

All Things IP



Submitted by

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Most of the brand owners tend to think that the only protection available to secure proprietary rights in a brand name is to apply merely for a trademark. However, from a comprehensive IP protection perspective it is important to understand that certain kinds of trademarks that have an intrinsic artistic value, such as a “logo mark” or a “label mark”, contain a certain degree of graphical element that also qualifies as an “Artistic Work” within the meaning of the Indian Copyrights Act, 1957 and can also be additionally protected as a Copyright.

Further, apart from the aforesaid protections it is also important for brand owners to understand that where there is a unique design adopted in relation to their product packaging that contains both artistic elements in terms of graphical design appearing on the packaging and also where such packaging is distinctive in terms of its shape or design that can be considered as a visual distinguishing element of their products from that of their competitors, it becomes extremely important for such brand owners to apply for:

- Trademark protection on such graphical elements viz., the label or logo mark apart from the protection of the brand name per se; and,
- Copyright application for the logo or label as an artistic work; and,
- Industrial Design protection on the external product package under the Indian Designs Act, 2000 and,
- Registration of domain names for a particular brand name to thwart cases of cybersquatting.

Such an approach not only affords entities to secure a comprehensive protection from an IP perspective but also helps in an effective enforcement remedy that may be taken against any infringing third party. For more information on IP Protection strategies for your business please write back to us at: saisunder@eshwars.com.





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