




## WHY IT'S A GOOD IDEA TO REGISTER YOUR TRADEMARK?

### TRADEMARK

*A trademark is a unique symbol or word(s) used to represent a business or its products. Once registered, that same symbol or series of words cannot be used by any other organization until its registered in your name. Trademark may be a combination of Letter Word, Number, Phrase, Graphics, Logo, Sound Mark, Smell or a mix of colours.*

Over time, trademarks become synonymous with a company name, so that you don't even need to see the name to recognize a particular business. Think of the apple shape with the bite

taken out that Apple  uses as its logo, the swoosh logo  that Nike features on all of its products, or the golden arches  McDonald's registered decades ago.

### WHY IS TRADEMARK REGISTRATION SO IMPORTANT?

- ❖ Trademark can assist purchasers in distinguishing your services and products from the ones of your rivals.
- ❖ The logo can serve as a vital thing for dragging the attention of consumers.
- ❖ Cost of Trademark registration is relatively low.
- ❖ A registered Trademark act as a legislative solution to its infringement/contravention.

### TRADEMARK INFRINGEMENT

Trademark infringement is defined as the unauthorized use of a trademark or service mark. The Indian Patent Office administered by the Controller General of Patents, Designs and Trademarks deals with the protection of Trademark.

Reckitt Benckiser (India) Pvt Ltd (Plaintiff)	Mohit Petrochemicals Pvt Ltd (Defendant)
❖ Trademark infringement suit preferred by Plaintiff, the <b>Delhi High Court</b> against the Defendant as it was selling hand sanitizers under the brand name ' <b>Devtol</b> '.	
❖ The Plaintiff said that it was the manufacturer of a well-known antiseptic which is sold under the registered trademark and logo ' <b>Dettol</b> '. He prayed to <b>permanently restrain</b> the Defendant from infringing its trademark.	
❖ Defendant contended that ' <b>Devtol</b> ' gave protection from COVID-19.	
❖ The Defendant stated before the Court that it has already taken steps to withdraw the infringing mark, ' <b>Devtol</b> ' and would also not manufacture and/or sell hand sanitizers under the infringing mark.	

- ❖ Recognizing that the Dettol was a well-known mark, the Court proceeded to pass a decree of permanent injunction against the Defendant with respect to the mark 'Devtol' and ordered them to recall their existing stock from the market and also imposed cost of Rs. 1 lakh on the defendant.

### **CONCLUSION**

*If you don't register your trade mark, then someone else can. This immediately puts your business and any product or service development you are undertaking at risk. As your product or service becomes successful, the trademark itself starts to develop an intrinsic value. Securing a registered trademark protects your brand, and provides you with the tools to prevent someone using similar signs.*

Also, if your entity is registered as MSME unit under **Micro, Small and Medium Enterprises Development Act, 2006** (“MSMED”) you can avail 50% subsidy on the Government Fees applicable for Trademark Application.

Like, if your entity is as registered as a Company the fees gets reduced substantially to Rs. 5,000/- from Rs. 10,000/-.

### **WANT TO REGISTER YOUR TRADEMARK??**

**Please feel free to reach out to us!!!**

<b>E-mail us at</b>	<ul style="list-style-type: none"><li>➤ <a href="mailto:kbaglacs@gmail.com">kbaglacs@gmail.com</a></li><li>➤ <a href="mailto:maheshgbagla@gmail.com">maheshgbagla@gmail.com</a></li></ul>
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Thanks and Regards  
Team ~ K. Bagla & Associates  
**Your Compliance Partner**