

# **MOOT PROPOSITION**

BEFORE THE COURT OF TRILANGA,  
REPUBLIC OF MANATI

O.S. No. 101/2017

**BETWEEN**

**Belana Broadcasting Network**

**v.**

**M/s. *TOPSY TURVY* Café**

1. Belana Broadcasting Network is a television commercial broadcast television network based in Trilanga, Republic of Manati. Manati is a sovereign Nation and its Constitution, Laws, Institutions, and Social Ethos are substantially similar to that of Union of India.
2. BBN is the oldest Broadcasting Network in Manati and is the flagship owner of close to 50 sitcoms. It has a well-established Intellectual Property Cell which protects its TV shows, scripts, ideas, and expressions.
3. One of the most famous sitcom produced and broadcasted by BBN is *TOPSY TURVY*. *TOPSY TURVY* received acclaim throughout its run, becoming one of the most popular television shows of all time. The series was nominated for 60 Emmy Awards, winning the Outstanding Comedy series in 2008. Since its inception, the show became so popular that even after the show ended, ample merchandise continues to be sold by BBN under ‘TOPSY TURVY’ mark, further strengthening its position as a distinctive mark.
4. M/s *TOPSY TURVY* themed ‘TOPSY TURVY’ café, named after the soap have popped up in Trilanga. The owners have made their eatery entirely based on the

theme of the sitcom and even the dishes are named after the characters of the show. The owners of the café made substantially large profits and gained commercial success based on the goodwill and name of the show.

5. BBN sued the defendant on the ground that they have been making huge profits on the name of their show and that too without taking permission from the plaintiffs. They further contend that, the defendant's café do not merely bear some sort of vague resemblance to the coffee shop and the characters in the TV show- they have basically duplicated them. The café had all the famous elements of the sitcom as part of their interiors, such as the famous orange couch, the umbrella used in the theme song of the show, the unique yellow door frame, and the white dog statue, which all had become the trademarks of the show.
6. Although, the word TOPSY TURVY is in itself a common dictionary term, capable of being trademarked only on account of the secondary distinctiveness that the word has come to acquire since the show first began airing, it is the use of the word as a logo in the specific style that it appears on the show that would render it really worthwhile to pursue the claim.
7. BBN contended that the show "TOPSY-TURVY" is a well-known mark, and that it possesses trans-border reputation, and that the defendant's use of the mark caused damage to its goodwill and reputation. Further, it was contended that the defendants did not take any permission or license from the plaintiffs to use the name and good will of the show.
8. The suit was accordingly filed in the court of Trilanga claiming damages of 300,000 nesa (Manati currency), and demanding closure of the *TOPSY-TURVY* café.
9. Frame the issues accordingly and submit the memorial for the Plaintiff and the Defendant.