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Country Inn to continue using brand name till final disposal

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New Delhi, Aug 29: The Supreme Court has refused to restrain Delhi-based Country Inn (CIPL) from expanding its business under the name Country Inn, as sought by international hospitality brand Country Inn & Suites (CIS), a part of Carlson Hotels, which also runs the Radisson brand. Besides, the court also refused to restore the Delhi High Court single judge's order that asked CIPL to put a disclaimer in future advertisements that it had no connection with the Carlson group.

Refusing to give interim relief to the international hospitality chain, a bench headed by Justice Dalveer Bhandari directed the single judge to finally dispose of the matter as early as possible preferably within one year. However, it observed that CIPL had set up its shop in 1980 much before CIS set up its first hotel in 2002. The Carlson group alleged that the Delhi-based hotel chain had adopted the mark Country Inn in relation to its hotels and motels only in 1993 and in contravention of its prior rights as the tradename was being used by it extensively since 1986. According to CIS, the division Bench had wrongly held that there was 'absolutely no deceptive similarity' between the names of the parties and 'given the clientele' of both 'confusion is unlikely.'

"This is in complete contravention of the factual finding of the single judge that the marks are deceptively similar and shall result in confusion as also the rival contentions of the parties in their respective suits," the petition stated.