



e-ISSN: 2319-8753 | p-ISSN: 2347-6710

# IJIRSET

International Journal of Innovative Research in  
**SCIENCE | ENGINEERING | TECHNOLOGY**

# INTERNATIONAL JOURNAL OF INNOVATIVE RESEARCH

IN SCIENCE | ENGINEERING | TECHNOLOGY

Volume 11, Issue 6, June 2022

**ISSN** INTERNATIONAL  
STANDARD  
SERIAL  
NUMBER  
INDIA

Impact Factor: 8.118

 9940 572 462

 6381 907 438

 [ijirset@gmail.com](mailto:ijirset@gmail.com)

 [www.ijirset.com](http://www.ijirset.com)

# Trademark Awareness among Business Class

Aanchal Suresh Jain

Assistant Professor, Ladhi Devi Ramdhar Maheshwari Night College of Commerce, Mumbai,  
Maharashtra, India

**ABSTRACT:** A trademark is a sign, expression or design which recognizes goods and services from a specific source. A registered trademark provides its possessor the exclusive use of the mark to represent or identify its goods and services. The awareness related to intellectual property has been increasing constantly among the Indian businesses from the past few years. Due to this, there has been a rise in the trademark applications. Because of this, it is very important for both the existing businesses and new businesses to register their trademarks. They should be alert and conscious about the trademark filings that are alike to their business interests. So, in this present article, we will be discussing how to do trademark search by name online and how to check trademark availability and registration process.

**KEYWORDS:** trademark, business, intellectual, property, class, registration, online, mark, expression, design

## I. INTRODUCTION

In India, the Comptroller General of Patent Designs and Trademarks governs the trademark registrations and the registered trademarks. An online trademark search database is accessible through the Comptroller General of Patent Designs and Trademarks website. This trademark database consists of all the trademark applications which are submitted to the trademark registrar in India<sup>1</sup>. This includes applied, registered, objected and the expired trademarks. A trademark search in the trademark database will deliver the user with the required information related to the trademark search request and availability status. Trademarks are alienated into 45 classes, with each class signifying a different group of goods and services. A trademark application or registered trademark will only be relevant to the class under which the trademark was applied for. A trademark search will bring up many matches, and understanding the trademark search status is necessary for construing the implications.<sup>2</sup> If a trademark search states “no matches found” then it means that there are no registered trademarks or applied trademarks that match the request. Additionally, search of the trademark database for the same request with an altered match type or an amended request is then suggested.<sup>3</sup> It is also necessary to note that for the registration of a trademark, it should not be similar to any of the existing trademarks. Choosing a name which is acceptable and memorable is one of the first steps in registering a company in India. An easily remembered name can make the company reach many people. It has the potential to become a household brand. Hence, it is very necessary to choose a name for your company by keeping numerous factors in mind<sup>4</sup>. One needs to keep the company naming guidelines according to the Companies Act, 2013 in mind. You can check the Company Name Availability here to verify the availability status of your company name. Also, the proposed company name should be acceptable as per the guidelines of Companies Act, 2013<sup>5</sup>. Along with this, you can also find out if the company is incorporated or not through the Ministry of Corporate Affairs (MCA) website. Nevertheless, the power for accepting or denying a company name application solely rests with the Ministry of Corporate Affairs (MCA). The company name which is proposed cannot invade on the registered trademark or an application for trademark registration, except with the consent of the trademark applicant or registered trademark owner which is submitted along with the name approval application. The trademark status in the Indian Trade Mark Registry website will be shown as “Abandoned” when the applicant is not successful in responding within the specified time period, prescribed under the Act.<sup>6</sup> In some cases, the applicant's lack of action can result in a trademark application to be “Abandoned”, such as when:

- If no reply is filed to the examination report within the specified time period of 30 days from the receipt of examination report.
- No reply is filed to the deficiency letter within the specified time period of 30 days from receipt of letter.
- Show-cause hearing is not attended when the hearing was posted.
- When the counter statement is not filed within 60 days from the receipt of notice of opposition.<sup>7</sup>

After doing the trademark search, one can file for the trademark registration application with the trademark registrar. They should make the trademark registration application in the required manner and should file it along with the necessary amount. They can file the application in any trademark registrar office according to the jurisdiction of the state or online mode. The trademark registration application should consist of some important information such as-

- Trademark class or classification
- Name and address of the trademark owner
- Description of the goods and services
- Logo or the trademark
- Trademark used since date<sup>8</sup>

After the registration of trademark it will be valid for a time period of ten years from the application date. One can renew the registration without any issues as long as they pay the renewal fees every ten years.<sup>9</sup>

In the United States, the USPTO maintains a database of registered trademarks. The database is open to the public and is searchable via the Trademark Electronic Search System (TESS). As trademarks are governed by federal law, state law, and common law, a thorough search as to the availability of a mark and its image components is very important. Marks consisting of a design are assigned "design search codes" by the USPTO for different elements of the design to enable the public and USPTO employees to search the database for similar design marks.<sup>10</sup> In the United States obtaining a trademark search and subsequent registration will protect the mark owner from being required to potentially pay damages in a trademark infringement case, as it demonstrates the trademark administrative legal issuance staff along with the registrant performed thorough due diligence searches for conflicting marks, and therefore the mark owner had good foresight by having a priority registration, and thus is likely using their mark IP in good faith.<sup>11</sup> The USPTO internally captures more information about trademarks than they publicly disclose on their official search website, such as the complete contents of every logo trademark filing. In addition intelligence service agencies likely collect owner/applicant office and computer systems information, and apply motoring techniques to their systems for forensics and security purposes. Initial trademark submissions are a way to gather early intelligence informations. Trademarks may also be searched on third-party databases such as LexisNexis, Dialog, CompuMark, and Corsearch. Within the European Union, searches have to be conducted taking into account both EU trademarks as well as national trademarks. Classification systems exist to help in searching for marks. One example is the "International Classification of the Figurative Elements of Marks", better known as the Vienna Classification.<sup>12</sup>

## II. DISCUSSION

A trademark identifies the brand owner of a particular product or service. Trademarks can be used by others under licensing agreements; for example, Bullyland obtained a license to produce Smurf figurines; the Lego Group purchased a license from Lucasfilm to be allowed to launch Lego Star Wars; TT Toys Toys is a manufacturer of licensed ride-on replica cars for children.<sup>16</sup> The unauthorized usage of trademarks by producing and trading counterfeit consumer goods is known as brand piracy.<sup>13</sup>

The owner of a trademark may pursue legal action against trademark infringement. Most countries require formal trademark registration as a precondition for pursuing this type of action. The United States, Canada, and other countries also recognize common law trademark rights, which means action can be taken to protect any unregistered trademark if it is in use. Still, common law trademarks offer to the holder, in general, less legal protection than registered trademarks.<sup>14</sup>

A trademark may be designated by the following symbols:

- <sup>TM</sup> (the "trademark symbol", which is the letters "TM" in superscript, for an unregistered trademark, a mark used to promote or brand goods)
- <sup>SM</sup> (which is the letters "SM" in superscript, for an unregistered service mark, a mark used to promote or brand services)
- ® (the letter "R" surrounded by a circle, for a registered trademark)<sup>15</sup>



The three symbols associated with trademarks represent the status of a mark and accordingly its level of protection. While <sup>TM</sup> can be used with any common law usage of a mark, <sup>®</sup> may only be used by the owner of a mark following registration with the relevant national authority, such as the U.S. Patent and Trademark Office (USPTO or PTO) or Indian Patent Office (IPO). The proper manner to display either symbol is immediately following the mark in superscript style<sup>16</sup>

A trademark is typically a name, word, phrase, logo, symbol, design, image, or a combination of these elements.<sup>[11]</sup> There is also a range of non-conventional trademarks comprising marks which do not fall into these standard categories, such as those based on colour, smell, or sound (like jingles). Trademarks that are considered offensive are often rejected according to a nation's trademark law.<sup>[12]</sup>

The term trademark is also used informally to refer to any distinguishing attribute by which an individual is readily identified, such as the well-known characteristics of celebrities.<sup>17</sup>

The essential function of a trademark is to exclusively identify the source or origin of products or services, so a trademark, properly called, indicates the source or serves as a badge of origin. In other words, trademarks serve to identify a particular entity as the source of goods or services. The use of a trademark in this way is known as trademark use. Certain exclusive rights attach to a registered mark. Trademarks are used not only by businesses but also by noncommercial organizations and religions to protect their identity and goodwill associated with their name. Trademark rights generally arise out of the use of, or to maintain exclusive rights over, that sign about certain products or services, assuming there are no other trademark objections.<sup>18</sup>

Different goods and services have been classified by the International (Nice) Classification of Goods and Services into 45 Trademark Classes (1 to 34 cover goods, and 35 to 45 cover services). The idea behind this system is to specify and limit the extension of the intellectual property right by determining which goods or services are covered by the mark, and to unify classification systems around the world.

Terms such as "mark", "brand" and "logo" are sometimes used interchangeably with "trademark". "Trademark", however, also includes any device, brand, label, name, signature, word, letter, numerical, shape of goods, packaging, color or combination of colors, smell, sound, movement or any combination thereof which is capable of distinguishing goods and services of one business from those of others. It must be capable of graphical representation and must be applied to goods or services for which it is registered.<sup>19</sup>

Specialized types of trademark include certification marks, collective trademarks and defensive trademarks. A trademark that is popularly used to describe a product or service (rather than to distinguish the product or services from those of third parties) is sometimes known as a genericized trademark. If such a mark becomes synonymous with that product or service to the extent that the trademark owner can no longer enforce its proprietary rights, the mark becomes generic.

A "trademark look" is an informal term for a characteristic look for a performer or character of some sort. It is usually not legally trademark protected and the term is not used in the trademark law. Trademarks rights must be maintained through actual lawful use of the trademark. These rights will cease if a mark is not actively used for a period of time, normally five years in most jurisdictions. In the case of trademark registration, failure to actively use the mark in the lawful course of trade, or to enforce the registration in the event of infringement, may also expose the registration itself to become liable for an application for the removal from the register after a certain period of time on the grounds of "non-use". A trademark owner doesn't need to take enforcement action against all infringement if it can be shown that the owner perceived the infringement to be minor and inconsequential. This is designed to prevent owners from continually being tied up in litigation for fear of cancellation. An owner can at any time commence an action for infringement against a third party as long as it had not previously notified the third party of its discontent following third party use and then failed to take action within a reasonable period of time (called acquiescence).<sup>20</sup> The owner can always reserve the right to take legal action until a court decides that the third party had gained notoriety of which the owner "must" have been aware. It will be for the third party to prove their use of the mark is substantial as it is the onus of a company using a mark to check they are not infringing previously registered rights. In the US, owing to the overwhelming number of unregistered rights, trademark applicants are advised to perform searches not just of the trademark register but of local business directories and relevant trade press. Specialized search companies perform such tasks before application.<sup>21</sup> All jurisdictions with a mature trademark registration system provide a mechanism for removal in the event of such non-use, which is usually a period of either three or five years. The intention to use a trademark can be proven by a wide range of acts as shown in the "Woolly Bully" and *Aston v Harlee* cases. In the U.S., failure to use a trademark for this period of time will result in abandonment of the mark, whereby any party may use the mark. An abandoned mark is not irrevocably in the public domain, but may instead be re-registered by any party which

has re-established exclusive and active use, and must be associated or linked with the original mark owner.<sup>22</sup> A mark is registered in conjunction with a description of a specific type of goods, and if the party uses the mark but in conjunction with a different type of goods, the mark may still be considered abandoned, as was the case in *Lens.com, Inc. v. 1-800 Contacts, Inc.* If a court rules that a trademark has become "generic" through common use (such that the mark no longer performs the essential trademark function and the average consumer no longer considers that exclusive rights attach to it), the corresponding registration may also be ruled invalid. Unlike other forms of intellectual property (e.g., patents and copyrights) a registered trademark can, theoretically, last forever. So long as a trademark's use is continuous a trademark holder may keep the mark registered with the U.S. Patent and Trademark Office by filing Section 8 Affidavit(s) of Continuous Use as well as Section 9 Applications for renewal, as required, and paying the fees associated with them.<sup>23</sup>

### III. RESULTS

Some law considers a trademark to be a form of property. Proprietary rights about a trademark may be established through actual use of that trademark in the marketplace or through registration of the mark with the relevant trademarks office (or "trademarks registry") of a particular jurisdiction. In some jurisdictions, trademark rights can be established through either or both means. Certain jurisdictions generally do not recognize trademark rights arising merely through use. If trademark owners do not hold registrations for their marks in such jurisdictions, the extent to which they will be able to enforce their rights through trademark infringement proceedings may be limited. In cases of dispute, this disparity of rights is often referred to as "first to file" (i.e., register) as opposed to "first to use." Some countries, such as Germany, offer a limited number of common law rights for unregistered marks, where to gain protection the goods or services must first occupy a highly significant position in the marketplace — where this could be 40% or more market share for sales in the particular class of goods or services.<sup>24</sup>

In the United States, the registration process includes several steps. First, the trademark owner applies with the United States Patent and Trade Mark Office to register the trademark. About three months after it is filed, the application is reviewed by an examining attorney at the U.S. Patent and Trademark Office. The examining attorney checks for compliance with the rules of the Trademark Manual of Examination Procedure. This review includes procedural matters such as making sure the applicant's goods or services are identified properly. It also includes more substantive matters such as making sure the applicant's mark is not merely descriptive or likely to confuse with a pre-existing applied-for or registered mark. If the application runs afoul of any requirement, the examining attorney will issue an office action requiring the applicant to address certain issues or refusals before registration of the mark. If the examining attorney approves the application, it will be "published for opposition." During this 30-day period, third parties who may be affected by the registration of the trademark may step forward to file an opposition proceeding to stop the registration of the mark. If an opposition proceeding is filed it institutes a case before the Trademark Trial and Appeal Board to determine both the validity of the grounds for the opposition as well as the ability of the applicant to register the mark at issue. Finally, provided that no third-party opposes the registration of the mark during the opposition period or the opposition is ultimately decided in the applicant's favor, the mark will be registered in due course.<sup>25</sup>

Outside of the United States, the registration process is substantially similar to that found in the U.S. save for one notable exception in many countries: registration occurs before the opposition proceeding. In short, once an application is reviewed by an examiner and found to be entitled to registration a registration certificate is issued subject to the mark being open to opposition. The overall length of the trademark registration process varies considerably between individual jurisdictions, from 2 to 24 months.<sup>26</sup>

A registered trademark confers a bundle of exclusive rights upon the registered owner, including the right to exclusive use of the mark about the products or services for which it is registered. The law in most jurisdictions also allows the owner of a registered trademark to prevent unauthorized use of the mark about products or services which are identical or "colorfully similar" to existing registered products or services, and in certain cases, prevent the use of entirely dissimilar ones. The test is always whether a consumer of the goods or services will be confused as to the identity of the source or origin, not just the area of rights specified by the trademark. An example might be a very large multinational electronics brand such as Sony Corporation where a non-electronic product such as a pair of sunglasses might be assumed by a consumer to have come from Sony Corporation of Japan despite being outside a class of goods to which Sony has rights, yet still protected by Sony's trademark; a similarly named psychotherapy office or line of hamburger buns or summer camps, however, would not be infringing on Sony Corporation's trademark because the service or products being offered are so vastly different from Sony Corporation's trademark claim of rights and range of manufactured goods.<sup>27</sup>

Once trademark rights are established in a particular jurisdiction, these rights are generally only enforceable in that jurisdiction, a quality which is sometimes known as "territoriality". However, there is a range of international trademark laws and systems which facilitate the protection of trademarks in more than one jurisdiction. The extent to which a trademark owner may prevent unauthorized use of trademarks that are the same as or similar to its trademark depends on various factors such as whether its trademark is registered, the similarity of the trademarks involved, the similarity of the products or services involved, and whether the owner's trademark is well known or, under U.S. law relating to trademark dilution, famous.<sup>28</sup>

If a trademark has not been registered, some jurisdictions (especially Common Law countries) offer protection for the business reputation or goodwill which attaches to unregistered trademarks through the tort of passing off. Passing off may provide a remedy in a scenario where a business has been trading under an unregistered trademark for many years, and a rival business starts using the same or a similar mark.<sup>29</sup>

If a trademark has been registered, then it is much easier for the trademark owner to demonstrate its trademark rights and to enforce these rights through an infringement action.

Trademark law is designed to fulfill the public policy objective of consumer protection, by preventing the public from being misled as to the origin or quality of a product or service. By identifying the commercial source of products and services, trademarks facilitate the identification of products and services which meet the expectations of consumers as to the quality and other characteristics.<sup>30</sup>

Trademarks may also serve as an incentive for manufacturers, providers, or suppliers to consistently provide quality products or services to maintain their business reputation. Furthermore, if a trademark owner does not maintain quality control and adequate supervision about the manufacture and provision of products or services supplied by a licensee, such "naked licensing" will eventually adversely affect the owner's rights in the trademark. For US law see, ex. *Eva's Bridal Ltd. v. Halanick Enterprises, Inc.* 639 F.3d 788 (7th Cir. 2011). This proposition has, however, been watered down by the judgment of the House of Lords in the case of *Scandecor Development AB v. Scandecor Marketing AB et al.* [2001] UKHL 21; wherein it has been held that the mere fact that a bare license (the equivalent of the United States concept of a naked license) has been granted did not automatically mean that a trademark was liable to mislead.<sup>26</sup>

By the same token, trademark holders must be cautious in the sale of their mark for similar reasons as apply to licensing. When assigning an interest in a trademark, if the associated product or service is not transferred with it, then this may be an "assignment-in-gross" and could lead to a loss of rights in the trademark. It is still possible to make significant changes to the underlying goods or services during a sale without jeopardizing the trademark, but companies will often contract with the sellers to help transition the mark and goods or services to the new owners to ensure continuity of the trademark.<sup>27</sup>

#### IV. IMPLICATIONS

While trademark law seeks to protect indications of the commercial source of products or services, patent law generally seeks to protect new and useful inventions, and registered designs law generally seeks to protect the look or appearance of a manufactured article. Trademarks, patents, and designs collectively form a subset of intellectual property known as industrial property because they are often created and used in an industrial or commercial context.

By comparison, copyright law generally seeks to protect original literary, artistic, and other creative works. Continued active use and re-registration can make a trademark perpetual, whereas copyright usually lasts for the duration of the author's lifespan plus 70 years for works by individuals, and some limited time after creation for works by bodies corporate. This can lead to confusion in cases where a work passes into the public domain but the character in question remains a registered trademark.<sup>28</sup>

Although intellectual property laws such as these are theoretically distinct, more than one type may afford protection to the same article. For example, the particular design of a bottle may qualify for copyright protection as a non-utilitarian [sculpture], or trademark protection based on its shape, or the 'trade dress' appearance of the bottle as a whole may be protectable. Titles and character names from books or movies may also be protectable as trademarks while the works from which they are drawn may qualify for copyright protection as a whole. Trademark protection does not apply to utilitarian features of a product such as the plastic interlocking studs on Lego bricks.

Drawing these distinctions is necessary, but often challenging for the courts and lawyers, especially in jurisdictions where patents and copyrights pass into the public domain, depending on the jurisdiction. Unlike patents and copyrights, which in theory are granted for one-off fixed terms, trademarks remain valid as long as the owner actively uses and

defends them and maintains their registrations with the competent authorities. This often involves the payment of a periodic renewal fee.<sup>29</sup>

As a trademark must be used to maintain rights about that mark, a trademark can be 'abandoned' or its registration can be canceled or revoked if the mark is not continuously used. By comparison, patents and copyrights cannot be 'abandoned' and a patent holder or copyright owner can generally enforce their rights without taking any particular action to maintain the patent or copyright. Additionally, patent holders and copyright owners may not necessarily need to actively police their rights. However, a failure to bring a timely infringement suit or action against a known infringer may give the defendant a defense of implied consent or estoppel when the suit is finally brought.

Like patents and copyrights, trademarks can be bought, sold, and transferred from one company or another. Unlike patents and copyrights, trademarks may not remain intact through this process. Where trademarks have been acquired for marketing generic (non-distinctive) products, courts have refused to enforce them.

In 1923, the author Edgar Rice Burroughs registered his fictitious character Tarzan as a trademark; even after the copyright to the Tarzan story expired, his company used ownership of the trademarks relating to the character (which unlike copyrights, do not have a limited length) to control the production of media using its imagery and license the character for use in other works (such as adaptations). This practice is a precursor to the modern concept of a media franchise.<sup>30</sup>

## V. CONCLUSIONS

A trademark is diluted when the use of similar or identical trademarks in other non-competing markets means that the trademark in and of itself will lose its capacity to signify a single source. In other words, unlike ordinary trademark law, dilution protection extends to trademark uses that do not confuse consumers regarding who has made a product. Instead, dilution protection law aims to protect sufficiently strong trademarks from losing their singular association in the public mind with a particular product, perhaps imagined if the trademark were to be encountered independently of any product (e.g., just the word Pepsi spoken, or on a billboard). Under trademark law, dilution occurs either when unauthorized use of a mark "blurs" the "distinctive nature of the mark" or "tarnishes it"<sup>27</sup>. Likelihood of confusion is not required. 15 U.S.C §§ 1127, 1125(c). In various jurisdictions, a trademark may be sold with or without the underlying goodwill which subsists in the business associated with the mark. However, this is not the case in the United States, where the courts have held that this would "be a fraud upon the public". In the U.S., trademark registration can therefore only be sold and assigned if accompanied by the sale of an underlying asset. Examples of assets whose sale would ordinarily support the assignment of a mark include the sale of the machinery used to produce the goods that bear the mark or the sale of the corporation (or subsidiary) that produces the trademarked goods. Licensing means the trademark owner (the licensor) grants a permit to a third party (the licensee) to commercially use the trademark legally. It is a contract between the two, containing the scope of content and policy. The essential provisions to a trademark license identify the trademark owner and the licensee, in addition to the policy and the goods or services agreed to be licensed.<sup>28</sup>

Most jurisdictions provide for the use of trademarks to be licensed to third parties. The licensor must monitor the quality of the goods being produced by the licensee to avoid the risk of the trademark being deemed abandoned by the courts. A trademark license should therefore include appropriate provisions dealing with quality control, whereby the licensee provides warranties as to the quality and the licensor has rights to inspection and monitoring.<sup>29</sup>

Many countries protect unregistered well-known marks following their international obligations under the Paris Convention for the Protection of Industrial Property and the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement). Consequently, not only big companies but also SMEs may have a good chance of establishing enough goodwill with customers so that their marks may be recognized as well-known marks and acquire protection without registration. It is, nevertheless, advisable to seek registration, taking into account that many countries provide for extended protection of registered well-known marks against dilution (Art. 16.3 TRIPS). Several trademark laws merely implement obligations under Article 16.3 of the TRIPS Agreement and protect well-known registered trademarks only under the following conditions: 1- that the goods and services for which the other mark is used or is seeking protection are not identical with or similar to the goods for which the well-known mark acquired its reputation 2- that the use of the other mark would indicate a connection between these goods and the owner of the well-known mark, and 3 – that their interests are likely to be damaged by such use.<sup>30</sup>

## REFERENCES

1. The styling of trademark as a single word is predominantly used in the United States and Philippines only, while the two-word styling trade mark is used in many other countries around the world, including the European Union and Commonwealth and ex-Commonwealth jurisdictions (although Canada officially uses "trade-mark" pursuant to the Trade-mark Act, "trade mark" and "trademark" are also commonly used).
2. ^ "A trademark is a word, phrase, symbol, and/or design that identifies and distinguishes the source of the goods of one party from those of others". Retrieved 13 December 2011.
3. ^ "A trade mark is a sign which can distinguish your goods and services from those of your competitors (you may refer to your trade mark as your "brand")". Retrieved 22 December 2012.
4. ^ "Trade marks identify the goods and services of particular traders. Signs that are suitable for distinguishing products or services of a particular enterprise from that of other companies are eligible for trade mark protection". Archived from the original on 15 January 2013. Retrieved 22 December 2012.
5. ^ "U.S. Customs Today - February 2002 - an Untimely Christmas Delivery". Archived from the original on 23 October 2011. Retrieved 27 December 2012.
6. ^ "TT Toys Toys is the only company in the world that can boast a vast catalogue of models developed under license of the most important car manufacturers (Ferrari, BMW, Mercedes, Porsche, Maserati, Citroen, Peugeot, Renault, etc.)". Archived from the original on 18 February 2013. Retrieved 2 January 2013.
7. ^ "A Guide to Proper Trademark Use For Media, Internet, and Publishing Professionals" (PDF). International Trademark Association. Retrieved 5 February 2020.
8. ^ Rheintgen, Kathy. "Branding 101: Proper Use of a Trademark – It's All In the Grammar". Healthcare Law Insights. Husch Blackwell LLP. Retrieved 5 February 2020.
9. ^ "Proper Trademark Usage". Owen, Wickersham & Erickson. Retrieved 5 February 2020.
10. ^ Pressman, David; Blau, David E. (2020). Patent It Yourself: Your Step-by-Step Guide to Filing at the U.S. Patent Office (20th ed.). Nolo. p. 22. ISBN 978-1-4133-2780-9. Retrieved 27 May 2020.
11. ^ Restatement (Third) of Unfair Competition § 9 (1995)
12. ^ "In addition to recalling 38,000 pairs of the offensive shoes, Nike has diverted another 30,000 pairs from Saudi Arabia, Kuwait, Malaysia, Indonesia and Turkey to "less-sensitive" markets". 25 June 1997.
13. ^ Simon, David A. (2009). "Trademarks and Keep the Faith: Trademarks, Religion, and Identity". IDEA: The Intellectual Property Law Review. 49 (2): 233.
14. ^ Liu, Wenqi (2017). "Protection of Religious Signs under Trademark Law: A Perspective of China's Practice". Religions. 8 (11): 246. doi:10.3390/rel8110246.
15. ^ Lince, Tim (2018). "Governments "should do more" to protect religious signs through trademark law, expert urges". World Trademark Review.
16. ^ Richardson, Gary (April 2008). "Brand Names Before the Industrial Revolution". NBER Working Paper No. 13930. doi:10.3386/w13930.
17. ^ Packard, Ashley (2010). Digital Media Law. John Wiley and Sons. p. 162. ISBN 9781444318203.
18. ^ "STELLA ARTOIS ANNO 1366 Trademark of ANHEUSER-BUSCH INBEV S.A. Serial Number: 77003422 :: Trademarkia Trademarks". trademark.trademarkia.com. Retrieved 15 December 2019.
19. ^ "History of Trademarks".
20. ^ Renton, A. W.; Craies, W. F. (1911). "Trade Marks". In Chisholm, Hugh (ed.). Encyclopædia Britannica. Vol. 27 (11th ed.). Cambridge University Press. pp. 128–135.
21. ^ Bently, Lionel, "The Making of Modern Trade Marks Law: The Construction of the Legal Concept of Trade Mark (1860-80)" in Lionel Bently, Jane C. Ginsburg & Jennifer Davis (eds), Trade Marks and Brands: An Interdisciplinary Critique (Cambridge University Press, 2008)
22. ^ The History and Development of Trademark Law (PDF)
23. ^ Roger W. Dyer Jr., Monetary Damages under the Lanham Act: Eighth Circuit Holds Actual Confusion is Not a Prerequisite, 77 Mo. L. Rev. (2012)
24. ^ World Intellectual Property Organization (1997). Introduction to Intellectual Property: Theory and Practice. Kluwer Law International. p. 23.
25. ^ Case details for trade mark UK00000000001, United Kingdom Intellectual Property Office.
26. ^ Cozzolino, Mimmo; Rutherford, Graeme Fysh (2000), Symbols of Australia (20th anniversary ed.), Mimmo Cozzolino, ISBN 978-0-646-40309-0
27. ^ Australia, I. P. (10 March 2016). "Trade mark basics". ipaustralia.gov.au. Retrieved 14 January 2020.





28. ^ Lech, Mikołaj (20 January 2018). "The oldest registered trademarks in the world". Trademark Blog.
29. ^ Chasser, Anne H. (January–February 2003). "A Historical Perspective: The International Trademark Association and the United States Patent and Trademark Office" (PDF). *The Trademark Reporter*. 93 (1): 31, 34. Retrieved 11 June 2013.
30. ^ U.S. Trademark Reg no. 11210, filed 7 April 1884, reg. 27 May 1884. Accessed 11 June 2013.



**INNO SPACE**  
SJIF Scientific Journal Impact Factor  
**Impact Factor: 8.118**



**ISSN** INTERNATIONAL  
STANDARD  
SERIAL  
NUMBER  
INDIA



# INTERNATIONAL JOURNAL OF INNOVATIVE RESEARCH

IN SCIENCE | ENGINEERING | TECHNOLOGY

 **9940 572 462**  **6381 907 438**  **ijirset@gmail.com**



[www.ijirset.com](http://www.ijirset.com)

Scan to save the contact details