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## TATA ZICA Trumped by ZIKA

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Tata Motors, India's one of the biggest automakers, has decided to scout for a new name for its to-be launched hatchback – ZICA in the wake of globally growing concerns over the outbreak of ZIKA virus, thus making it phonetically identical with the adopted name ZIKA.

The news paper report suggests, ZIKA virus is transmitted by Aedes mosquitoes. Thus, the said virus would exist in countries where such mosquitoes can be found. In 2014, the virus has travelled eastward across the Pacific Ocean to French Polynesia, then to Easter Island and in 2015 to Mexico, Central America, the Caribbean, and South America.

### Who coined the name ZIKA

ZIKA virus has been named after a Zika forest in Uganda where the virus was first isolated in 1947. On the other hand, TATA's adoption of the name ZICA comes from 'Zippy Car'. In terms of business, TATA has decided to defer bookings which were expected to start within a week's time.

### Trademarks with negative connotation

Tata was ready to launch its hatchback but dropped the name in light of negative connotation of the brand name. A press released quoted TATA spokesperson to say "We need to figure out a name which would work with the consumers, check the availability of a trademark, seek clearance from the certification agency, and finally make the change on the cars that are already with dealers. This process will take time."

Thus, such a case brings out the reason why is it so important to have a global outlook before adopting a brand name. With globe shrinking into an interwoven ball through internet makes it all the more important to adopt a brand name judiciously. Thus, a name may seem to be locally acceptable with no negative connotation; however, in a different part of the world and/or in a different language it may be unacceptable or offensive or negative term in the world's dictionary or perception. The Trade Marks Act, 1999 under Section 9 (2) makes it an absolute ground for refusal if a mark comprises of any matter which is likely to hurt religious susceptibilities or contains scandalous or obscene matter or contrary to public policy or accepted principles of morality.

This is not the first instance of a naming disaster. Earlier also there have been instances both in India and overseas. Mitsubishi's Pajero meaning a wanker in Spanish; General Motors' Nova was Spanish for "It doesn't go"; Hyundai Creta in urban dictionary means woman's external genitals though have managed to not let the name affect the sales of the car. Thus not only from the point of view of law, but also from the point of view of brand hygiene, one should be careful in selecting a brand name before committing to an expensive launch coupled with promotional campaign.

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