

For example, “MAHARAJA MAC” is a word mark for burgers of the international fast food restaurant chain, McDonald's.

Since consumers link certain trademarks with certain products, prestige and reputation associated with the trademark are important. A well-received product will become a recognizable trademark, which will become better known and thus increase the overall value of the product – as well as other products with the same trademark. A trademark can also be used to create an image and/or a style for a product.

Other types of trademarks

- ✚ A logo (for e.g., the “GOOGLE” logo on the slide)
- ✚ Packaging (for e.g. the “PEPSI” bottle packaging)
- ✚ A Service Mark (for e.g. “VODAFONE” for mobile phone services)

Non-Traditional Trademarks: Even a sound, colour, colour combination or a shape, can be a trademark under certain circumstances (presenter can give examples of the “COCA-COLA” bottle shape, “MGM” lion roar sound mark, “Caterpillar Yellow” colour of “Caterpillar Inc.”)

The term of protection of a trademark is 10 years. However, unlike any other IP, trademark has a unique feature and once the term of a registered trademark is over, one can keep renewing their trademark every 10 years, by depositing renewal fee.

Additional Notes:

You must have come across ‘fake’ or ‘knock-off’ products of famous brands in various local markets, for example, NIKKI (for NIKE), Alipanby (for Alpen Liebe) and Maggiliscious (for Maggi). Do you know what this is known as? It is called infringement of trademark, wherein an individual purportedly tries to show that either he is the owner of the original product or is a licensed seller of the original product. Infringement of a trademark takes place when any party other than the trademark owner uses the trademark in the market without due authorization.

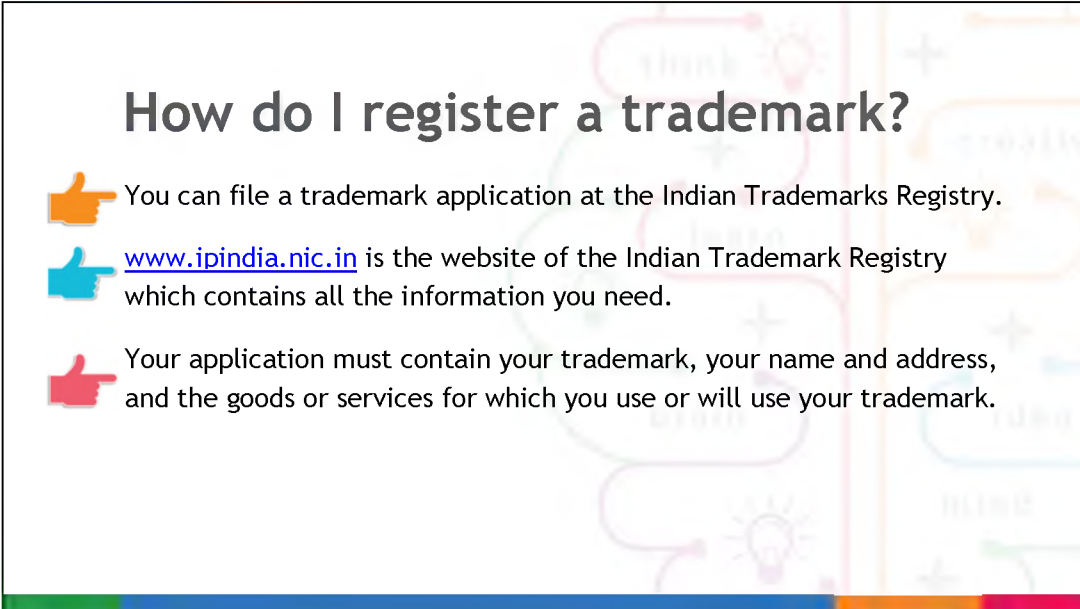
What is Fake/ Counterfeit?

A fake or counterfeit product is an exact copy of a genuine product, with the same trademark, logos and colours or so similar that leads you to mistake it for the real product.




Illegally making and selling fake products which are an identical or similar to a genuine product, with the same, similar, deceptively similar or phonetically similar marks that disguise the customers to mistake it for the real product is called Counterfeiting. Today counterfeiting is the biggest threat to trademark owners. Counterfeiters illegally use or copy registered trademarks to sell non-genuine goods under the guise of a recognizable trademark's reputation. For instance, copied consumer goods, such as clothing or accessories, are available for nearly all recognizable trademark brands; however, these imitations do not possess the same quality or craftsmanship as the originals.

Sometimes the fake/ counterfeit products and goods are so well imitated that it becomes difficult to figure out which is the original and which is the counterfeit. Hence, it is important to be aware of all the distinctive features of a trademark and keep an eye out for all fake products and report it to the concerned authority immediately.

Slides 13 & 14



How do I register a trademark?

-  You can file a trademark application at the Indian Trademarks Registry.
-  www.ipindia.nic.in is the website of the Indian Trademark Registry which contains all the information you need.
-  Your application must contain your trademark, your name and address, and the goods or services for which you use or will use your trademark.