

**TRADE MARKS,
GEOGRAPHICAL
INDICATIONS,
COLLECTIVE MARKS,
CERTIFICATION
MARKS**

by

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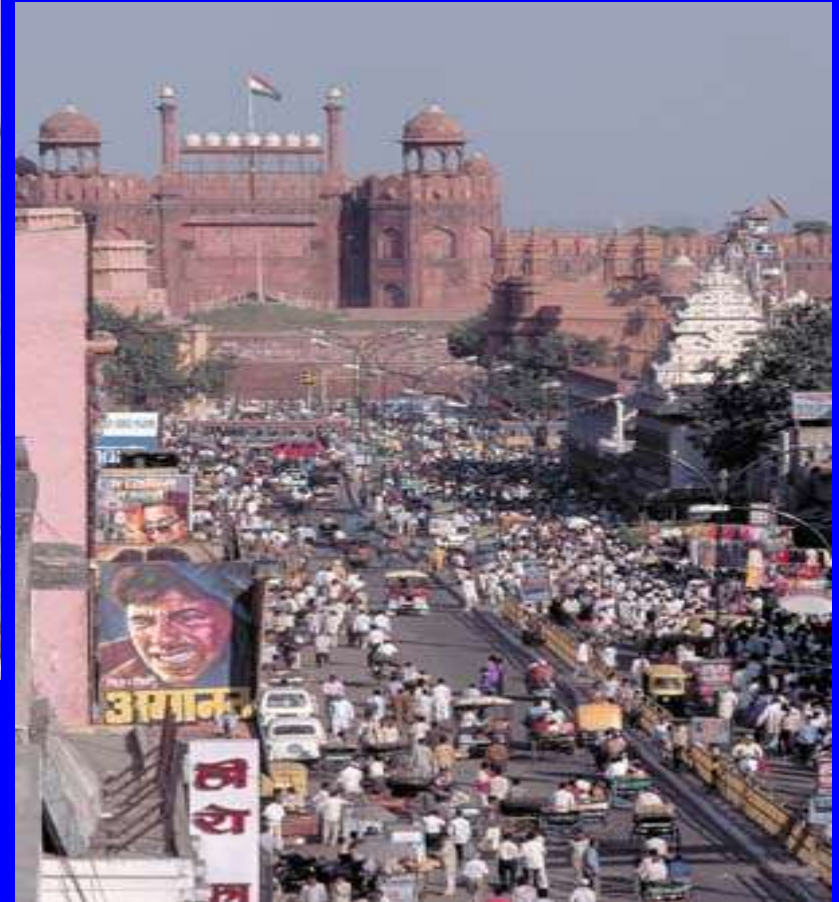








In terms of cultural and linguistic diversity it is second only to the African continent. Over 40% speak Hindi, 8% Bengali, 7 % Telugu, 7% Marathi, 6% Tamil, 5% Urdu, 4.5% Gujarati and remaining 24% speak 22 other languages



Mumbai & Delhi have a combined population of over 27 million people



Has the 4th largest railroad network in the world



Has the 3rd largest road networks in the world

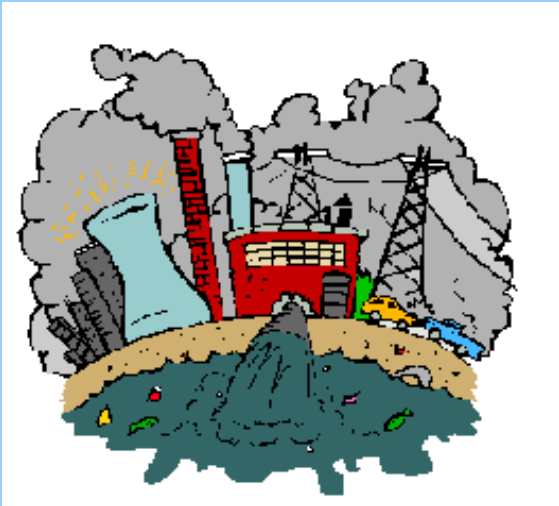
Our 4 IP under discussion today

- Trade Marks source identifier
- GI geography identifier
- Collective Mark group identifier
- Certification Mark quality identifier

What is a Trade Mark / Brand

TM

An invisible link between the product source (known or unknown) and the consumer



What constitutes a Trade Mark / Brand ?

word
GUCCI

slogan



device



Product
Shape



Name



Numerals



Character



Sound



label



signature



Purpose of a Trade Mark

- Helps a customer identify the source of the goods
- Distinguishes the goods manufactured by a particular manufacturer from the competition
- Serves as a powerful marketing tool

USE not Registration the Key...

- The existence and life of a trade mark depends on use.
- Registration provides additional remedy of infringement only.
- In Civil law countries, registration is essential.



N.R. Dongre v Whirlpool Corp. [1996 (7) JT (SC) 555

- **U.S. Company allowed its registration for WHIRLPOOL for washing machines expire in 1977 for non filing *of renewal***
- ***An Indian company* applied for registration of WHIRLPOOL for washing machines in 1986**
- **U.S. Company opposed the mark of the Indian company but the Registrar held that that U.S. Company could not establish its rights in India. Opposition failed. Mark of Indian company proceeded to registration.**



N.R. Dongre v Whirlpool Corp. [1996 (7) JT (SC) 555]

- **Whirlpool wanted to make an entry into India in 1994 but owing to Indian company's registration, it was compelled to negotiate**
- **Indian company demanded US\$ 30 million. It threatened to sue the U.S. company for infringement if they launched in India**
- **Whirlpool U.S.A. sued the Indian company for passing off and unfair competition**



N.R. Dongre v Whirlpool Corp. [1996 (7) JT (SC) 555]

- **Court held in favour of the U.S. Company holding :**
 - ✓ **A registration is not a defense to a claim to passing off**
 - ✓ **The U.S. company has been able to show reputation and its spill over into India**
 - ✓ **The adoption of the mark by the Indian company was clearly in bad faith.**



N.R. Dongre v Whirlpool Corp. [1996 (7) JT (SC) 555]

- Court held in favour of the U.S. Company holding :
 - ✓ A registration is not a defense to a claim to ~~passing off~~ passing off in international magazines, having ~~limited circulation in India~~ limited circulation in India
 - ✓ The ~~US Embassy and India~~ US Embassy and India ~~subsequent sales~~ subsequent sales ~~to the public~~ to the public
 - ✓ The ~~adoption of the public~~ adoption of the public by the Indian company ~~was clearly of bad faith~~ was clearly of bad faith abroad and foreigners to India

**Hardie Trading Limited v.
Addissons Paints & Chemicals
[2003 (27) PTC 241 (SC)]**

The use of a mark may be other than in physical relation to goods. It may be in any other relation to the goods. Therefore, there is no reason to limit the user to use on goods or to sale of goods bearing the Trade Mark.

The intention to abandon is an essential component of non-use for the purposes of section 46 (1) of the Trade and Merchandise Marks Act, 1958.

Darjeeling Tea (word & logo) Agricultural West Bengal



Aranmula Kannad- Handicraft Kerala



Pochampalli Ikat Handicraft Andhra Pradesh



Chanderi Fabric Handicraft Madhya Pradesh



Solapur Chaddar Handicraft Maharashtra



Solapur Terry Towel Handicraft Maharashtra



Kotpad Handloom fabric Handicraft Orissa



Mysore Silk Handicraft Karnataka



Kota Doria Handicraft Rajasthan



Kancheepuram Silk Handicraft Tamil Nadu



Bhavani Jamakkalam Handicraft Tamil Nadu



Byadagi Chilli Agricultural Karnataka



Tirupathi Laddu -Foodstuff -Andhra Pradesh



Sweet prospects: *A pair of Tirupati laddus. The GI status is granted to identify a product as having a specific provenance, and with a certain quality or reputation associated with that origin.*

Mango Malihabadi Dusseheri Agricultural Uttar Pradesh



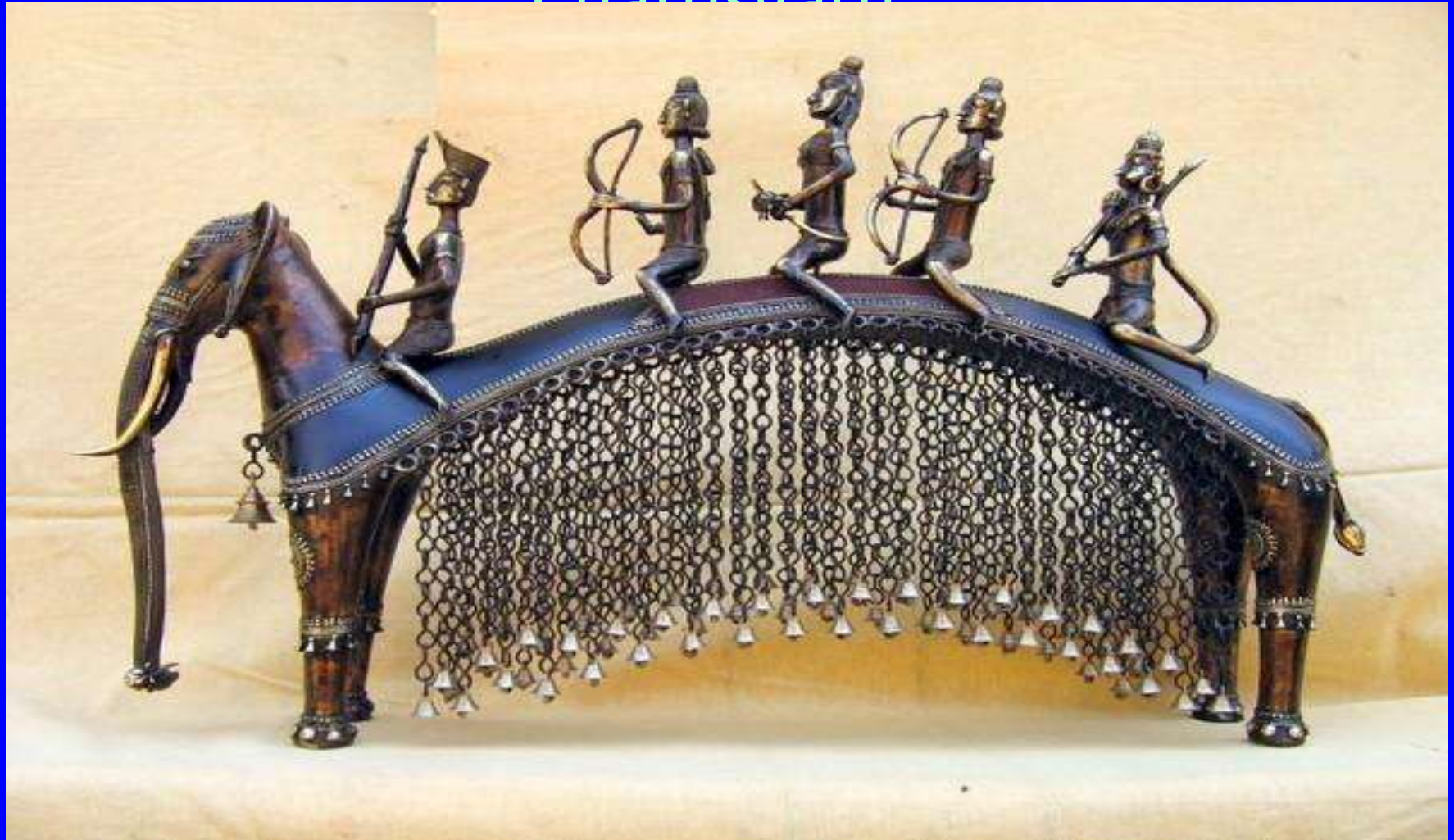
Naga Mircha Agricultural Nagaland



Thanjavur Doll Handicraft Tamil Nadu



Bastar Wooden Craft Handicraft Chattisgarh



Sikki Grass Work of Bihar Handicraft

Bihar



Lucknow Chikan Craft Handicraft Uttar Pradesh



Kashmir Pashmina Handicraft

Jammu & Kashmir



Leather Toys of Indore Handicraft Madhya Pradesh



Blue Pottery of Jaipur Handicraft Rajasthan



Silver Filigree of Karimnagar- Handicraft Andhra Pradesh



Hadagali Jasmine-Agricultural- Karnataka



Monsooned Malabar Arabica Coffee

Agricultural Karnataka



Sankheda Furniture Handicraft Gujarat



Pipli Applique Work Handicraft Orissa



Pembarthi Metal Craft Handicraft

Andhra Pradesh



Mysore Rosewood Inlay Handicraft Karnataka



KANGRA TEA AGRICULTURAL HIMACHAL PRADESH



Coimbatore Wet Grinder Manufactured Tamil Nadu



Mysore Traditional Paintings Handicraft Karnataka

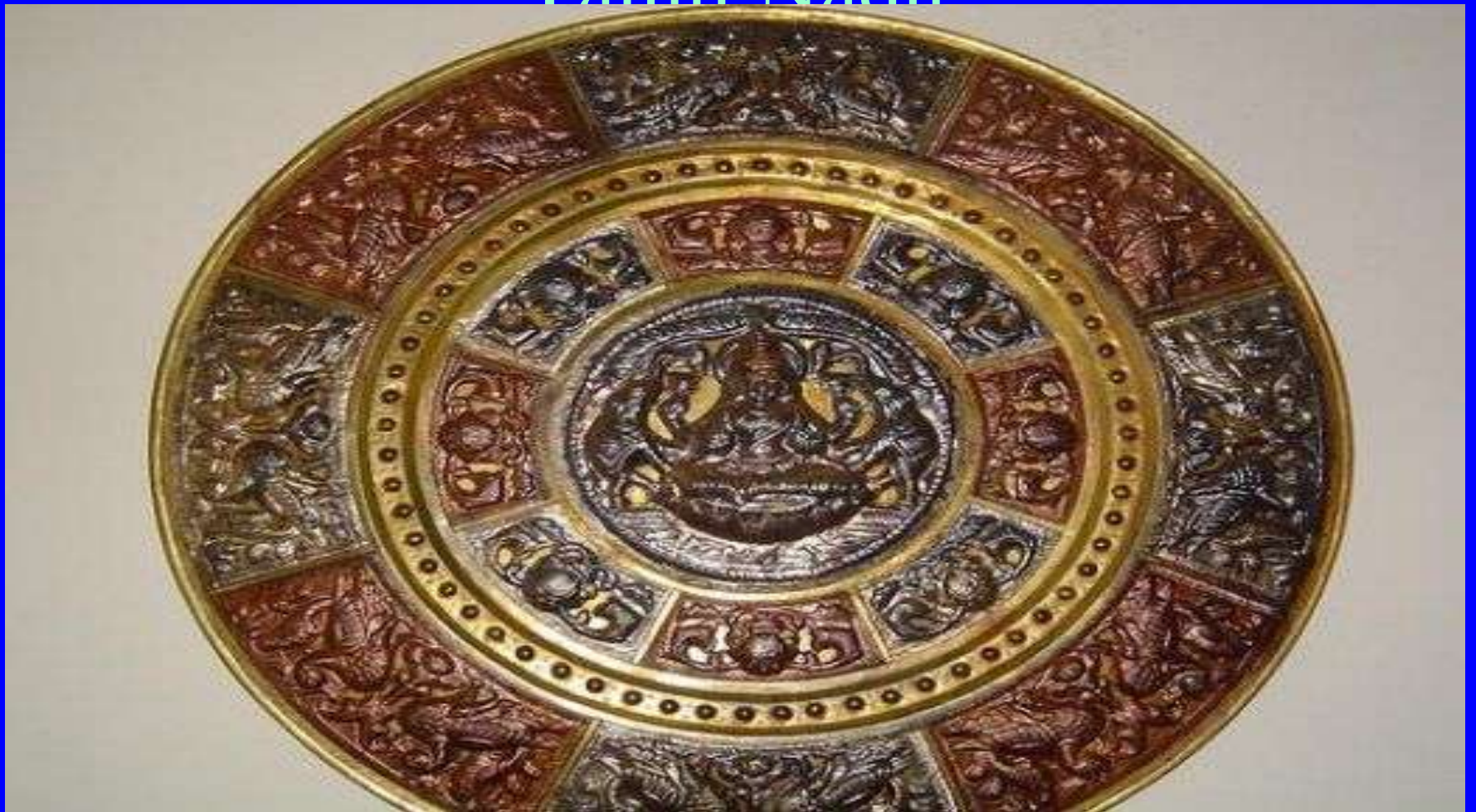


Kasuti Embroidery Handicraft

Karnataka



Thanjavur Art Plate Handicraft Tamil Nadu



Bagh Prints of Madhya Pradesh

Handicraft Madhya Pradesh



Kashmir Sozani Craft-Handicraft

Jammu & Kashmir



CERTIFICATION MARKS



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Collective Marks- Chartered Accountants Association



Collective Marks- Indian Red Cross Society



Collective Marks- All India Council for Technical Education



Collective Marks- Vascular Society of India



