

## Intellectual Property Right and Situation of Pandemic!!

Intellectual property (“IP”) is a category of property that **includes intangible creations of the human intellect and is legally protected**. There are many types of intellectual property, and the most well-known types are copyrights, patents, trademarks, trade secrets, franchises or simply ideas.

IP is a creation of human mind like any idea, invention or any process and protection of the same allow their owner to completely benefit from his product which was initially an idea that developed and crystallized. He/she in fact legally sue them and force them to stop and compensate for any damages.

What is Brand?

A brand is an identifying symbol, mark, logo, name, word, and/or sentence that companies use to distinguish their product from others. *Your **brand** is one of the most valuable **intellectual property** assets your business could own.*

*Intellectual property in itself is a powerful means for achieving the end of brand success. This enables Brands defending itself against exploitation by unscrupulous competitors, and seek as much legal protection as possible.*

*Strong IP rights like Registered Trademark or Logo help consumers make an **educated choice** about the safety, reliability, and effectiveness of their purchases.*

### Wondering why are we telling you these things?

In the situation of such Pandemic, when everywhere its LOCKDOWN, *still we carve for branded goods/services!!!*



Whether it's



for burgers



and fries and

for soft drinks!!!From morning with



for

brushing teethes, and



milk for Tea after brushing and its ice-cream for dessert

after dinner at night. We need



for cooking,



over other instant noodles...

From waking-up till going to bed, we are surrounded by various branded products.

### Why branded products are more expensive?

“Branded products are more expensive than non-branded ones because of higher quality materials used in them”, is that so?

Not really, there are various factors that contribute to it like Production Cost, Research and Talent, Packaging, Marketing, Limited Production, etc.

In reality, one of the biggest reasons that high-end brands are able to charge so much for their brand is because there is a market for it. As long as people are willing to pay high prices for brands, the cost will continue to increase - unfortunately, it's just as simple as that.

### Why these brands blow our mind? Why we choose brands over local/unbranded goods/services?

#### Peace of Mind?



Yes they do. Buying branded clothes provides peace of mind. We really need not to worry about the quality of the products as we are assured of getting best.

#### Save decision-making time?



For instance, when we decide to buy any electronics, our list gets reduced according to the category of the product and we have very few options left to decide upon. It saves time!

#### Brands create difference?

Of course they make difference. We prefer  or  butter over any other regular butter. And if it's not available, we refuse to buy regular brand.

#### Brands decide our status in the society?



People choose  Mercedes-Benz or . The brands we use make a statement about who we are and who we want to be. People become emotionally attached to the brands they use and view them as part of their self-image. Brands can reflect the personalities and self-perceptions of their users.

It is vital that you continue to protect your Brand / Trademark / Logo with its Registration during this pandemic. At some point, it (likely) will pass, and in the meantime brands will continue to be important. Normality for consumers is in itself an asset in this

difficult time and brands can be developed during this period to encourage loyalty and habit from consumers.

Typically, Registered IP rights provide the owner with an exclusive right. Whilst this is likely to continue to be the case in respect of registered trademarks, we are seeing an **increase in copyright, designs and patents being 'shared'** in the community in order to speed up overcoming COVID19.

*In Polymer Papers Limited v. Gurmit Singh & Ors.*

The defendant had earlier worked with the Plaintiff company and later joined a competing venture. The Plaintiff had alleged that the Defendant was revealing trade secrets and other confidential information related to certain products in respect of which Plaintiff had exclusive rights and Defendant had thus committed breach. However, there was no agreement between Plaintiff and Defendant and further. Consequently, the **Hon'ble Delhi High Court** held that in any event, Plaintiff was not entitled to discretionary relief of injunction and it was further held that Plaintiff did **not possess any exclusive intellectual property rights** in respect of the products in dispute and hence there was no ground on which Plaintiff was entitled to injunction.

**Don't neglect to protect your Brand by making Trademark or Logo Registration; you will need it in order to come back stronger once 'normal' life can resume.**

Please feel free to reach out to us!!!

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Thanks and Regards  
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