

**WHEN A MARKET GIANT BEGINS TO MIRROR ITS COMPETITOR SO CLOSELY,
ONE MUST ASK: COINCIDENCE OR CALCULATED IMITATION?**

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The conduct of Godrej Consumer Products Limited in this dispute raises serious concerns. The comparison of the two bottles clearly demonstrates striking similarities in shape, structure, and overall trade dress, making it difficult to believe that such resemblance is mere coincidence. This is particularly noteworthy given that the alleged imitation originates from an established corporation such as Godrej, which is known to have access to one of the strongest legal and compliance teams in the industry. For a company with such institutional legal awareness to adopt a design so closely resembling the iconic Harpic bottle suggests a possible attempt to capitalize on the goodwill developed by Reckitt Benckiser over decades. The Hon'ble Calcutta High Court observed that the shapes of the two bottles were “virtually identical and strikingly similar” and noted that the adoption of the impugned trade dress was “intentional and deliberate.”

However, equally concerning is the absence of any immediate punitive consequence for such conduct. Although the Hon'ble Calcutta High Court granted an *ad-interim injunction* restraining the sale of the impugned product, the lack of any monetary penalty or other deterrent measure at this stage may weaken the broader message against deliberate imitation in the marketplace. Considering that large corporations possess the resources to take calculated commercial risks, the absence of stricter immediate consequences may inadvertently encourage similar behaviour in the future. In cases involving apparent copying and potential likelihood of consumer confusion, a stronger judicial response is often necessary to reinforce the integrity of trademark protection and to ensure that market competition remains fair and honest.



Read the complete judgment: <https://indiankanoon.org/doc/55213419/>