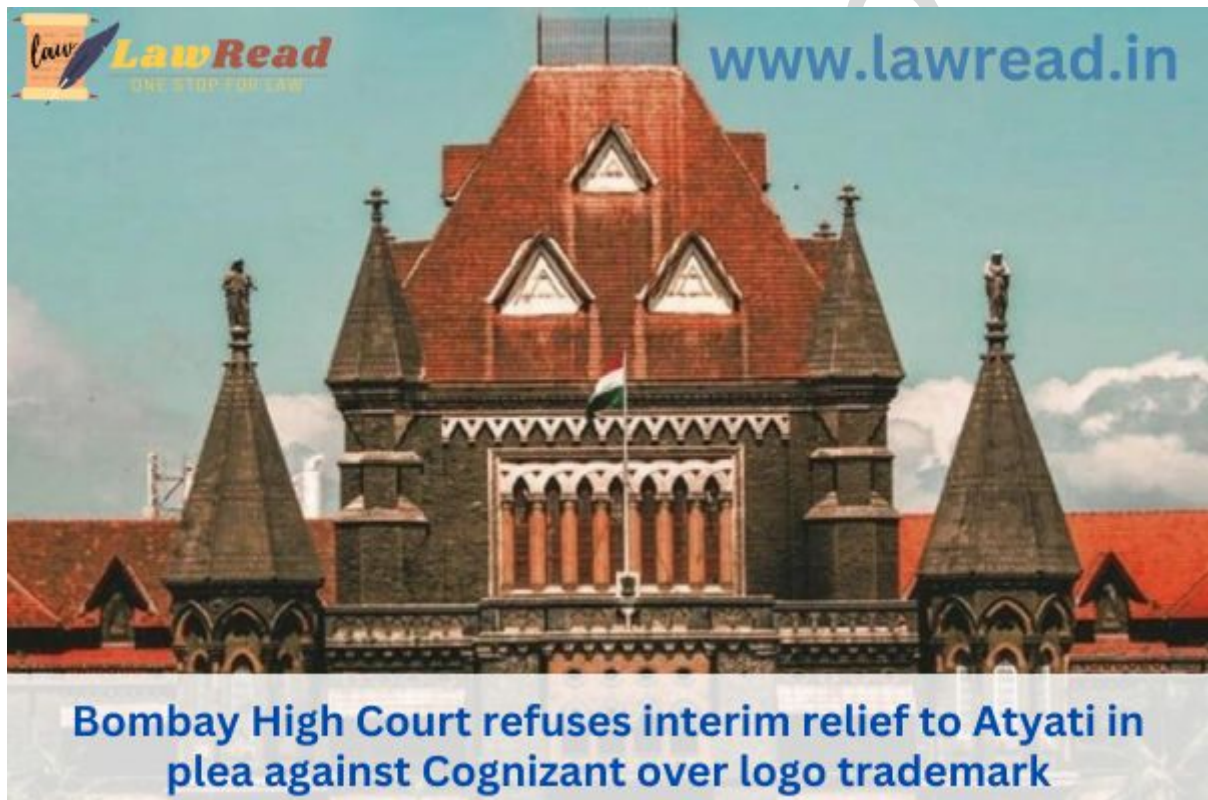


# News

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**Atyati's suit against Cognizant over the trademark of its logo is denied interim relief by the Bombay High Court.**



**Atyati's request to limit Cognizant's "C" mark was denied by the court.**

Fintech company Atyati Technologies' request to prevent Cognizant from using its new "C" logo was denied by the Bombay High Court on Tuesday [Atyati Technologies Private Limited v. Cognizant Technology Solutions US Corporation & Anr].

**Atyati has not established a case of copyright infringement or passing off at the interim stage, according to Justice Sharmila Deshmukh.**

**As a result, the judge rejected an interim application that Bengaluru-based Atyati had submitted in its commercial intellectual property lawsuit against the multinational IT services giant Cognizant Technology Solutions.**

## Sharmila Deshmukh, Justice

Atyati claimed that Cognizant's hexagonal 'C' device logo was a replica of Atyati's orange hexagonal device, which was adopted during a 2019 rebranding and used with its 'ATYATI' house mark. Atyati requested a temporary injunction to prevent Cognizant from using its hexagonal 'C' device logo in India.

The Court noted that Cognizant's logo is a blue-green hexagonal "C" device, whereas the "ATYATI" device mark is an orange, hexagonal honeycomb-style emblem.

Due to the hexagonal shape of the single element, Justice Deshmukh discovered a similarity between the two logos.

The Court noted, "The comparison of the rival logos shows resembling hexagonal honeycomb device shape with color contrast and whereas the 'ATYATI' logo is inclined upwards, the Cognizant logo is positioned horizontally."

**The judge emphasized, however, that the act of copying—rather than a similarity between the mark and the copyrighted work—is what is actionable.**

**The Court ruled, "The claim for copyright infringement to restrict the Defendant's use of its logo at interim stage must fail because Cognizant has prima facie established independent creation of logo and the absence of material to infer reasonable opportunity to access the Plaintiff's logo."**

The judge emphasized that an inference of copying could not be supported just by the public availability of Atyati's mark in India.

**The judge noted that "the time interval between the adoption of the Atyati logo in 2019 and the process of creating the Cognizant logo is relatively short to demonstrate a reasonable opportunity of viewing the copyrighted work."**

**Additionally, Atyati used reverse passing off, claiming that Cognizant's worldwide reach and usage of a similar brand would flood the market and lead customers to believe Atyati was associated with Cognizant.**

The Court determined that Atyati's claim was untenable because the device itself included no evidence of stand-alone goodwill and their logo was just recently created and consistently used with the word mark "ATYATI."

**Regarding the companies, the Court noted that Cognizant services Fortune 500 multinational corporations globally, whereas Atyati serves public sector and regional rural banks in India. It is improbable that highly competent decision makers would be**

**misled by similar geometric logos.**

The judge noted that "the word 'ATYATI' which is leading and essential feature of its mark" and came to the conclusion that Atyati had not proven the conventional trinity of goodwill, misrepresentation, and injury.

Atyati was represented by senior attorney Ravi Kadam along with attorneys Hiren Kamod and Abhishek Adke.

Cognizant was represented by senior attorneys Virag Tulzapurkar and Venkatesh Dhond along with attorneys Rashmin Khandekar, V Mohini, Aarti Agarwal, Karan Khiani, Rohan Lopes, Anand Mohan, and Rashmi Singh.

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