

News

Uber is sued by Royal Challengers Bengaluru for a "disparaging" advertisement that features Travis Head, and the Delhi High Court has reserved an order on an interim injunction plea.



Due to an allegedly derogatory YouTube ad that featured Travis Head of Sunrisers Hyderabad, the IPL team Royal Challengers Bengaluru (RCB) filed a lawsuit against Uber Moto at the Delhi High Court on Thursday.

After carefully considering both arguments, **Justice Saurabh Banerjee** postponed making a decision on RCB's request for an interim injunction.

I'm keeping the order reserved. The Court declared, *"I will issue the order and handle the application."*

Royal Challengers Sports Private Limited has launched a lawsuit against Uber Moto for their YouTube advertisement, "Baddies in Bengaluru ft. Travis Head." As of right now, the 0.59-second video has received 1.3 million views.

Advocate Shwetasree Majumder, who represented RCB, told the court that Travis Head, a character in the video, denigrates RCB's trademark in the advertisement.

According to her, Head is seen in the video sprinting towards the Bengaluru cricket stadium with the intention of damaging the "Bengaluru v. Hyderabad" signage. He uses spray paint to write "Royally Challenged" Bengaluru in place of "Bengaluru," demeaning the RCB logo.

According to Majumder, disparagement occurs as soon as an unfavorable remark is made. She added that Uber Moto, the Sunrisers Hyderabad IPL team's commercial sponsor, utilized RCB's trademark in the course of its business, namely its "deceptive variant," to promote its product (bike booking), which was illegal.

According to her, the fan comments on the video clearly show that Uber Moto was picking up at RCB and that RCB's trademark was being used in a confusingly similar way.

"There were countless inventive ways for you to do advertising. Was it necessary for you to use my trademark? And with someone who was with me before? Does Uber Moto have the right to parity and fair use defense?" she added.

However, the attorney representing Uber Moto said that the complaint had a basic flaw and that RCB had a "severely discounted" sense of humor about the general population.

According to him, the main message of the ad in question is that the public must utilize Uber moto because of the heavy traffic in the city and that the RCB vs. Sunrisers Hyderabad match is scheduled for May 13 at the Bengaluru cricket stadium.

Regarding this, Justice Banerjee informed the attorney that he was considering two factors: one, Uber's role as Sunrisers Hyderabad's advertising partner, and second, Travis Head, who plays cricket for that team.

Uber's lawyer retorted that Head does not refer to RCB as "baddies" in the advertisement; rather, he merely states that he will cause the other side headaches. The lawyer went on to say that the advertisement's message is that the public should think about using Uber Moto since RCB would be "royally challenged" in the May 13 match.

"Teams have challenged RCB in the past, and media reports have claimed that RCB was royally challenged in the match," he stated.

Orally, Justice Banerjee stated that he was not arguing that the advertisement itself was objectionable, but rather that the platform on which the film was posted could be.

This can be interpreted in different ways. When you ask a layperson or a court to view the advertisement and interpret it, I am being transparent. I may develop or hold a viewpoint that differs from yours. "That's where the injunction problem lies," the judge continued.

Uber's attorney retorted that the issue falls within commercial free speech, which is not subject to an injunction. He referred to the lawsuit as "preposterous" and stated that RCB should use humor rather than legal action to counteract humor.

Majumder then retorted that while it was acceptable to have fun, Uber Moto could not do the same by stealing RCB's trademark, which is valuable to the IPL team financially, and using it in a dishonest way.

Uber's lawyer said that banter, humor, and a feeling of fun are essential components of advertising messaging and that if the RCB-proposed standard is implemented, these elements will be eliminated.

"I have the right to mention RCB if that is what the ad's script says, as long as I don't insult them or damage their reputation, and their trademark isn't harmed," the attorney continued.

After hearing from the parties, the court postponed its decision regarding RCB's plea for an interim injunction.

According to Justice Banerjee, an order should be issued in the interim injunction motion since both parties addressed important points and cited case law to support them. No response was necessary.

Title: Uber India & Ors v. Royal Challengers Sports Private Limited.

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