

REGD.A/D./SPEED POST

To,

Date: 12.02.2021

SCOOTERS INDIA LIMITED

(A Government of India Enterprise)

Post Box NO. : 23, Sarojini Nagar,

Lucknow-226 008

Uttar Pradesh, INDIA

cs@scootersindia.com

SHRI R. SREENIVASULU

Chairman & Managing Director, Scooters India Limited

Sarojini Nagar, Lucknow,

Lucknow-226 008

Uttar Pradesh, INDIA

Email: Cmd@Scootersindia.com

**Subject : Cease and Desist Letter with reference to
monetization of Disputed Brand name
“LAMBRETTA”**

Under instructions from and on behalf of Innocenti SA, Registered Office at Vicolo Nassetta 2, CH-6900 Lugano, Switzerland its sister concerns wholly owned subsidiaries, joint ventures and affiliates) (Lambretta Consortium), we hereby serve you the following Warning Letter:

1. At the outset, we would like to bring to your notice Lambretta Consortium is the sole legitimate trademark holder of various trademarks like "Lambretta", and "Lambro" (hereinafter collectively be referred to as the "Lambretta Marks"). The brand "Lambretta" and associated brands of Lambretta Consortium are registered under various classes in more than 40 countries

across the globe including but not limited to the European Union and the USA. The trademark registrations of Lambretta Consortium status is active for most of jurisdictions. Summary of classes/countries where mark –word/logo are registered is annexed with this letter as Annexure A. Further note, the trademark “Lambretta” is pending registration with Trademark Office, India since April 19, 2007. Details of registrations/applications of the trademark “Lambretta” and its variants in India are given in Annexure B. Over the years, Lambretta Consortium has acquired substantial goodwill & International reputation. The mark “Lambretta” is communicated to the public through branding, point of purchase material, advertising, public relation, promotions, sponsorship & events as well as websites and domain names.

2. That it has come to our knowledge that Scooter India Limited intend to monetize their trademarks including “Lambretta” before its formal closure through the following publicly available documents .

a. Expression of interest document published on your website, http://www.scootersindia.com/eoi_bv.pdf whereby you have solicited response from Asset valuers for Brand valuation of SIL marks. Clause 2) Scope of work clearly mentions “ *Brand Valuation of SIL Brands Vikram and Lambretta*”

b. Vide letter No F. No 3(1)/2020-PE-VI, dated January 28, 2021 Government of India, Ministry of Heavy Industries and Public enterprises, Department of Heavy Industry has approved closure of your enterprise. Clause vi of the letter states

“Monetization of Trademarks and Brands of SIL: Before closure of the company, the trademarks/brands available with the company are to be monetized and the proceeds are to be utilized for the closure process. If the company fails to monetize the same in a timely manner, the brands/trademarks will be vested in Gol, with a right to vest the same in another government company. “

3. The above offer is false and untrue for the simple reason that Lambretta Consortium exclusively owns all the relevant trademark registrations of the Lambretta Marks in more than 40 countries in Europe, Asia, the Americas and Oceania. Several of your Lambretta trademarks have

ended/ revoked in various jurisdictions including EUIPO, Italy and United Kingdom. And the subsisting registered marks at Indian Trademark office/EUIPO/UK are under proceedings for cancellation for non-use for more than 5 years.

4. It is stated herein that due to various factors including non-use, the registered marks of Lambretta in various countries except India are either (being) revoked or inactive. Further, registration of its brand name “LAMBRETTA” in Class 12 in India is subject to rectification proceedings. Several of your applications are subject to opposition in India. Despite the fact that You, the abovenamed addressees do not have any subsisting worldwide rights to the Lambretta marks, you continue to falsely claim the world wide rights of the trade name Lambretta on the Homepage of the your website (<http://www.scootersindia.com/about-us.html>).
5. Accordingly you are hereby cautioned and to restrain from monetizing the trademark namely “Lambretta “ that belongs to Lambretta Consortium in several jurisdictions. Even in India, Lambretta is a disputed mark. Any third party buyer who purchases the brand Lambretta” shall be equally liable for infringement/passing off and shall be subject to appropriate legal proceedings.
6. You are advised to
 - a) Cease and desist from any activity that solicit monetization of the mark “LAMBRETTA” without disclosing the true facts and the legal consequences.
 - b) Remove the brand “ LAMBRETTA” from expression of interest for the purpose of asset valuation
 - c) Remove the claim of worldwide rights of brand Lambretta on your website homepage.



We also request you to assure us by responding to this cease and desist letter within 15 days of receiving this letter that you shall take necessary steps to stop monetization of the the disputed mark “LAMBRETTA.

Please be advised accordingly.

Sincerely,

Kumar Shashwat

Advocate

Jotwani Associates

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CC: Smt. Nirmala Sitharaman, Finance Minister
Ministry of Finance, Government of India, 104, South Block, New Delhi
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Shri Tuhin Kanta Pandey, Secretary
Department of Investment & Public Asset Management, CGO Complex,
Lodhi Road, New Delhi- 110003. Email: secydivest@nic.in

Annexure A

Country	Classes	Status
Brazil	14, 28, 16, 25	Registered
Cambodia	9, 14, 12, 25	Registered
Switzerland	3, 9, 12, 14, 16	Registered
CTM	9, 12, 15	Registered
Benelux	3, 4, 7, 8, 9, 11, 12, 14, 18, 25, 28, 32, 33, 37, 38, 41	Registered
Mexico	9, 12, 14, 16, 25	Registered
France	3, 4, 8, 9, 11, 12, 14, 16, 18, 25, 28, 32, 33, 37	Registered
Great Britain	2, 3, 4, 7, 8, 9, 12, 14, 15, 16, 26	Registered
Malaysia	16, 25, 18, 14, 20, 21, 24, 25, 26, 45	Registered
Italy	12, 14, 16, 18, 25, 28, 37, 38	Registered
Spain	7, 9, 11, 12	Registered
WIPO	3, 4, 9, 12, 18, 25	Registered
Singapore	9, 14, 16, 18, 25	Registered
US	14, 25	Registered
Canada	3, 7, 9, 12, 14, 16, 18, 25, 26, 35, 42	Registered

ANNEXURE B

S. No.	Trade Mark	Class	Applic ation No.	Status
1.	LAMBRETTA	18	155121 6	Registered valid up to April 19, 2027
2.	LAMBRO	12	155121 9	Registered valid up to April 19, 2027
3.	LAMBRETTA	25	155121 5	Accepted but Opposed
4.	LAMBRETTA	4	155122 2	Accepted but Opposed
5.	LAMBRETTA	9	155122 1	Accepted but Opposed
6.	LAMBRETTA	12	155122 0	Pending
7.	LAMBRETTA	16	155121 7	Accepted but Opposed
8.	LAMBRETTA	25	155121 5	Accepted but Opposed
9.	LAMBRETTA	37	155121 4	Accepted but Opposed