



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2025

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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TRADEMARK PROTECTION IN INDIA: IMPORTANCE FOR BRANDS AND BUSINESS IDENTITY

~ *Mansi Shrivastava*

Introduction

Trademark protection is a key part of intellectual property law in India.¹ It helps preserve brands, protect consumers, and gives companies a competitive edge in the growing economy. With the rise of digital changes and global market integration, securing legal trademark protection has become essential for businesses aiming for steady growth and market differentiation. The Trademarks Act, 1999, effective from September 15, 2003, outlines the rules for trademark registration, protection, and enforcement in India, replacing the old Trade and Merchandise Marks Act, 1958.²

India's intellectual property space has seen significant growth recently. The Ministry of Commerce and Industry reports that IP filings rose by 44% over five years, climbing from 477,533 in 2020-21 to 689,991 in 2024-25.³ In 2023, India ranked fourth worldwide in trademark filings, marking a 6.1% increase, with nearly 90% of these filings coming from residents.⁴ The Indian Trademark Office has the second-largest number of active registrations globally, boasting over 3.2 million trademarks in force.⁵ Additionally, India submitted over 537,000 new trademark applications in 2024, nearly matching the United States' 566,938 applications, with an average growth rate of 10%

¹ Conventus Law, Trade Mark Laws And Regulations India 2025

² The Trade Marks Act, No. 47 of 1999, Acts of Parliament, 1999 (India)

³ Press Information Bureau, India Witnesses 44% Surge in IP Filings Over Five Years

⁴ Ebizfiling, Trademark Registration Trends in India 2025

⁵ Asia IP Law, Milestones: Key Trademark Decisions Shaping India's IP Landscape in 2024

per year over the last decade.⁶ This rapid growth highlights businesses' growing awareness of the importance of trademark protection for brand identity, market position, and commercial growth.

The value of trademark protection goes beyond legal requirements. It includes vital economic, social, and business aspects that support modern commercial practices. Trademarks are strong tools that distinguish goods and services, help consumers recognize products, embody business goodwill, and serve as important intangible assets that can generate significant economic benefits through licensing, franchising, and brand valuation.

Legal Framework: Statutory Foundation and Institutional Architecture

The Trademarks Act, 1999,⁷ along with the Trademarks Rules, 2017, forms the main legal framework for trademark protection in India. The Act deals with registration processes, standards for infringement, enforcement methods, and remedies available to trademark owners. The Controller General of Patents, Designs and Trademarks (CGPDTM) oversees trademark law via the Trademarks Registry (TMR), with offices in Mumbai, Delhi, Kolkata, Chennai, and Ahmedabad.⁸

India is a member of key international intellectual property agreements, including the Paris Convention for the Protection of Industrial Property, the Madrid Agreement and Protocol, and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).⁹ These global commitments align India's trademark laws with international standards and support cross-border brand protection.

The Act acknowledges both registered trademark rights and common law rights through the tort of passing off, offering comprehensive protection for brand owners. Section 27(2) specifically maintains common law remedies, allowing owners of unregistered marks to act against misrepresentation and unfair competition.¹⁰

⁶ LinkedIn, INTA2025 and Indian Trademark Landscape: Madrid Protocol

⁷ Trade Marks Rules, 2017 (India)

⁸ SS Rana, Trademark Office in India

⁹ Paris Convention for the Protection of Industrial Property, Mar. 20, 1883, 21 U.S.T. 1583; Madrid Protocol, June 27, 1989, 28 I.L.M. 1478; Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

¹⁰ Business Mitra, Current Pendency of Trademark Applications in India

To handle increasing workloads and cut down delays, the government approved 200 new posts in 2025 for Trademarks, GI, and Copyright offices, boosting the workforce by 74%.¹¹ Despite these measures, as of 2025, new trademark applications face processing delays of about 550 days from filing, with hearing timelines exceeding 720 days. This backlog affects businesses needing timely brand protection and highlights the need for ongoing administrative reform.

Defining Trademark: Scope and Categories

Section 2(1)(zb) of the Trademarks Act defines "trademark" as a mark that can be graphically represented and distinguishes one person's goods or services from another's. This includes the shape of goods, their packaging, and combinations of colors.¹² This broad definition reflects the modern understanding of trademarks as various forms of commercial identifiers beyond traditional words and logos.¹³

Indian law recognizes several categories of trademarks, each with specific business roles:¹⁴ Word Marks consist of plain text without special styling, protecting brand names like Tata, Infosys, or Reliance.

- Device Marks include graphical, pictorial, or symbolic elements, protecting logos and visual brand identities.
- Composite Marks mix word and device elements, forming integrated brand identities common in today's marketing.
- Shape Marks protect unique three-dimensional product designs, such as the Coca-Cola bottle shape or the triangular Toblerone packaging.¹⁵
- Sound Marks cover distinct audio signatures, including jingles and sounds tied to brands, like the ICICI Bank sound logo.

¹¹ Press Information Bureau, India Witnesses 44% Surge in IP Filings Over Five Years

¹² The Trademarks Act, No. 47 of 1999, S 2(1)(zb) (India)

¹³ Legistify, Trademark in India: Types, Benefits & Registration Process

¹⁴ The Trade Marks Act, No. 47 of 1999, § 2(1)(zb) (India).

¹⁵ SS Rana, Shape Marks as Trademarks in India

- Color Marks protect specific color combinations linked to brands, requiring proof of gained distinctiveness through considerable commercial use.
- Certification Marks verify certain features, quality standards, or geographical origin, like the ISI mark or Woolmark. These can be registered by those certifying goods but not trading in them.
- Collective Marks are used by groups or associations to indicate membership or adherence to shared standards, such as "CA" used by the Institute of Chartered Accountants of India.¹⁶

The recognition of non-traditional marks, like sound, shape, and color marks, aligns with international best practices and acknowledges new branding strategies in modern commerce.

Rationale for Trademark Protection: Theoretical and Practical Foundations

A. Consumer Protection and Market Transparency

Trademark protection is crucial for consumer welfare. It ensures that goods or services are distinctly linked to their commercial source, preventing confusion among consumers and helping them make informed choices.¹⁷ The Supreme Court of India has consistently emphasized this consumer-focused reasoning, particularly in *Parle Products Pvt. Ltd. v. JP & Co.*¹⁸, which laid down important principles regarding deceptive similarity and the need for strong consumer association with trade sources.

B. Brand Equity and Intangible Asset Creation

Trademarks are valuable intangible assets that build brand equity through consistent use, quality maintenance, and marketing efforts. These assets can be licensed, franchised, assigned, mortgaged, or valued during mergers and acquisitions, offering businesses various ways to generate revenue and expand. The economic worth of trademarks often surpasses that of physical assets, especially for service-driven businesses and those in knowledge-based fields.

¹⁶ Kanakkupillai, *Collective Mark Vs Certification Mark*

¹⁷ Sonisvision, *The Future of Trademark Law in India: Anticipating Changes with New IP Policies and Reforms*

¹⁸ *Parle Products Pvt. Ltd. v. JP & Co.*, AIR 1961 SC 995

C. Legal Protection and Enforcement Mechanisms

Trademark registration gives strong statutory protection against unauthorized use, imitation, and dilution. It grants owners exclusive rights under Section 28 of the Trademarks Act, 1999¹⁹, and provides robust remedies against infringers. These remedies include civil relief (such as injunctions, damages, and profits accounts) and criminal penalties (like imprisonment and fines under Sections 103-105).²⁰ This framework deters trademark violations.

D. Goodwill, Reputation, and Quality Assurance

Registered trademarks indicate authenticity, quality, and reliability to consumers, boosting business goodwill and reputation. The Supreme Court in *Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd.*²¹ acknowledged that, in sensitive sectors like pharmaceuticals, confusion from similar marks can greatly impact public health and safety. This necessity calls for rigid trademark protection standards.²²

Trademark Registration Process: Comprehensive Procedural Overview

The trademark registration process in India includes several stages to ensure careful examination and public review:²³

Step 1: Trademark Search and Selection - Thorough searches with the Indian Trademarks Registry database and international databases help ensure the proposed mark is unique and does not conflict with existing registrations.

¹⁹ The Trade Marks Act, No. 47 of 1999, § 28 (India)

²⁰ The Trade Marks Act, No. 47 of 1999, §§ 103-105 (India)

²¹ *Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd.*, (2001) 5 S.C.C. 73 (India).

²² *Drishti Judiciary, Cadila Health Care v. Cadila Pharmaceuticals: Landmark Judgment*

²³ *IndiaFilings, Trademark Registration in India: A Comprehensive Guide*

Step 2: Application Filing (Form TM-A) - Applications can be filed online via the IP India portal or in person at Registry offices.²⁴ Required information includes details about the applicant, mark representation, classification under the Nice Classification system (45 classes), and a declaration of use or intended use.²⁵

Step 3: Vienna Codification - For marks with figurative elements, Vienna Codification standardizes classification, aiding international research and examinations.²⁶

Step 4: Formality Check - The Registry checks document completeness and compliance, issuing reports if corrections are needed.

Step 5: Substantive Examination - Examiners evaluate applications against absolute (Section 9) and relative (Section 11) grounds for refusal.²⁷ This includes issues like lack of distinctiveness, descriptiveness, generic nature, offensive character, or conflicts with existing marks. Examination Reports follow, and applicants must respond within 30 days, with potential hearing requirements.²⁸

Step 6: Publication in Trademarks Journal - Accepted marks are published for public opposition for four months, allowing third parties to contest based on prior use, potential confusion, or bad faith.

Step 7: Opposition Proceedings - If opposition occurs, both parties present their evidence and arguments with the Registrar issuing a written order after hearings.²⁹

²⁴ Kanakkupillai, Trademark Application Filing Process in India

²⁵ The Trade Marks Rules, 2017, Forms, Rules (India).

²⁶ WIPO, Vienna Classification

²⁷ The Trade Marks Act, No. 47 of 1999, §§ 9, 11 (India)

²⁸ The Trade Marks Rules, 2017, Rule 19 (India).

²⁹ The Trade Marks Rules, 2017, Rule 46 (India).

Step 8: Registration Certificate - Once all steps are completed, registration lasts for 10 years and can be renewed indefinitely, granting exclusive rights and the right to use the ® symbol.³⁰

Trademark Infringement and Remedies: Legal Standards and Enforcement

A. Infringement Tests and Standards

Section 29 of the Trademarks Act defines infringement as the unauthorized use of an identical or closely similar mark related to the same or similar goods/services, likely causing confusion over origin, quality, or sponsorship.³¹ "Deceptive similarity" defined in Section 2(1)(h) refers to a mark that closely resembles another, leading to potential deception or confusion.³²

Indian courts apply several principles to evaluate deceptive similarity: (i) marks are compared as wholes, considering overall impressions rather than dissecting components; (ii) comparisons are made from the viewpoint of an average consumer with imperfect recall; (iii) phonetic, visual, and conceptual likenesses are assessed; and (iv) even one point of similarity that confuses consumers is enough to establish infringement.

B. Civil Remedies

Section 135 of the Act outlines comprehensive civil remedies, including permanent and interim injunctions, damages (both actual and exemplary), profit accounts, and destruction of infringing goods and materials.³³ Courts regularly grant ex parte and interlocutory injunctions to prevent irreparable harm while awaiting final decisions.

C. Criminal Remedies

Sections 103-105 impose criminal penalties for using false trademarks, falsifying trademark-related documents, and selling goods with false marks.³⁴ Penalties include imprisonment from six

³⁰ The Trade Marks Act, No. 47 of 1999, § 25 (India)

³¹ Section 29, Trade Marks Act, 1999 (India)

³² Section 2(1)(h), Trade Marks Act, 1999 (India)

³³ [4] Section 135, Trade Marks Act, 1999 (statutory civil remedies)

³⁴ Section 103, Trade Marks Act, 1999 (penalties for false marks)

months to three years and fines ranging from Rs. 50,000 to Rs. 200,000. These criminal measures act as strong deterrents against counterfeiting and trademark piracy.

Passing Off: Common Law Protection for Unregistered Marks

Passing off is a common law tort that defends unregistered trademarks and business goodwill against misrepresentation. To succeed in passing off claims, plaintiffs must prove the "classical trinity": (i) goodwill or reputation in the mark; (ii) misrepresentation by the defendant leading to public confusion; and (iii) actual or potential damage to the plaintiff's goodwill.³⁵

While trademark infringement requires registration for protection, passing off can be claimed regardless of registration status. However, passing off cases involve greater evidentiary demands, needing proof of goodwill, confusion, and damage, while infringement claims benefit from statutory presumptions supporting registered owners. Courts may offer similar remedies in both cases, including injunctions, damages, and destruction of infringing materials.

VIII. Well-Known Trademarks: Enhanced Protection Standards

Indian law provides extra protection for well-known trademarks under Section 11(6) and Section 2(1)(zg).³⁶ These marks receive protection without local registration if they can demonstrate substantial reputation in India. The Trademarks Registry has an official list of well-known trademarks, granting enhanced protection across all goods and services, regardless of registration details.

The Delhi High Court in *N.R. Dongre v. Whirlpool Corp.* recognized the idea of trans-border reputation, stating that well-known foreign marks deserve protection in India based on their global reputation and the effects of spillover advertising.³⁷ This principle shows India's commitment to protecting internationally recognized brands and preventing unauthorized exploitation of established brand value.

Landmark Judicial Precedents: Shaping Trademark Jurisprudence

³⁵ Classical trinity elements (passing off): standard doctrinal summary (e.g., iPleaders/Depenning)

³⁶ Sections 11(6) and 2(1)(zg), Trade Marks Act, 1999 (well-known marks). IP India text

³⁷ *N.R. Dongre v. Whirlpool Corp.*, 1996 PTC (16) 583 (Del HC) (trans-border reputation doctrine)

Indian courts have built a nuanced body of law interpreting and expanding trademark protection principles:

Parle Products Pvt. Ltd. v. JP & Co. (AIR 1961 SC 995) established primary principles on deceptive similarity, emphasizing the need to avoid consumer confusion about trade source and to apply holistic comparison standards.³⁸

Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd. established strict standards for pharmaceutical trademarks, highlighting public health issues and directing comprehensive factors for judging deceptive similarity in medicine names.³⁹ These factors include the nature of marks, degree of resemblance, type of goods, similarities in class, nature of customers, and purchasing methods.

Yahoo Inc. v. Akash Arora & Anr. recognized domain names as trademarks and treated cybersquatting as a form of actionable passing off, awarding damages and setting principles for digital trademark protection.⁴⁰

Starbucks Corp. v. Sardarbuksh Coffee & Co. granted a permanent injunction to protect the well-known Starbucks mark from local infringement, awarding significant damages and reaffirming the protection of well-known foreign brands.⁴¹

Kabushiki Kaisha Toshiba v. Toshiba Appliances (2024) confirmed that trademark registration stays valid even without immediate use, reinforcing the idea of trademark seniority and emphasizing the need for honest use of trademarks.⁴²

Current Challenges in Trademark Protection

³⁸ Parle Products (P) Ltd. v. J.P. & Co., AIR 1972 SC 1359

³⁹ Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd., 2001 PTC 541 (SC) / (2001) 5 SCC 73 (pharma factors)

⁴⁰ Yahoo! Inc. v. Akash Arora & Anr., 78 (1999) DLT 285 (Delhi HC)

⁴¹ Starbucks Corp. v. Sardarbuksh Coffee & Co., 2018 SCC OnLine Del 9749

⁴² Kabushiki Kaisha Toshiba v. Toshiba Appliances (2024)

Administrative Backlogs and Processing Delays

India's intellectual property offices still face significant backlogs, even with improvements. As of October 2024, the Indian Trademark Office had around 1.09 million pending applications. The average processing delay is about 550 days from filing to examination, while hearing timelines can exceed 720 days.⁴³ Although the government added 200 new positions in 2025 for Trademarks, GI, and Copyright offices, a 74% increase, the number of new applications is still outpacing the administrative capacity.⁴⁴ India filed more than 540,000 trademark applications in 2024, marking a 9.3% increase from the previous year and placing the country third globally in trademark filings.

These delays have serious business consequences. Companies looking for timely brand protection face uncertainty when entering markets. This can expose new brands to copycat competitors before they secure registration. Startups and small to medium enterprises are particularly affected, as long wait times increase legal costs and distract from business operations. The 2025 trademark rules introduced measures to tackle these problems, including reduced examination times of 30–45 days for applications with complete documentation, fully digital filing with e-verification, and AI-driven monitoring tools to detect conflicts.⁴⁵

Counterfeiting Crisis: An Escalating Threat

Counterfeiting poses one of the biggest threats to trademark protection, brand integrity, and consumer safety in India. The global counterfeiting industry was valued at \$464 billion in 2019 and is expected to reach \$1.79 trillion by 2030. Counterfeit goods include luxury items, pharmaceuticals, cosmetics, fast-moving consumer goods, electronics, and fashion products.⁴⁶ The sectors hit hardest in India are pharmaceuticals, cosmetics, and fashion, where counterfeit products are readily available at very low prices in a price-sensitive market.

⁴³ Pendency and delays (1.09M; 550/720 days): Business Mitra, Current Pendency (2024).

⁴⁴ 200 new posts; 74% increase; 540k+ 2024 filings (+9.3%): PIB release.
<https://pib.gov.in/PressReleasePage.aspx?PRID=2146928>.

⁴⁵ 2025 rules/process modernization summary (examination 30–45 days; e-verification; AI tools): The Legal School/iPleaders 2025 updates.

⁴⁶ Global counterfeiting magnitude (OECD/industry reports): Overview articles summarizing OECD 2019 findings.

In a landmark ruling on March 11, 2025, the Delhi High Court awarded Rs. 3.34 crore (about US\$400,800) in damages against counterfeit medical device manufacturers. This marked a significant shift in the judicial approach to IP violations in healthcare. The judgment included both compensatory and exemplary damages, as well as permanent injunctions, product destruction, and cost recovery.⁴⁷ This sends a strong message that counterfeit medical products are not just trademark infringements but serious threats to public health.

Even though the 1999 Trademarks Act covers infringement comprehensively, its lack of a specific counterfeiting clause and enforcement gaps limit its effectiveness against sophisticated counterfeit operations. Enforcement challenges include the technological sophistication of counterfeiters, who use advanced manufacturing techniques, e-commerce anonymity, jurisdictional issues, and resource limitations for enforcement agencies.

E-Commerce and Digital Enforcement Challenges

The rapid growth of e-commerce in India has brought new challenges for trademark protection, requiring updated legal frameworks and enforcement strategies. E-commerce platforms face complicated liability issues under safe harbor rules that usually limit liability for user-generated content. However, courts are increasingly looking at platforms' responsibilities for selling counterfeit products. This reinforces the need for platforms to verify seller information and prevent the sale of infringing products.

Digital trademark challenges include cybersquatting (unauthorized domain name registration), keyword advertising disputes (using competitors' trademarks in ads), online counterfeiting, marketplace liability, and social media infringement. Cross-border digital infringement presents jurisdictional issues, raising costs for businesses trying to monitor and enforce international infringers. Despite these challenges, e-commerce platforms have started Brand Registry programs that require trademark registration for seller participation. These programs offer better marketing opportunities, analytical tools, and quicker takedown procedures for infringing listings.⁴⁸

Non-Traditional and Emerging Trademark Issues

⁴⁷ Delhi HC Rs. 3.34 crore counterfeit medical devices award (June 2025 newsletters): Singhania Law, India IP Updates

⁴⁸ Enforcement gaps re: counterfeiting under 1999 Act (doctrinal analysis): IJLR paper on Trademark Law & Counterfeiting (2025).

India's trademark system struggles to keep up with emerging technologies and non-traditional types of marks. The rise of artificial intelligence in trademark creation raises complex ownership issues. Since current Indian trademark law requires human applicants for registration, companies using AI for branding must carefully consider the legal implications of obtaining trademark rights for AI-generated marks. The law currently does not recognize AI systems as legal subjects, so identifying human creators or corporate owners is essential for ownership claims.⁴⁹

The growth of virtual worlds, non-fungible tokens (NFTs), and digital assets opens new avenues for trademark protection. The 2025 NICE Classification updates created new classes for virtual/digital goods, AI applications, NFTs, and metaverse brands, which reflects India's expanding digital economy and innovation sector⁵⁰. However, legal frameworks for trademark enforcement in virtual spaces are still developing, leading to uncertainties in jurisdictional application, standards for infringement, and available remedies. Blockchain technology holds promise for trademark protection through transparent ownership records, unchangeable registration data, and smart contracts for automated licensing, but merging this with existing frameworks poses regulatory challenges.

Enforcement and Litigation Limitations

Despite robust legal provisions under the Trademarks Act, enforcement faces ongoing obstacles. Trademark infringement cases can take years to resolve due to court backlogs and complicated procedures, diminishing the commercial value of injunctive relief. Although the Commercial Courts Act, 2015, established specialized benches for IP disputes with expedited timelines, implementation differs widely across jurisdictions.⁵¹ Proving actual market confusion remains difficult, especially in passing off cases where plaintiffs must demonstrate goodwill, misrepresentation, and damage.

Online platforms and social media companies do not always respond quickly to takedown notices particularly when hosted outside India or operating under different jurisdictional laws. Small and medium businesses often lack the resources to actively monitor trademarks, making them vulnerable to infringement without the knowledge or means for enforcement action. While

⁴⁹ AI-generated trademarks ownership discussion: IIPRD (2025).

⁵⁰ NICE 2025 updates (virtual goods/NFT/AI classes): Tripathi Arora practice blog (2025).

⁵¹ Litigation timelines and Commercial Courts variance: Law.asia enforcement overview (2024/25)

Sections 103-105 of the Trademarks Act include criminal penalties such as imprisonment (6 months to 3 years) and fines (Rs. 50,000 to Rs. 2,00,000), pursuing criminal complaints is not always preferred due to the need for police cooperation, which can be difficult to obtain.⁵²

International Cooperation Challenges

Since joining the Madrid System in 2013, India has navigated discrepancies between domestic and international procedures. Indian businesses face about a 20% rejection rate for Madrid applications due to procedural errors.⁵³ This highlights the need for better education and professional support for applicants. Global counterfeiting and infringement networks take advantage of differences in IP enforcement standards across countries, making enhanced international cooperation vital through bilateral treaties, mutual legal assistance agreements, and coordinated enforcement efforts.⁵⁴

Future Directions: Innovations, Reforms, and Strategic Initiatives

Technological Integration and Digital Transformation

Artificial intelligence is significantly changing trademark law by transforming processes for creation, registration, monitoring, and enforcement.⁵⁵ Key AI applications include automated trademark searches that quickly analyze large databases to find potential conflicts. AI can assist with examinations by helping assess distinctiveness and compare marks more consistently. It also aids in infringement detection through monitoring systems that find unauthorized trademarks used across digital platforms. Predictive analytics can provide insights into market trends and upcoming disputes. Advanced AI can identify visual trademark infringement by examining logos, packaging, and product images across millions of online listings. The 2025 trademark rules specifically incorporate AI-driven monitoring tools for earlier conflict detection, improving registration accuracy and system integrity.⁵⁶

⁵² Criminal enforcement practice notes (police cooperation challenges): iPleaders remedies/trademark criminal provisions (2021/25).

⁵³ Madrid procedural divergence and rejection rates commentary: INTA/LinkedIn practitioner analysis (2025).

⁵⁴ Need for bilateral MLATs and coordinated enforcement: IJLRA enforcement article (2025).

⁵⁵ AI role in trademark law: Crimson Publishers review (2025)

⁵⁶ AI-based pre-exam conflict detection proposals (2025 rule discussions)

Blockchain technology offers a revolutionary opportunity for trademark registration and management. Key applications include unchangeable ownership records for transparency, secure records of trademark ownership, origin, and usage history. Smart contracts facilitate automated licensing agreements with built-in royalty payments and monitoring. The World Intellectual Property Organization (WIPO) is considering global IP registries for cross-border trademark protection. Authentication systems can combine AI detection with blockchain to create highly secure systems.⁵⁷ Blockchain-based systems are crucial for protecting trademarks in virtual environments, NFT marketplaces, and metaverse applications.

India's trademark offices continue their digital modernization with comprehensive e-filing systems, online hearings, digital signatures, automated status tracking, and paperless procedures. Over 95% of patent and trademark applications are now filed online, which greatly improves accessibility and reduces processing times.

Legislative Reforms and Policy Initiatives

In September 2025, the Office of the Controller General of Patents, Designs, and Trademarks issued a public notice inviting suggestions to draft new guidelines for clearer, more uniform, and efficient trademark registration and opposition procedures. Focus areas include examination practices, opposition processes, evidence requirements, and procedural timelines.⁵⁸ The National IPR Policy of 2016 encourages reforms through seven goals: public awareness, IPR generation, legal frameworks, administration and management, commercialization, enforcement, and human capital development.

The 2025 NICE Classification revision introduced new classes for virtual/digital goods, artificial intelligence applications, NFTs, and metaverse brands.⁵⁹ This reflects India's leadership in digital economy innovation. Proposed legislative changes include increased penalties for repeat trademark offenders, tougher criminal sanctions for counterfeiting (especially in pharmaceuticals and medical devices), mandatory compensation for proven infringement, and streamlined enforcement procedures for quicker relief.

⁵⁷ Blockchain-enabled trademark tools and smart contracts: SS International piece (2024)

⁵⁸ CGPDTM 2025 public notice inviting inputs for new guidelines: IP India notice (Sept 2025)

⁵⁹ Coverage of NICE 2025 alignment for virtual goods/NFT/AI: Tripathi Arora (2025)

Recognizing that many MSMEs and startups avoid trademark registration due to perceived complexity or costs, reforms aim to improve access through reduced filing fees (Rs. 4,500 instead of Rs. 9,000), simplified filing processes with regional language support, and government-led awareness and legal aid initiatives for first-time filers.

Enhanced Enforcement Mechanisms

There are proposals for setting up specialized IP courts or expanding dedicated IP benches within Commercial Courts to hasten dispute resolution, develop judicial expertise, ensure consistent rulings, and reduce litigation backlogs. Strengthening customs and border enforcement involves enhancing recordation systems via the ICED portal, training customs officials to recognize IP rights, allowing them to seize infringing goods without requests from trademark owners, and improving cooperation with brand owners for intelligence sharing.

Collaborative projects among trademark owners, industry associations, enforcement agencies, and e-commerce platforms aim to share information, conduct joint raids, implement technological solutions (such as blockchain authentication, QR codes, and holographic labels), and raise consumer awareness.⁶⁰ Promoting mediation and arbitration for trademark disputes offers faster, cost-effective alternatives to lengthy litigation, especially for coexistence agreements, licensing disputes, and domain name issues.⁶¹

Capacity Building and International Engagement

Training programs for trademark examiners, judges, lawyers, enforcement officials, and customs personnel focus on developing expertise in new trademark issues, including digital infringement, AI-generated marks, and blockchain applications. Educational initiatives inform businesses (especially MSMEs), consumers, and students about the importance of trademarks, registration

⁶⁰ Customs recordal/ex officio seizures and partnerships: IJLRA enforcement article (2025).

⁶¹ ADR in trademark disputes: Law.asia enforcement overview (2024/25)

benefits, recognizing infringement, and reporting processes.⁶² Including comprehensive IP education in law schools, business schools, and engineering programs helps prepare the next generation of IP professionals for emerging challenges.

Reducing the 20% rejection rate for Indian Madrid applications by enhancing applicant education, professional training, and procedural alignment remains a priority.⁶³ Strengthening international cooperation for IP enforcement through bilateral treaties, mutual legal assistance agreements, coordinated anti-counterfeiting operations, and information sharing with key trading partners improve cross-border enforcement. Active engagement in international IP norm-setting through WIPO and TRIPS allows India to contribute insights on emerging technologies and the needs of developing countries, fostering balanced trademark protection approaches.⁶⁴

Conclusion: Trademark Protection in India - Securing Brand Identity

Trademark protection is a crucial part of India's intellectual property landscape and economic growth plan. India ranks fourth worldwide in trademark filings, with 3.2 million active registrations and 540,000 new applications submitted in 2024. Strong trademark protection is essential for businesses in every sector. The Trademarks Act, 1999, along with progressive court interpretations and international agreements like the Madrid Protocol, provides a solid legal framework for businesses to establish, protect, and enforce their trademark rights effectively.

Recent reforms show the government's commitment to modernization. The 2025 trademark rules introduce shorter processing times of 30 to 45 days for complete applications, offer a fully digital filing system, and use AI tools for examinations. This reflects India's acceptance of technological advancements in managing intellectual property. India's impressive 44% increase in IP filings over five years, with almost 90% of trademark applications submitted by residents, highlights growing business awareness of the importance of trademarks for brand identity, market position, and

⁶² Business Mitra, Trademark Registration for MSMEs and Start-ups

⁶³ Prity Khastgir, #INTA2025 and Indian Trademark Landscape: Madrid Protocol, Trends and Practice Notes

⁶⁴ Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299; WIPO, Madrid Yearly Review 2025

expansion. The Madrid Protocol has been transformative, allowing Indian businesses to submit over 5,000 international applications since 2013, saving around \$50 million in filing costs.

However, there are still major challenges. Administrative backlogs include 1.09 million pending applications with processing delays of about 550 days, highlighting the need for ongoing investment in human resources and infrastructure. The global crisis of counterfeiting is expected to reach \$1.79 trillion by 2030. This poses risks to brand integrity and consumer safety, making stronger enforcement and international cooperation necessary. E-commerce infringements, questions about AI-generated trademark ownership, and new technologies like blockchain and NFTs present fresh challenges that need updated legal frameworks.

The future of trademark protection relies on the successful blending of legal reforms, technological advancements, and stakeholder involvement. Dedicated IP courts, better customs enforcement, partnerships between industry and government, and AI-blockchain integration will strengthen brand protection systems. For businesses, actively registering trademarks, enforcing rights, and managing portfolios strategically are vital for staying competitive.

As India moves toward its goal of becoming a developed nation by 2047, strong intellectual property protection, including effective trademark systems, will be key to encouraging innovation, attracting investment, and ensuring fair competition. With combined efforts from policymakers, the judiciary, IP offices, businesses, and civil society, India's trademark system will keep evolving, supporting brand identity, business growth, and economic success in the global market of the 21st century.