

## FT-Times group trademark battle in SC today

One of the biggest legal battles in the history of publishing, the two-decade old trademark dispute between the UK's Financial Times and the Times of India group, will come up for hearing before the Supreme Court on Monday.

This time, the battle for Financial Times Group is to start facsimile editions in India — Financial Times Facsimile and FT Weekend Facsimile — for which it had received clearance from the Foreign Investment Promotion Board (FIPB) and in-principle approval from the Registrar of Newspapers for India (RNI) in 2009. However, the UK-based publisher could not start the editions here as Times Publishing House, a Bennett Coleman & Co Ltd (BCCL) firm, obtained a stay from a Karnataka court immediately after the Financial Times received the approvals. FT had moved the apex court against this order.

The legal battle seems to be time-consuming. "It's the Indian legal system that is taking time. Nobody has any doubt of the ownership of the Financial Times brand. What sets us apart is not only the quality of journalism but the fact that we are distinguished because of print, online and our unique apps for the digital platform," says Khozem Merchant, president, Pearson India, which owns the Financial Times.

Meanwhile, Times Publishing House had started bringing out a twice-a-week pink supplement called Financial Times to distribute along with BCCL's mainline paper The Times of India. With this, Financial Times' entry to the Indian market was prevented, ensuring the dominance of BCCL's financial daily the Economic Times in India.

BCCL's Financial Times, a supplement of local business news in Delhi National Capital Region (NCR), clearly mentions that it has "no arrangements with Financial Times, London". And, the UK's Financial Times had also issued advertisements, disclaiming any connection to the Times of India supplement.

In April 2012, an order from the Intellectual Property Appellate Board (IPAB) in Chennai said that Financial Times Ltd had a trans-border reputation, a subscriber base and an intention to enter India and use the name.

The UK newspaper already offers subscription for its online edition and apps for tablets which, in turn, is keeping the iconic newspaper's presence in Indian market alive. "We're really encouraged by the deep well of support from the business community in India," says Merchant.

According to the IPAB order, the trademark no longer belongs to either Financial Times or BCCL. This matter, however, has been stayed by the Delhi High Court and a decision is pending.

"We are fighting for the intellectual property rights (IPR)," says Merchant. But the issue seems to have moved beyond just IPR.

Interestingly, in late 1980s, UK's Financial Times had entered into a content sharing arrangement with the Times of India Group. But, they parted ways later. To enter the Indian market, Financial Times applied for a trademark registration in India as early as 1987. However, it did not apply for the RNI registration of the newspaper title that time.

BCCL, which did not respond to e-mail queries from Business Standard, first started the supplement with the name Financial Times in Bangalore in the early 1990s. BCCL always managed to retain the title, which is registered with the RNI, by printing enough copies to fulfil the requirements under the PRB Act.

The 20-year battle must have cost both the companies tens of crores of rupees as legal fees. The Financial Times could have avoided the legal battle had it followed the local procedure for newspaper registration, says a lawyer who did not want to be named. "It's a flaw in the law," he adds. "The PRB Act determines the title under which a newspaper can be published here."

Interestingly, it is a common practice in the newspaper industry to use popular titles used by multiple publishers in different countries. Times, for instance, is used all over the world. So is The Tribune, The Telegraph, says a media observer. "It's a peculiar practice in the newspaper business."

UK's Financial Times had a syndication arrangement with Business Standard. The British publisher also had a 14 per cent stake in the paper, which it exited in 2008.

Financial Times was also reportedly in talks with Network 18 to launch a financial newspaper in India. In 2009, it sealed a content-sharing agreement with the Indian Express group's financial daily Financial Express.

According to the media observer quoted above, by the time this trademark battle reaches its final verdict; it might be too late for Financial Times to bring out a print edition in India. However, Merchant is hopeful that Financial Times has a great scope in Indian market for its print edition.

*(Business Standard)*