

# All Things IP



**Eshwars | House of Corporate & IPR Laws**

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### PROTECTION OF A SLOGAN/TAGLINE POSSIBLE UNDER THE TRADEMARKS ACT, 1999?

#### ABSOLUTELY!

A Slogan or a tagline can be comprehended as the message of the business that coexists with the brand and is sometimes inseparable. The succinct tagline that accompanies a brand becomes a crucial part of marketing and advertising of the brand especially when its catchy and memorable. Taglines also give the business a unique appeal, tend to increase the popularity and helps the brand to achieve the coveted well-known status. Taglines can be trademarked individually or alongside the brand itself. While taglines can be trademarked, general motivational quotes or inspiration statement like “be positive” or “you can do it” cannot be trademarked as they may be construed to be non- distinctive to a particular product or service.

Slogans and taglines can be protected as a trademark under Sections 2(m) and 2(zb) of the Trademarks Act, 1999. A tagline, like any other type of Trademark, has to be distinctive in nature for it to be granted registration. It is pertinent to that that, for a brand tagline to qualify as a trademark, it must be distinctive, by acquiring secondary meaning and goodwill, and must not be descriptive of the features of the goods and services in respect of which it is used. While considering a trademark registration for a tagline/ slogan it is also pertinent to note that the same should not be indicative of something that has become customary in the established trade practices of that particular business in relation to which the same is being used.

Some of the popular tagline that have been granted protection in India are “*taste of India*” for Amul, “*I’m lovin It*” for Mcdonalds, KFC’s “*finger lickin good*”, Accenture’s “*High Performance Delivered*” and L’Oreal’s “*Because I’m worth it*”.

As is evident from the above illustrations, while registering a tagline as a trademark it is important that the business has used the tagline for a considerable duration so as to prove the extensive usage in business and also to further establish that the public associate the tagline solely in connection with the goods and services of the applicant. This may enhance the possibility of successful registration of the tagline/slogan as a trademark. The procedure followed for registration of a slogan/tagline is the same as that of any other trademark.

