (An Educational Academy) – 2nd Newsletter

Welcome to the third issue of IPTSE's (Intellectual Property Talent Search Examination) Newsletter, which will be rolled out quarterly. In this issue, we are excited to share key updates and insights that highlight our ongoing efforts and achievements.

Inside This Issue:

- Blog by IPTSE Research Scholar
- 3rd Quarter Round Up
- Important Announcements
- Closing Message

We hope you find this newsletter informative and engaging. Thank you for being an integral part of the IP community.

◆ Research Spotlight: Blog by IPTSE Research Scholar



GOODWILL BEYOND REGISTRATION: PASSING OFF AND THE CARLTON-VIP DISPUTE - Anoushka Keswani, 5th year/ Research Scholar at IPTSE

Introduction

In the complex world of intellectual property, goodwill and reputation often outshines the mere formality of registration. While a trademark may be duly registered, its real strength lies in consumer association and the trust it generates in the marketplace. Nowhere is this principle more evident than in the Delhi High Court's 2025 decision in VIP Industries Ltd. v. Carlton Shoes Limited[1]. The case, revolving around the use of the mark "CARLTON", underscores that passing off remains the ultimate safeguard of goodwill, ensuring that businesses cannot appropriate consumer loyalty developed by another.

Goodwill, Reputation and Passing Off Under the Trademarks Act, 1999

The Trade Marks Act, 1999 draws a sharp distinction between statutory infringement and the common law remedy of passing off. Sections 28[2] and 29[3] confer rights of exclusivity and protection on registered proprietors. Yet, as Section 27(2)[4] explicitly recognises, registration does not extinguish the right of an aggrieved party to bring an action for passing off. This doctrinal safeguard exists because goodwill and reputation are market-created assets, independent of registration.

Goodwill has been famously described as "the attractive force which brings in custom." It represents the commercial magnetism of a mark, built through consumer recognition, advertising, and sustained use. Reputation flows from goodwill, manifesting in the perception of quality and reliability that consumers attach to a brand. Passing off steps in when a competitor seeks to misrepresent its goods as those of another, thereby damaging the goodwill that the original proprietor has painstakingly developed. The trinity of passing off, goodwill, misrepresentation, and damage remains the guiding test in Indian jurisprudence.

◆ Research Spotlight: Blog by IPTSE Research Scholar



The Carlton-VIP Trademark Battle

The dispute between VIP Industries and Carlton Shoes emerged from an unusual situation: both were registered proprietors of the mark “CARLTON” in Class 18, which covers leather goods, bags, and accessories. Carlton Shoes had secured registration in India as early as 1994, using the mark primarily for footwear and fashion items. VIP, through an assignment from Carlton International Plc in the UK, acquired registration in 1995 and again in 2006, claiming use of the CARLTON brand in India for luggage and travel goods since 2004.

When Carlton Shoes sought to expand its CARLTON branding to bags, VIP reacted with a cease-and-desist notice, asserting its goodwill in travel luggage. Carlton responded by initiating litigation, which was met with a cross-suit from VIP. Each side accused the other of attempting to misappropriate the brand, and both sought injunctions. The legal question was thus narrowed to whether either party could sustain a passing off action when both possessed registration, and whose goodwill in India could prevail.

The High Court was clear on one point: because Section 28(3)[1] of the Trade Marks Act bars infringement actions between two registered proprietors, neither party could assert statutory infringement against the other. The crux of the matter therefore lay in passing off, which required the Court to weigh the comparative goodwill of both parties in the Indian market.

VIP argued that its predecessor’s international reputation in the CARLTON brand spilled over into India well before 2004. The Court rejected this argument, reaffirming the territoriality principle established in *Toyota Jidosha Kabushiki Kaisha v. Prius Auto Industries Ltd*[2]., global recognition is insufficient unless supported by evidence of awareness among Indian consumers. VIP’s reliance on foreign advertisements and promotional materials fell short of proving actual consumer connection in India during the relevant period

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Turning to the evidence of goodwill generated domestically, the Court found Carlton Shoes to be on stronger footing. The company had produced invoices and sales records dating back to 2003, VAT registrations, and promotional material showing active use of the CARLTON brand for bags and accessories within India. Articles in prominent publications such as The Hindu and Cosmopolitan further illustrated its early presence in the market. VIP, by contrast, could not substantiate use of the CARLTON brand for luggage in India before 2006, and its own annual reports suggested a “soft launch” only in 2010–11.

On this basis, the Court concluded that Carlton Shoes enjoyed priority of goodwill in India. Since passing off requires not just possession of a mark but consumer recognition of it in the relevant territory, Carlton’s earlier and demonstrable presence tipped the balance. VIP’s use of the CARLTON mark for luggage was held to create a real likelihood of confusion, evidenced by consumer complaints mistaking one brand’s products for the other. This misrepresentation, even if unintentional, was sufficient to cause damage to Carlton’s goodwill. The Court therefore upheld the injunction restraining VIP from using the CARLTON mark for goods in Class 18, while dismissing VIP’s plea for reciprocal relief.

The Role Of Goodwill In The Court’s Reasoning

The decision is striking for the weight it accords to goodwill as the true currency of trademark protection. Registration alone carried little persuasive value when pitted against evidence of actual market presence and consumer association. The Court’s reliance on territorial goodwill ensured that Indian consumers not abstract notions of global reputation remained at the centre of the analysis.

◆ Research Spotlight: Blog by IPTSE Research Scholar



Equally noteworthy was the Court's treatment of handbags and luggage as allied goods. Though not identical, their functional and trade-channel similarities were sufficient to justify the likelihood of consumer confusion. In extending protection across adjacent categories, the Court signalled that goodwill cannot be narrowly compartmentalised; it attaches to the broader perception of a brand in the marketplace.

Conclusion

The VIP v. Carlton ruling underscores a simple but powerful truth: goodwill is earned in the marketplace, not presumed from registration or international acclaim. Passing off, as preserved under Section 27(2)[1] of the Trade Marks Act, remains a vital remedy to safeguard this goodwill against misrepresentation. By siding with the party that demonstrated prior and tangible consumer recognition in India, the Delhi High Court reaffirmed that trademarks derive their real value from reputation and trust. As Indian markets become increasingly global and competitive, this judgment serves as a timely reminder that goodwill, once cultivated, is a legal asset deserving vigilant protection. Passing off remains its most effective guardian, ensuring that consumer confidence in brands is preserved against opportunistic appropriation.

◆ 3rd Quarter Round Up



📢 NATIONAL CONFERENCE ON LEVERAGING GI FOR ECONOMIC GROWTH, CULTURAL PRESERVATION & GLOBAL RECOGNITION & GI EXCELLENCE AWARDS

On 18th July 2025, organized by IPETHICON in collaboration with GNLU

1. Was held on 18th July 2025 in collaboration with Gujarat National Law University at Gandhinagar, Gujarat
2. Chief Guest – Prof. Dr. Unnat Pandit- CGPTDM (Joined virtually)
3. No. of participants – Around 150 (students, GI artisans, FPOs, law firms, Govt. entities, start-ups)
4. Launch of the Knowledge Note – GI A Case Study (by IPTSE & K&S Partners)
5. Display of GI Tagged products (Handlooms, Handicrafts and Agri-products) by 21 artisans
6. 8 artisans felicitated for their GI tagged products
7. GI Conference Report released (will be shared)
8. Supported by Govt Entities – GUCOST, DST, EDI, APEDA, SIDBI, LexOrbis (Law firm) and ERICSSON (Industry Partner)

◆ 3rd Quarter Round Up



📢 National Conference on Leveraging GI

For Economic Growth, Cultural Preservation & Global Recognition & GI excellence Awards, on 18th July 2025, organized by IPETHICON in collaboration with GNLU

GI HANDBOOK FROM IPTSE & K&S PARTNERS

| INDUSTRY PARTNER | INSTITUTIONAL PARTNERS | SIGNATURE PARTNER |
|------------------|------------------------|---|
| ERICSSON | APEDA | Entrepreneurship Development Institute of India Ahmedabad |
| | | LexOrbis |

GUJARAT SAMACHAR

IPTSE and GNLU honored GI-recognized artisans and producers at Gujarat National Law University, celebrating regional excellence.

| INDUSTRY PARTNER | INSTITUTIONAL PARTNERS | SIGNATURE PARTNER |
|------------------|------------------------|---|
| ERICSSON | APEDA | Entrepreneurship Development Institute of India Ahmedabad |
| | | LexOrbis |

GANDHINAGAR SAMACHAR

IPTSE and GNLU jointly hosted the GI Excellence Awards and panel discussions at GNLU, spotlighting Gujarat's traditional artisans and products.

| INDUSTRY PARTNER | INSTITUTIONAL PARTNERS | SIGNATURE PARTNER |
|------------------|------------------------|---|
| ERICSSON | APEDA | Entrepreneurship Development Institute of India Ahmedabad |
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| | | LexOrbis |

◆ 3rd Quarter Round Up



IP Sensitisation Webinars: Empowering Future Innovators

IPTSE recently organized highly engaging IP sensitisation webinars featuring expert speakers

Dr. Sheetal Chopra

(Director, IPR Policy, Ericsson & Honorary Course Advisor, IPTSE)

and

Nimesh Patel

(Senior Manager (Partner) at IntellectPeritus & Registered Indian Patent Agent)

These sessions addressed “IPR Concepts for Future Career” and “Importance of IPR and Careers in IP,” providing students and professionals with actionable insights on how Intellectual Property Rights shape career opportunities in today’s innovation-led economy.

The speakers emphasized the critical role of IPR in safeguarding ideas, navigating legal frameworks, and fostering creativity. Participants were encouraged to actively contribute to India’s IP ecosystem and equip themselves with skills essential for growth and recognition in the intellectual property domain.

◆ Important Announcements



IPTSE 8TH EDITION IS LIVE

The 8th Edition of the Intellectual Property Talent Search Examination (IPTSE) has been launched, continuing its mission to enhance awareness and understanding of intellectual property rights across India. Registration is now open to students, faculty members, professionals, and startups.

| Category | Fee (INR) 8th Edition |
|-------------------------------|-----------------------|
| School Students (Grades 8-12) | 299 |
| University Students | 499 |
| Faculty | 499 |
| Working Professionals | 799 |
| Startups | 799 |

◆ Important Announcements



IPTSE 8TH EDITION IS LIVE

Registration Link and Timelines

- Interested candidates can register using the official IPTSE dashboard at **[IPTSE.COM](https://www.iptse.com)**

IPTSE 8th Edition Key Dates

Launch of 8th Edition: 1st August 2025

National Level Exam: 30th October – 2nd November 2025

Exam Results (Internal): 1st week of November 2025

Final Award Show: 4th week of November or 1st week of December 2025

Why Participate?

- Gain deep knowledge of IP, certification, prizes, internship opportunities, and career advantages.
- Top winners and institutes receive awards and national recognition.
- Educational institutes benefit from brand-building, best institute awards, and improved ARIIA rankings.

◆ IP Talks with IPTSE – Where Ideas Meet Protection!



Explore Exclusive IPTSE Podcast Episodes!

Stay ahead in the world of Intellectual Property with expert insights, industry trends, and real-world experiences shared by professionals. Click the links below to listen!

- ◆  Think You Know Patents? Think Again! || Mr. Anand Choubey - K&S Partners

 [Watch Now](#)

- ◆ India and IPR | The IPTSE IPR Podcast | Episode 03 | Dr. Raghavender GR - Part 1

 [Watch Now](#)

Don't miss out! Watch, learn, and enhance your IP knowledge with IPTSE!

◆ Closing Message



As we wrap up the 3rd Quarter Edition of the IPTSE Newsletter, our gratitude goes out to every member of the IPTSE family—students, educators, institutions, partners, and supporters—whose dedication continues to fuel a vibrant, IP-driven ecosystem in India.

This quarter has been marked by remarkable engagement, from the surge in participation in the IPTSE Weekly Quiz to dynamic new collaborations with educational institutions nationwide. Preparations for the 8th Edition are in full swing, and recent webinars and blogs have amplified awareness around the importance of intellectual property in real-world innovation.

Looking ahead, there is much to anticipate: final registrations for this year's examination, expanded resource offerings, and fresh opportunities for learning, recognition, and community building among all those passionate about IP. The shared mission remains—to make intellectual property education accessible and impactful while encouraging original thinking and legal acumen.

💬 Stay engaged, share your perspectives, and help us shape the future of IP in India.

💡 Innovate boldly. Safeguard ideas. Advance together.

See you on the journey ahead!