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Topic of Research: FUTURE OF UNCONVENTIONAL TRADEMARK IN INDIA WITH SPECIAL REFERENCE TO WELL KNOWN TRADEMARKS

Finding

The *Trademarks Act, 1999* has come long way to protect Trademarks. It had removed the inconvenient provisions of the old acts and has fostered the rights of the traders and other service providers significantly. But the laws relating to Trademark protection in India as well in the world have been proven to be inadequate in effectively protecting the Well-known unconventional trademarks.

After careful analysis of legal provisions, illustrations, and case laws; the study has arrived at the following findings:

- (i) Non-Conventional Marks recognition is made more difficult by the absence of clear guidelines. As a result, legislation on Non-Conventional Marks is urgently needed. With regards to Non-Conventional Markings, there is a lot of grey area that requires careful consideration to avoid giving the well-known marks an unfair advantage.

- (ii) Non-Conventional Marks are exempt from trademark protection under the TRIPS international treaty on intellectual property rights. As a result, many nations have been debating whether the TRIPS Agreement itself needs to be changed to include Non-Conventional Marks. TRIPs set minimum criteria for all member nations to adhere to, on the other hand. Because of this, there are no TRIPS-free countries. For example, Non-Conventional Marks are included in the legislation of countries like the United States because of this.
- (iii) Another difficulty is the use of graphical representations and criteria for uniqueness or secondary meaning. Smell markings are very challenging here. Writing down the chemical formulae for smell marking can be done, but this becomes more difficult when dealing with high-quality goods. Smell markings are also difficult to record because of storage issues. Smells can be registered in virtual reality by establishing a framework with sensory capabilities to address this issue.

Finally, it can be drawn that Indian Trade Mark Law must be updated on frequently keeping in pace with the dynamic and new methods of Trade Mark Infringement. Both courts and enforcement authorities must be adequately equipped and trained to handle Intellectual Property cases efficiently. It is necessary to develop a National Intellectual Property Policy for India, which will aid in achieving India's vision for intellectual property rights.