



THE MILK WAR OF KERALA: HOW MILMA MILKED ₹1 CRORE FROM A COPYCAT

There are few things in Kerala more sacred than a steaming cup of chai made with Milma milk. For over four decades, Milma, the Kerala Cooperative Milk Marketing Federation (KCMMF) has been a household name, trusted for its quality, consistency, and strong local identity. But recently, this dairy giant found itself not in the middle of a cattle fair, but a courtroom drama, thanks to a copycat brand called Milnna. What followed was a legal battle that didn't just churn out justice—it served it cold, with a ₹1 crore price tag.

The story is equal parts frustrating and fascinating, especially for anyone invested in intellectual property rights. It's a textbook case of trademark infringement, but with enough layers of strategy, silence, and symbolism to become a case study in how Indian courts are increasingly recognising the true value of a brand's reputation.



The dispute began when Milma noticed that another milk brand—Milnna—had crept into the market. At first glance, it might've seemed like a coincidence. But look closer, and the similarities were too blatant to ignore. The name Milnna wasn't just phonetically similar to Milma—the packaging also mirrored Milma's iconic green-and-white palette, the font was suspiciously close, and there was even a cow graphic that seemed lifted straight from Milma's design playbook.

For the average consumer rushing through a supermarket aisle, this wasn't an "if you know, you know" situation. This was classic confusion—a scenario that trademark law in India is built to prevent. A consumer of "average intelligence and imperfect recollection" could very well pick up Milnna, believing it to be the real deal. And that's where the law stepped in.

The Courtroom Showdown

Milma wasted no time. It filed a trademark infringement suit in 2022 before the Commercial Court in Thrissur, Kerala. The legal claims were direct: Milnna was intentionally attempting to deceive consumers, infringing upon Milma's registered trademark and trade dress. But the twist? The defendant, Jose George, didn't even turn up. There was no counterargument, no appearance, and no attempt at defending the brand. His silence, however, spoke volumes.

The court, in a detailed and unflinching judgment, granted a permanent injunction restraining the defendant from using the mark "Milnna" or any deceptively similar name or packaging. But more significantly, the judge awarded ₹1 crore in damages, ₹8 lakh in legal costs, and interest on the damages amount marking one of the few cases where such high compensation was granted without a detailed quantification of financial loss. Precedents from the Bench: How Indian Courts Interpret "Fair Use"

Trade Dress: The Unsung Hero of IP

This case shines a much-needed spotlight on the often-under-appreciated concept of trade dress. In India, we talk a lot about trademarks, logos, and word marks but it's the packaging, the colour schemes, the fonts, and even the layout of the label that silently build a brand's identity in the minds of the public. Courts in the past have hesitated to take action unless the infringement was obvious. But this time, the court not only acknowledged the visual deception, it actively protected it.

In doing so, the court reiterated a crucial principle: the protection of a trademark is not limited to its name. The holistic "get-up" of a product the look and feel is just as integral to its identity. Consumers rarely read product names letter by letter; they identify brands through colour, layout, and memory. And if another product tries to tap into that memory by imitating the aesthetics, it's more than mischief, it's misappropriation.

₹1 Crore: Why This Number Matters

In most trademark disputes in India, even when infringement is proven, damages awarded tend to be nominal. Courts often hesitate to quantify loss in rupees unless precise financial damage is demonstrated. But this case bucks that trend. Here, the court boldly assigned value to Milma's reputation itself not merely the revenue loss. That's huge.

This judgment essentially says: a brand's equity, built over years of service, consumer trust, and public recognition, deserves to be compensated even when exact figures are hard to pin down. It's not about the defendant's sales, it's about what it costs to repair the loss of distinctiveness.

From a legal standpoint, that's a maturing moment for Indian jurisprudence. It recognises that reputation isn't intangible fluff—it's a tangible, market-facing asset.