

Crocs Inc. USA v. Bata India Ltd. & Ors. (MANU/DEOR/63363/2026)

Date of Decision: 2nd July 2026

*This is a **cost order** passed after the underlying design infringement suit had already come to an end.*

Crocs obtained an Indian design registration (No. 197685) in **2004** for the appearance of its iconic foam clog. In **2014**, Crocs sued Bata, alleging that Bata's clogs infringed this registered design under the Designs Act and amounted to passing off because consumers associated that distinctive shape with Crocs. Initially, Crocs obtained an **ex parte interim injunction**, restraining Bata from dealing in the allegedly infringing footwear.

In July 2026, the Delhi High Court ordered Crocs to pay Bata ₹24.63 lakh in costs, after its own design registration filed back in 2004 for a foam clog was cancelled in 2019 for lacking novelty, so its 2014 suit against Bata never had a leg to stand on.

Underneath, it's a 12-year loop across four courts, split into two parallel tracks: one over design infringement, the other over passing off and trade dress. The design track has now closed, with Crocs footing the bill; the trade dress track is still headed to trial.



The litigation effectively proceeded along two independent causes of action:

1. Design infringement (under the Designs Act)

- This depended entirely on the validity of Crocs' registered design.
- Bata argued that the design lacked novelty because similar designs had already been published before Crocs sought registration.
- In **2019**, the Controller of Designs cancelled Crocs' registration on the ground that it was **not new or original** and had been anticipated by prior publication.

Once the registration was cancelled, the foundation of the infringement suit disappeared.

2. Passing off / trade dress

- Crocs must prove that the shape of its clog has acquired distinctiveness and goodwill, and that Bata's product misleads consumers into believing it is associated with Crocs.
- That claim survived the cancellation of the design registration and continues separately. The Supreme Court has already confirmed that Crocs is entitled to pursue this passing-off action.

Why was Crocs ordered to pay costs?

Date	Event	Key Details
May 2004	Crocs registers its clog design	Crocs obtain Design Registration No. 197685 in India*
2014	Crocs sue Bata for design infringement	District Court grants an ex parte ad interim injunction.
2015 onward	Crocs also sue on trade dress / passing off	Crocs files separate passing-off suits claiming its clog shape acquired distinctiveness.

* valid for 15 years under Section 11 of the Designs Act, 2000.

Date	Event	Key Details
February 2018	Delhi HC vacates the injunction	Court finds the design lacked novelty and was already public domain, vacates the injunction. [Crocs Inc. USA v. Liberty Shoes Ltd. and Ors. (MANU/DE/0615/2018)]
January 2019	Division bench upholds ruling; Supreme Court defers	Delhi HC upholds the 2018 order; SC leaves the costs order intact pending outcome. [Crocs Inc. USA v. Liberty Shoes Ltd. & Anr. (MANU/SCOR/32194/2019)]
February 2019	Single judge dismisses passing-off suits	Court holds Crocs cannot claim a "dual monopoly" by extending design protection through perpetual trade dress rights.
May 2019	Design registration cancelled	Deputy Controller cancels Registration for lacking novelty/originality; Crocs appeals to Calcutta HC.
July 2023	Delhi HC disposes of the infringement suit	Suit disposed following cancellation, with liberty to revive if cancellation is reversed on appeal.
February 2025	Calcutta HC cancellation appeal withdrawn	Appeal dismissed as withdrawn [Crocs Inc USA v. M/S Bata India Ltd and Ors (MANU/DEOR/14018/2026)]
July 2025	Division bench revives the passing-off suits	Delhi HC sets aside the 2019 dismissal, ruling that design cancellation alone doesn't extinguish goodwill.
November 2025	Supreme Court declines to settle the question	SC dismisses Bata and Liberty's SLPs challenging Delhi HC's interpretation of Carlsberg Breweries v. Som Distilleries (MANU/DE/4610/2018); passing-off suits restored for trial. (MANU/DEOR/120942/2025)
July 2026	Crocs ordered to pay Bata's costs 12 years after filing	Justice Prathiba M. Singh directs Crocs to pay ₹24.63 lakh in costs, citing Uflex Ltd. v. Government of Tamil Nadu (MANU/SC/0654/2021).

Why is this case important?

The order illustrates three significant principles:

- A registered design can later be cancelled if it is shown to lack of novelty or originality.
- When the registration falls, an infringement suit based solely on that registration generally cannot survive.
- Passing off and trade dress protection are independent of design registration. Even if a registered design fails, a business may still claim that the shape of its product has become distinctive enough that competitors are deceiving consumers.

Where Things Stand:

- Crocs' **design-infringement suit has run its course**, lost in substance back in 2018–2019, with the bill finally coming due in 2026.
- Its **passing-off suit remains very much alive**, now headed for trial rather than resolution.
- Both trace back to one unresolved question: **can a design monopoly, built to expire, be reborn as a trademark once it lapses or is cancelled?**
- On that question, the Delhi High Court is **split against itself**; the Single Judge and the Division Bench reached opposite conclusions.
- And the **Supreme Court chose not to break the tie**, leaving the question of law open for another day.