

hindware v.

Google

A Landmark Ruling on **Use of Trademark in Online Advertising**

MANU/DE/4120/2026 and 2026:DHC:4614



The judgment is a landmark Indian decision on **search-engine keyword advertising and trademark rights**, holding Google accountable for its role in permitting and monetising bidding on a competitor's registered trademark through its advertising platform.

The Delhi High Court held that Google could not avoid liability merely by characterising trademark keywords as backend triggers; its active role in the AdWords ecosystem made it answerable for permitting bidding on Hindware's well-known trademark.

What is the Case about?

The case is about whether Google can allow advertisers to purchase a competitor's registered trademark as a keyword in Google Ads and whether doing so amounts to trademark infringement.



- Hindware, a leading sanitaryware company, owns the registered trademark “**HINDWARE.**”
- Hindware discovered that competitors such as **Cera** and **Grohe** had purchased the keyword “**HINDWARE**” through Google's AdWords (now Google Ads) programme.
- As a result, when users searched for "HINDWARE" on Google, sponsored advertisements of these competitors appeared prominently in the search results.

The core dispute that remained for adjudication was **Google's liability** under the AdWords programme, since Grohe, Cera and Omkara Infoweb had already entered into settlements with Hindware during the proceedings.



Hindware's Argument

- “HINDWARE” is a registered and well-known trademark.
- Google was not merely a passive intermediary.
- Google actively auctioned, sold, and suggested the trademark "HINDWARE" to advertisers through its keyword tools.
- Allowing competitors to bid on a registered trademark caused consumer confusion, diluted the mark, and constituted trademark infringement and passing off.

Google's Defence

- Keywords operate only as invisible backend triggers and are not trademark use.
- Advertisers alone choose keywords and create advertisements.
- Google merely provides advertising infrastructure.
- It is entitled to protection as an intermediary and no confusion or infringement was established.

Key Findings of the Court

- The Court held that **a separate and independent cause of action existed against Google**, irrespective of settlements with the advertisers. Google's role in operating and monetising the AdWords programme was sufficiently significant to make it a proper defendant.
- The Court rejected Google's attempt to distance itself from the transactions, observing that:
 - Google LLC operated the AdWords platform.
 - Google India entered into advertising arrangements with Indian advertisers.
 - Both entities were sufficiently connected with the impugned conduct.
- The Court treated Google's conduct as more than a passive intermediary, noting that the company facilitated and monetised keyword bidding involving third-party trademarks.
- Significant emphasis was placed on the fact that **“HINDWARE” is a coined, registered and well-known mark**, and that competitors were able to bid on it through Google's advertising system.
- The Court distinguished earlier decisions involving more descriptive or generic marks and considered the protection afforded to a well-known coined trademark such as **“HINDWARE”**.

Why the Judgment Matters

- 👉 It is one of the most significant Indian decisions on **trademark law in online advertising**.
- 👉 The ruling examines the liability of search engines and advertising platforms when they permit competitors to bid on registered trademarks as keywords.
- 👉 It strengthens protection for trademark owners against unauthorized commercial exploitation of their marks in digital advertising.

Broader Impact on Trademark Law

This judgment signals a shift from viewing keyword advertising as a purely technical, backend activity to examining its economic substance and consumer impact. It reinforces three principles:

1. Distinctive trademarks deserve robust online protection.
2. Digital platforms may face direct trademark liability when they actively facilitate infringement.
3. Trademark law will be applied based on real-world consumer perception, not merely technical architecture.