

News

Hero MotoCorp receives temporary relief from the Delhi High Court in its trademark lawsuit involving Destiny electric scooters.



Hero MotoCorp said that the trademarks "DESTINY," "DESTINI," and "DESTINI PRIME" were previously owned by it and were registered.

Recently, the Delhi High Court issued an ex parte ad-interim injunction in favor of Hero MotoCorp Limited, prohibiting the use of the trademarks "DESTINY," "DESTINY+," and "DESTINY PRO" for electric scooters by Urban Electric Mobility Private Limited and its affiliated companies (defendants) [**Hero Motorcorp Limited vs. Urban Electric Mobility Private Limited and ors**].

On August 13, Justice **Tejas Karia** issued an order in a lawsuit brought by Hero MotoCorp, which claimed unfair competition, passing off, and trademark infringement.

Tejas Karia, the Justice

Hero MotoCorp argued that under Classes 12 and 37, Hero MotoCorp is the previous and registered owner of the marks "**DESTINY**," "**DESTINI**," and "**DESTINI PRIME**."

It was argued that:

Under the names "DESTINY" and "DESTINY+," defendants 1–4 were producing and marketing scooters under the name Urban Ebikes.

In a business agreement with Defendants 1–4, Defendants 5–6, operating as Galaxy EV, were marketing and selling scooters under the names "DESTINY" and "DESTINY PRO."

These marks are meant to capitalize on Hero MotoCorp's goodwill since they are structurally, phonetically, and visually identical and misleadingly similar to Hero's marks.

Additionally, defendants Nos. 1–3 were utilizing the mark "HERO," which led to confusion among consumers and continued deception.

According to the argument, the defendants adopted these marks with the goal of capitalizing on Hero MotoCorp's goodwill and reputation while also giving the public and customers the idea that they were associated with or working with Hero.

Additionally, it was argued that defendants 1–3 were also using the mark "HERO," which amounted to a deceptive practice that would have harmed Hero's market share and resulted in irreversible loss of goodwill.

Hero MotoCorp has established a case for immediate relief, according to Justice Karia.

"The Plaintiff has established a prima facie case for the issuance of an ex-parte ad-interim injunction after taking into account the arguments put out by the learned Counsel for the Plaintiff, the pleadings, and the papers on file.

Convenience weighs against the defendants and in favor of the plaintiff. The Court determined that allowing the Defendants to continue using the contested marks would cause irreparable harm to the Plaintiff.

Therefore, the defendants, their owners, directors, employees, and business associates were prohibited from selling, offering to sell, rendering, manufacturing, advertising, and promoting any products using the marks "DESTINY," "DESTINY+," and "DESTINY PRO," or any other mark that is identical to or deceptively similar to the marks "DESTINY," "DESTINI," and "DESTINI PRIME," through any offline and online channels, including websites or social media platforms.

Advocates **Priyansh Kohli, Abhinav Bhalla, Kanishk Kumar, Deepika Pokharia, Sidharth Chopra, and Saikrishna Rajagopal** from **Saikrishna & Associates** represented Hero.

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