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Gujarat court gives tea company green nod for saffron

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Ahmedabad: A city civil court has refused to stay a tea packaging firm, Savaliya Tea Packers Pvt Ltd, from using its label after Gujarat Tea Depot, which sells the Wagh Bakri brand, alleged copyright violation. Wagh Bakri said that Savaliya had adopted a colour scheme and a get-up similar to the ones it has always used.

Wagh Bakri had no issue with Savaliya's brand name, Panchratna. But Wagh Bakri objected to the use of the saffron colour, the colour scheme, and the images in Savaliya's label. These elements, Wagh Bakri claimed, are similar to the components used on Gujarat Tea Depot label. It claimed that Savaliya's label is identical and deceptively similar.

Besides claiming that deceptive similarity in labels can cause confusion in the mind of a consumer, Gujarat Tea Depot contended that the items featured on the label are the same. It also submitted that upon objection, Savaliya had agreed not to use the label last year, but began using it after introducing a picture of a kettle.

In response, Savaliya's advocate Zahid Shaikh argued that orange or saffron colour cannot be claimed as exclusive or proprietary right by anybody because it is a natural colour and not a created one. This colour can be used in many food items and is the identity of food articles as well, Shaikh said. Even the cup and the saucer printed on the label are not unique, he said.

Shaikh also submitted that the plaintiff company had the choice to specify which element should be registered under the Trade Marks Act, and it had chosen a device and not the colour for registration. It was argued that no company can claim

monopoly over orange or saffron colour without registering its colour scheme under the trademark laws.

The court said after looking at both the labels, it can be stated that there are very few similarities. Orange/saffron colour is all over backgrounds and letters are in white and in upper-case but in different fonts and sizes, the court said. The cup and the saucer are present in both the labels, but the angles are different, the court said. “Saffron/Orange colour is not the distinctive proprietary of the plaintiff,” the court said while rejecting the application to stop Savaliya from using its label. The court also considered that the application was filed without proper delegation of authority.

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