

**easyGroup versus EasyFly: not an 'easy' case**  
**Colombia - Triana Uribe & Michelsen**

**Confusion  
Infringement  
Enforcement**

July 09 2018

- **easyGroup is engaged in litigation against Colombian airline EasyFly, owner of EASYFLY mark**
- **EasyFly obtained injunction prohibiting easyGroup from offering services under signs identical or confusingly similar to EasyFly's marks**
- **easyGroup failed to comply with preventive injunction**

easyGroup is famous for aggressively seeking to enforce its rights against competitors and owners of other EASY brands or trademarks. easyGroup is currently engaged in litigation against Colombian airline EasyFly, owner of the well-known trademark EASYFLY in Colombia.

The trademark EASYFLY was registered in Colombia in 2006. EasyFly is one of the preferred airlines for regional flights, covering non-traditional routes that are not usually offered by major airlines.

EasyFly only flies within Colombia. To promote and sell its services and tickets, it uses a website located at 'easyfly.com.co' - 'com.co' is a second-level Colombian country-code top-level domain. Moreover, EasyFly owns in Colombia the trademarks EASYCARGO, EASYCOURIER, EASYTOURS, EASYPASS, EASYPASS and EASYJET, among others.

Although EasyFly's operations are limited to Colombia, easyGroup initiated a legal strategy against EASYFLY around the world:

- in the United States, it sent a cease-and-desist letter to EasyFly;
- in Colombia, it initiated nullity actions against EasyFly's trademarks; and
- most surprisingly, in the United Kingdom, it filed a trademark infringement action requesting, among other things, the transfer of the domain name 'easyfly.com.co' based on the use of EasyFly's trademark by a third party in the country.

On the other hand, EasyFly initiated trademark infringement proceedings against easyGroup in Colombia, as EasyFly sells and offers tickets to residents of Colombia; within the nullity actions filed in Colombia, easyGroup admitted, with legal effects, that the trademarks EASYFLY and EASYJET are confusingly similar. Therefore, the action had standing under that basis. Given the confusing similarity of the marks and the use of EASYJET in the Colombian market, easyGroup was ordered by a Colombian judge to, among other things:

- refrain from using, marketing or offering in Colombia services distinguished by signs that are identical or confusingly similar to EasyFly's trademarks EASYFLY, EASYPLAN, EASYPASS, EASYTRAVEL, EASYTOURS, VUELAFACIL, EASYFLY.COM.CO, EASYJET and EASYHOTEL;
- limit the geolocation feature of its website; and
- refrain from marketing or offering in Colombia services distinguished by signs that are identical or confusingly similar to EasyFly's trademarks, by means of third parties.

easyGroup did not comply with the preventive injunction issued by the Colombian court, which was duly served to it. The fight is far from equilibrated, taking into account the excessive measures requested by easyGroup as it tries to target EasyFly's rights in Colombia.

In any trademark conflict, it is important to be aware of the territorial scope of the relevant rights. It is not a perfect system, but until there is a universal legislation for trademark rights, respect towards each country's legislation should be the norm for all companies.

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