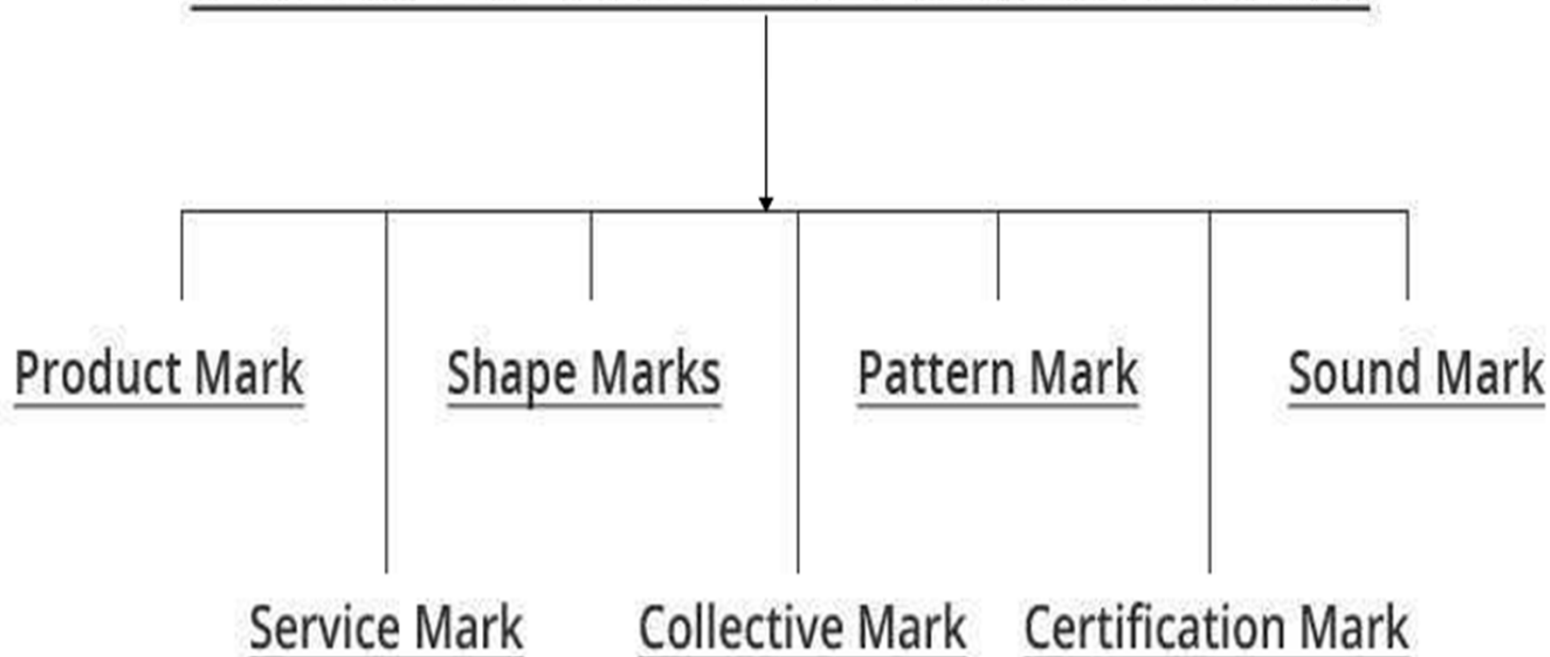




Types of Trademarks

TYPES OF TRADEMARK IN INDIA



Product Mark

- Similar to trademark
- Identify the products or goods instead of services
- Product is the unique selling feature of the company
- Initially, TM, which states that the mark is not yet registered.
- Once they are registered, they have to use ®.

Examples: Pepsi®, Maggi®, PHILIPS® etc.





Service Mark

- Identify and distinguish the services rather than the products
- Symbol is SM and not TM.

Features of a Service Mark

1. Service Identification
2. Source Indicator
3. Non-Tangible Association



Examples of Service Marks:

- **McDonald's Golden Arches**
- **Netflix**
- **American Airlines**

A very prominent example is McDonald's, which is a service mark for restaurant services.



Collective Mark

- A **collective mark** is owned by a collective
- Identify their goods and services
- Distinguish their goods and services from those of non-members
- Indicate membership in the group.
- Example - "**CA**" (**Chartered Accountant**)
- "**Woolmark**" – A collective mark used by wool producers to indicate that a product meets specific quality standards.

Examples



Certification marks

- A **certification mark** is a type of trademark that indicates a product or service meets specific standards set by a certifying organization.
- These marks are used to assure consumers that the goods or services have been independently tested and verified for quality, safety, or ethical practices.



Examples of common certification marks include:

- **(Underwriters Laboratories)** – Ensures products meet safety standards, especially for electrical devices.
- **Fair Trade** – Certifies ethical production, ensuring fair wages, sustainable practices, and fair labor conditions.
- **Energy Star** – Identifies energy-efficient products that reduce environmental impact.
- **Organic Certification** – Ensures agricultural products are grown without synthetic pesticides, or harmful chemicals.

Shape Marks

- Type of trademark that protects the three-dimensional shape
- Configuration of a product or its packaging
- Granted when the shape of the product itself is distinctive and capable of functioning as a source identifier for consumers

Examples of Famous Shape Marks:

- **Coca-Cola Bottle** – The iconic contoured glass bottle shape is protected.
- **Ferrari Car Design** – Certain Ferrari models have distinctive shapes protected as trademarks.



Pattern Mark

- Trademark that protect a specific pattern or design
- Pattern or design used consistently to identify the source of goods or services

Examples of Pattern Marks

Gucci GG Pattern

Pattern Mark



Product



Example 1

Pattern Mark



Product



Example 2

Sound Mark

- Trademark that protect a specific sound or combination of sounds
- Sounds used to identify and distinguish the goods or services of a particular brand
- Registered when the sound is distinctive enough to be recognized by consumers





Reason for Loss of Trademark Rights

- **Improper use** - If a trademark is not used correctly (e.g., inconsistent logo, spelling, or representation), it may lose its distinctiveness and protection.
- **Non-use** - If a registered trademark is not actively used in commerce for a certain period (often 3-5 years), it may be canceled.
- **Improper assignment or licensing** - If a company licenses its brand but doesn't oversee product quality, the trademark may be invalidated.
- **Failure to renew** - Trademarks require periodic renewal (e.g., every 10 years in many countries). If not renewed, rights are lost.
- **Cancellation** - A trademark can be canceled if it is challenged and proven not to meet legal requirements.



Benefits of Registration of a trademark

- Registration shows that the person or company owns the trademark.
- It gives the exclusive right to use the trademark in respect of goods/services; and to take legal action in case of infringement
- The registered proprietor may assign or license the trademark as any other property
- The registered proprietor can enjoy the Goodwill associated with registered trademark forever, if the mark is renewed from time to time