

# MUMBAI HIGH COURT DISMISSES VIDEOCON'S APPEAL

Mumbai, August 14: Hon'ble High Court of Mumbai dismissed Videocon appeal in the injunction order thereby restraining Videocon Industries from marketing their washing machine under the brand name 'Pebble' which is a clear imitation of Whirlpool's ACE washing machine.

Employing the test of being solely judged by eye, the court found both the machines to be extremely similar. It was observed that the shape and configuration of the Whirlpool's washing machine can be clearly seen in the machine marketed by Videocon. The design registered by Whirlpool which has distinctive boat shape appearance is also found in the washing machine marketed by Videocon. Judging by the eye the designs of the two washing machines are similar and that even an average buyer will feel so.

It was further observed that there was real and cogent likelihood of consumers getting deceived by similarity in designs and the action for passing off is also made out. The learned trial Judge also noted that the product marketed by Videocon is much cheaper than the one marketed by Whirlpool under its registered design.

Exercising appellate jurisdiction over the discretionary order passed by the trial Judge, who also applied the same test and came to the conclusion that the products are similar and action of infringement and passing off has been made.

It was established that Videocon infringed a registered design (Nos. 223833 and 223835) granted in favour of Whirlpool of India, a subsidiary of Whirlpool Corporation which is the world's # 1 manufacturer and marketer of major home appliances. The registrations by Whirlpool are in force for a period of 10 years from 15th July, 2009, to be further extended for additional period of 5 years thereafter.

Whirlpool had launched its Ace Washer in September 2010 and Videocon launched its Pebble semi automatic washing machine in June 2012 with substantially similar design of semi circular wash area and square spin area at a comparatively lower price. Whirlpool Ace washer is the best selling model in semi automatic washer category since its launch. This design has proved to be a runaway success, so much so that in a short span of around one and half years almost three lakh machines are sold. It is a thoughtfully designed iconic

product that blends both form and functionality redefining the Indian semi-automatic washing machine segment.

## About Whirlpool Corporation

Whirlpool Corporation is the world's leading manufacturer and marketer of major home appliances, with annual sales of \$18+B in 2010, 67,000 employees, and 67 manufacturing and technology research centers around the world. The company markets Whirlpool, Maytag, KitchenAid, Jenn-Air, Amana, Brastemp, Consul, Bauknecht and other major brand names to consumers in nearly every country around the world. Additional information about the company can be found at <http://www.whirlpoolcorp.com>.

## About Whirlpool Corporation's 100th Anniversary

Founded on November 11, 1911, Whirlpool Corporation has influenced home and family life during the last century. The company is driven by the belief that everyone needs a comfortable place to call home and has a 100 year history of creating better ways of cooking, cleaning, refrigerating and storing. By focusing on one person, one family, one home, one community at a time, Whirlpool Corporation is committed to creating better lives, better homes and a better world.