

# **Sex and the City Bakery Comes to Bangalore, Case Closed: HBO Nabs TrueDetective.com, Drake v. Canada ft. Cannabis, Adidas and Prada: Blurring the Lines between Sportswear and Luxury Fashion, and more**

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## **INDIAN TRADEMARK UPDATES**

### **No Stars for Biryani**

M Anees Ahmed, the proprietor of Ambur Star Biryani Hotel in Vadapalani, Chennai, won an injunction against Raja, the proprietor of Dindigul Star Briyani in Karur, for the use of the suffix 'Star Biryani' in the names of the latter's restaurants in Tamil Nadu. Mr. Ahmed claimed that several unscrupulous traders, like Mr. Raja, were illegally using his trademark, hoping to ride on the goodwill generated in the name of 'Star Biryani'. Moreover, Mr. Ahmed contented that this illegal use would tarnish the goodwill of the mark if Mr. Raja was not prevented from offering substandard services under the guise of the mark.

# INTERNATIONAL TRADEMARK UPDATES

## Drake v. Canada ft. Cannabis

Drake, one of the most successful rappers in the world, through his company, Dream Crew, is attempting to trademark the image of a red “stop sign” portraying a cannabis leaf and the letters THC (which stands for Tetrahydrocannabinol, a psychoactive component in cannabis), in the United States. The problem is that this is the exact sign that Health Canada, a federal agency of Canada tasked with overseeing the cannabis industry in the country, requires to be displayed as a warning on all recreational cannabis products containing THC. Drake, himself a Canadian national, intends to use the mark on clothing apparel, including suits, hats, and shoes. Health Canada has responded strongly and reiterated its claim over the mark. Eric Morrissette, chief of media relations for Health Canada, said, “The standardized cannabis symbol is protected by Crown copyright and intended to be used for public health and safety purposes only and not for private commercial means”.

## Not So Hot: Monzo Fails in Bid to Obtain “Hot Coral” Colour Mark

After Deutsche Telekom’s bid to assert its exclusive rights over the colour magenta, which we [covered](#) last week, Monzo, the digital fintech firm based in the United Kingdom, failed in its attempt to trademark the colour “hot coral”—which it uses on its distinctive debit cards. Monzo’s attempt was aimed at protecting the brand’s image against other companies who were employing a similar shade of orange. However, the firm was forced to withdraw its application seeking to trademark “Hot Coral Pantone 805 C” with the UK Intellectual Property Office, after it failed to convince the European Board of Appeal of its distinctiveness. The importance of this matter

to the firm, and its steadfast belief that the use of the colour helps it stand out against less colourful competitors, however, is clear; the firm is believed to be willing to launch another application for the same in the future.

## **BRAND LICENSING UPDATES**

### **Adidas and Prada: Blurring the Lines between Sportswear and Luxury Fashion**

“Fusion of fashion and performance”—this is what Adidas, Europe’s largest sportswear manufacturer, and Prada, the Italian luxury fashion house, aim to achieve via a new long-term collaboration between the two companies. The collaboration will seek to blend Adidas’s expertise in sport with Prada’s prowess in leather goods and luxury. The first products, slated for release in December 2019, will be made in Italy by Prada and will be “two limited-edition Prada for Adidas styles”—reportedly, sneakers. The deal, initially teased on the Instagram accounts of both companies via a simple shot of two adidas sneaker boxes inside a Prada bag and formally announced later on Prada’s website, will put Adidas and Prada in a position to capitalise on the increasingly blurred lines between luxury fashion and other spheres of fashion, especially sportswear.

### **Nokia Moves from Smaller Screens to the Small Screen, via Flipkart**

Popularly known for its mobile phone business, the Finnish telecommunication and consumer electronics company Nokia is foraying into the television market in India, via a strategic partnership with Flipkart, the Indian e-commerce company. The latest company to further the Make in India initiative, Flipkart will handle the manufacturing and distribution divisions, as well as end-to-end sales, as it launches Nokia-

branded Smart Televisions in India. The collaboration also marks the debut of JBL, the American audio equipment manufacturer, in the Indian television market, as the Nokia-branded televisions will feature JBL sound systems to deliver enhanced sound quality, which Flipkart claims is a major complaint amongst Indian consumers. The announcement, made by Flipkart, however, does not reveal any potential timeline for the launch or the expected cost range.

## **FRANCHISING UPDATES**

### **Sex and the City Bakery Comes to Bangalore**

Magnolia Bakery, a chain of bakeries founded in New York, popularly known for its cupcakes, has just opened a store in Bangalore. The bakery, which shot to popularity after being featured in a scene of a 2000 episode of the American comedy-drama series Sex and the City, has corporately-owned locations in New York City, Boston, Washington, D.C., Chicago, and Los Angeles in the United States and franchise locations in Dubai, Abu Dhabi, Riyadh, Amman, Doha, and Manila internationally. The Indian franchise was acquired by Spago Foods, founded by Zonu Reddy and Nischay Jayeshankar, and is banking on its international acclaim and exclusive American products, while also aiming to feature local ingredients like mangoes.

## **DOMAIN NAME DISPUTE UPDATES**

### **Case Closed: HBO Nabs TrueDetective.com**

HBO, the American television network, won a cybersquatting dispute over TrueDetective.com, the domain name for its popular anthology crime drama television series, True Detective. The company had filed a complaint with the National Arbitration Forum under the Uniform Domain Name Dispute

Resolution Policy, alleging the owner of the domain of cybersquatting. The owner of the page, which contains ad links for “HBO True Detective” and “HBOGO” did not respond to the complaint, and the panellist at the Forum decided in favour of HBO. Case closed.

## **GEOGRAPHICAL INDICATION UPDATES**

### **One Hundred European GIs to Get Protection in China**

The landmark EU-China Geographical Indications agreement, negotiations of which were concluded on November 6, will bestow protection on 100 European GIs in China, and on 100 Chinese GIs in Europe. The European GIs include Irish Cream, Irish Whiskey, Cava, Champagne, Feta, Münchener Bier, Ouzo, Polska Wódka, Porto, Prosciutto di Parma and Queso Manchego, while the Chinese GIs include Pixian Dou Ban (Pixian Bean Paste), Anji Bai Cha (Anji White Tea), Panjin Da Mi (Panjin Rice) and Anqiu Da Jiang (Anqiu Ginger). The agreement still needs to undergo legal scrutiny—the European Parliament and Council need to approve the same—but is expected to be in force by the end of 2020. Moreover, four years after this agreement enters into force, its scope is to be expanded to 175 more GIs from each country.

**Authored and compiled by Param Gupta**

#### **About BIP’s Trademark Attorneys**

*The Trademark News Bulletin is brought to you by the Trademark/Copyright, IP Transactional Strategy Divisions of BananaIP Counsels, a Top IP Firm in India. Led by [Sanjeeth Hegde](#), BIP’s trademark attorneys are among the leading experts in the field. If you have any questions, or need any*

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