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SCOTCH WHISKY ASSOCIATION WINS TEMPORARY INJUNCTION IN FAKE SCOTCH ACTION IN INDIA

An Indian court has granted a temporary injunction against two Indian drinks companies claimed to be “passing off” local whisky as Scotch Whisky.

The Scotch Whisky Association believes the local whisky brands Royal Barrel, Glenmon and F&G were being passed off as Scotch Whisky through their labelling and packaging. It raised the action against Glenmon Distillers & Vintners Pvt Ltd and Imperial Distillers & Vintners PVT Ltd.

On 16 December 2011 the Court of the District and Sessions Judge, South Goa, Margao granted the temporary injunction preventing a number of actions by the two firms, including reference to ‘Scotch Whisky’ on whiskies that are not Scotch Whisky. It also prevents the sale of their local whiskies under the trade mark or trade name ‘Glenmon’ or any name with the word ‘Glen’.

The court said:

“In the present case the brand name appears to have been dishonestly adopted by the defendants. The defendants have indirectly misled the general public by using the word ‘Glenmon’. They are directly misleading the general public by using the words ‘Scotch Whisky’. Such dishonest adoption of brand names invites an order of injunction.”

Glen Barclay, director of legal affairs at the Scotch Whisky Association, said:

“The problem of ‘passing off’ - where consumers could be led to believe that a product is genuine Scotch Whisky when it’s not - is something the SWA has long fought against through the courts. We’re pleased that the judge recognises our concerns in this case



through a temporary injunction. We will continue to pursue the action in Goa to seek a permanent order against the companies.”

The Indian companies are formally contesting the action and the case is continuing before the court in Goa.

ENDS

Notes to editors

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Scotch Whisky exports to India were worth £35.3 million in the first nine months of 2011. India is the largest spirits market in the world and has the potential to become one of the biggest markets for Scotch Whisky.