



BY EMAIL AND COURIER
WITHOUT PREJUDICE

April 12, 2021

To,
Barefoot College International
94 Jorbagh
New Delhi 110003

Also at
Barefoot College International
Village Harmara
Patan Harmara Road
Ajmer District
Rajasthan

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**RE: Misuse of Intellectual Property of Social Work and Research Centre by
Barefoot College International**

Dear Sirs,

1. We act for Social Work and Research Centre, a society registered under the Societies Registration Act, 1860 and having its registered office at 278, SFS DDA Flats, Hauz Khas, Aurobindo Marg, New Delhi – 110016 (hereinafter referred to as “SWRC” or “our client”).
2. As you are aware, SWRC was established in the year 1972 by its founder and renowned educationalist and social activist, Mr. Sanjit (Bunker) Roy. Over the years, SWRC has been working in areas such as education, vocational training, skill development, health, drinking water, women empowerment and electrification through solar power.
3. As you are fully aware, SWRC adopted and conceptualized the mark **BAREFOOT COLLEGE** in the year 1972 and has been using the same since said year itself for various activities including but not limited to activities listed hereinabove. The said trademark




BAREFOOT COLLEGE has been used continuously and extensively by SWRC for almost 5 decades. On account of its exceptional work in the fields of education, women empowerment, solar power etc., the work done under the trademark **BAREFOOT COLLEGE** has achieved widespread recognition in both national and international circles.

4. Our client has been spoken about in some of the world's leading publication such as The Guardian and in leading domestic publications such as the Hindu, the Economic Times, the Times of India, the Indian Express, the Hindustan Times etc.. Mr. Roy was invited to speak on one of the world's most prestigious global stages to deliver a "TED" talk on the work being done by his organization under the brand the **BAREFOOT COLLEGE**. Our client is known for its pioneering work with rural communities in different fields including renewable energy interventions. Our client has received many prestigious grants and awards from across the world recognizing its work.
5. Over the years, our client has built a stellar goodwill and reputation in the brand the **BAREFOOT COLLEGE**, which is exclusively associated with the goods and services provided by our client throughout the world. You are of course well aware of all this having partnered with our client on several projects and acknowledging our client's reputation in the mark **BAREFOOT COLLEGE**.
6. Apart from the trademark the BAREFOOT COLLEGE, our client has also adopted and extensively used various other trademarks and logos including the trademark SOLAR MAMAS, SOLAR SAKHI and the logo depicted below:



barefoot college

7. The trademarks BAREFOOT COLLEGE, SOLAR MAMAS, SOLAR SAKHI and  non-exhaustively constitutes the intellectual property exclusively owned by SWRC, in which our client owns goodwill and reputation and consequential common law rights. Further, our client also owns copyright in the logos created by/ or on behalf of our client. Our client also exercises rights in the dominant and prominent constituent of mark BAREFOOT COLLEGE viz., BAREFOOT. Moreover, our client is the owner of the trademark registration BAREFOOT COLLEGE in Class 45 in relation to "PERSONAL AND SOCIAL SERVICES RENDERED BY OTHERS TO MEET THE NEEDS OF INDIVIDUALS".
8. In the year 2015, your organization i.e., Barefoot College International was incorporated as a company. Sanjit (Bunker) Roy and Bhagwat Nandan, senior staff person of SWRC served as promoters for your organization. As you know, your organization was created with the understanding that it will raise funds from foreign and domestic donors.



9. Our client collaborated with your organization on several projects, in which your organization expressly acknowledged that our client had adopted and used the trademark BAREFOOT COLLEGE. In fact, the website www.barefootcollege.org, which is being illegally currently being run by you, prominently states that “WE ARE BAREFOOT SINCE 1972”. Since your organization was incorporated in the year 2015, this reference to the use of the trademark BAREFOOT since the year 1972 can only relate to our client’s adoption and use of the mark and amounts to an express acknowledgement of our client’s prior rights in the trademark BAREFOOT and BAREFOOT COLLEGE.
10. While differences have existed between SWRC and your organization for several months, our client has formally parted ways with your organization with effect from April 1, 2021. Our client has already communicated to you its withdrawal of any permission, whether impliedly or explicitly, whether orally or in writing, to use the trademark “BAREFOOT”/ “BAREFOOT COLLEGE” and any other intellectual property including the logos owned and developed by it.
11. Despite this express communication from our client, our client is shocked that you are continuing to misuse our client’s intellectual property including but not limited to the



trademarks the BAREFOOT COLLEGE INTERNATIONAL, , SOLAR MAMAS and SOLAR SAKHI. Our client has learnt your organization is continuing to represent itself as BAREFOOT COLLEGE INTERNATIONAL to prospective donors and to the world at large. Moreover, your promotional and marketing material suggests that you continue to be associated with our client. These are acts clearly aimed at creating confusion in the field regarding an affiliation between your organization and SWRC and, in particular, to illegally induce prospective donors to donate to your organization under the mistaken impression that you continue to be associated with our client. You are fully aware that your organization will not be able to generate funds without riding on our client’s hard-earned goodwill and reputation. You have also illegally taken control of the website www.barefootcollege.org and illegally running social media handles on Facebook and Twitter and this is yet another attempt to show a continued affiliation and association between SWRC and your organization, when no such association exists any longer. As you know, the website www.barefootcollege.org and these social media handles were being managed for many years by SWRC even prior to your incorporation.

12. Given that our client and your organization is no longer associated in any manner and any express and implied permission to use our client’s intellectual property expressly stands withdrawn, you have no right or justification whatsoever for your continued use of our client’s intellectual property. Your continued use of our client’s intellectual property amounts to infringement of trademark and passing off as also infringement of copyright. Each of these violations are actionable in law and you are liable to restrained from further misuse and to pay damages for this violation.



13. Our client has been advised to initiate appropriate legal proceedings against you, your directors, officers, employees, agents and representatives that may be involved in the aforesaid activities of infringement of our client's trademark rights and copyright should you choose not to comply with this notice.
14. Without prejudice to our client's rights to initiate appropriate proceedings, our client has instructed us to address this communication to you with a view to provide you with one and only opportunity to amicably resolve the situation by:

- A. Immediately cease and desist from using in any manner our client's intellectual property, including but not limited to BAREFOOT COLLEGE, SOLAR MAMAS, SOLAR SAKHI



and [barefoot college](#). This includes immediately ceasing all and in future desisting from the use of the aforementioned trademarks or any deceptively similar trademarks such as



BAREFOOT COLLEGE INTERNATIONAL and _____ in any business papers, written or oral communications, advertising, on social media, on websites, or on goods or during the provision of services.

- B. Immediately take steps for changing the name of your company to a name which does not contain our client's trademark BAREFOOT or any other deceptively similar mark.
- C. Surrender all control of the website www.barefootcollege.org and the social media handles including but not limited to those on Facebook (<https://www.facebook.com/BarefootCollege>) and Twitter (<https://twitter.com/BarefootCollege>) and transfer control and credentials for the operation of the website and social media handles to SWRC.

15. We thus call upon you to comply with the above within **one week** of receipt of this notice, failing which our Client shall be constrained to take such further action as may be advised for the protection, enforcement and preservation of its legal rights in India, entirely at your costs and consequences.

16. Our client reserves its rights.

Yours sincerely,

Aditya Gupta
Attorney | Ira Law