

All Things IP



Eshwars | House of Corporate & IPR Laws

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AllThings IP Newsletter – August 2019

ENFORCEMENT OF ONE'S IP RIGHTS ON SOCIAL MEDIA PLATFORMS

Social media plays an extremely important role in the marketing strategy of any business. Social media platforms provide a set up wherein business houses are able to market their goods and services and also communicate with the public in general.

While social media platforms provide for this wide-reaching network and access to the public, they are also platforms for:

- misuse of trademarks by way of creating fake accounts or usernames and name squatting;
- misappropriation of a company's registered trademark or copyright; and
- sale of infringing or counterfeit goods.

Fortunately, all social media platforms have policies to deal with such cases of trademark and copyright infringement in order to protect IP rights. However, a pre-requisite for initiating any complaint or action under the said policies on the social media platforms is that you should have a registered trademark. Generally, most of the online complaint forms require the IP holder to provide details of any relevant trademark registrations, copies of registration certificates or a link to the corresponding record in the trademark office's online database, and a brief explanation of how the reported content is infringing the trademark.

Business houses should necessarily adopt the following practices in order to effectively protect their brand on social media:

1. Trademark your company's name, logo, tag lines, brands etc. This is extremely critical as a registered trademark protects the owner from infringement by competitors by providing the owner with exclusive rights to use the said mark in connection with the respective goods or services.
2. Proactively register your company name and brands on social media, even if done defensively
3. Have a monitoring system in place. It is extremely important for business houses to have a diligent and effective monitoring system in place which includes checks for bad press, trademark infringement, sale of counterfeit goods, among other things.

Also, it is pertinent for the brand owner to analyse the type of strategy they want to adopt with respect to trademark enforcement and narrow down on a company policy for prioritising social media takedowns.

We at Eshwars have hands-on experience with respect to enforcing IP rights of brand owners on social media websites and App stores such as Google Play stores and the I-store. For more information please contact saisunder@eshwars.com.



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