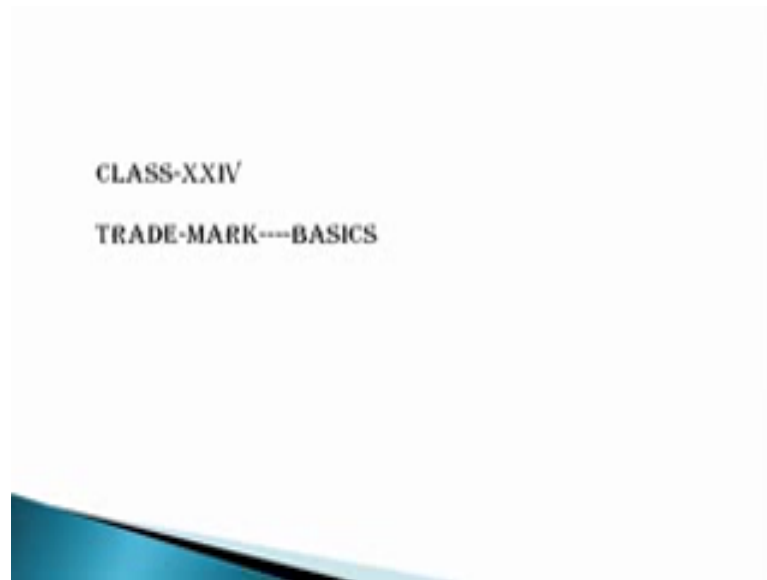


Introduction on Intellectual Property to Engineers and Technologists
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Lecture - 24
Trademark Basic

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Ok. So now we will discuss about another forms of IP that is Trade Mark. So these are that say 3 forms of IP we will be discussed. Now in this module itself I have plot another forms of intellectual property or industrial property whatever you thinks that is called Trade Mark. So, I will this about the trade mark also, I will teach you about its basics, then little bit let us say that now brand management or branding components as your technical or engineering graduates and some time called brand relation that will call come up in the form of IP portfolio management or within the purview that on we discussed in last component part. But mostly I will deal with the trade mark, it is a basic features of basic elements of the trade mark, its registration procedure role of trade mark in respect of internet and that satisfaction mark collective marks are receive to ready all those things in respect of trade mark.

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Let us start with reference to the word trade mark. So I will try to cover the trade mark and its importance trade mark registration procedure international registration of trademark all though it is not important, I will just touch it. Now trade mark and internet component is very much essential for technical graduates. So, that part also we discuss in the purview of trade mark itself, trade mark and its importance let us come.

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So, it is understood or may be copied it from different sources. So, what are those a word two letters it is GM, Hilton or this is a logo. This is a logo what it is signifying. I am

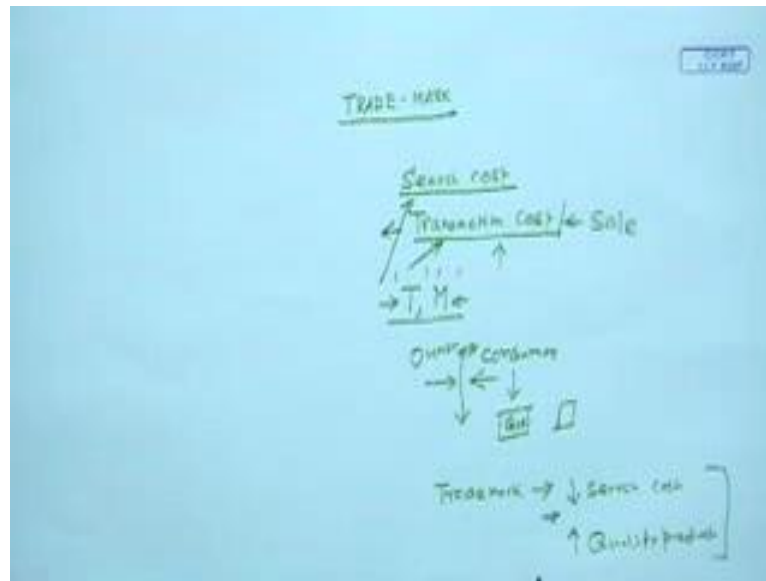
telling these are trade mark. You also telling me this is an even class 3 4 level students also can tell this is that trade mark because trade mark now become a dictionary word. So, English dictionary also try to define the trade mark. So, label then what you are getting the mark for trade. So the mark if this are using for trading purposes, those who things you are telling that as a trade mark, on the label perspective.

So, mark used in per view of trade. Why the mark as been used purview trade? What is the problem those marks are not there? Can you guess? Just like say there is no mark available on the chair and the chair with mark available. What is the difference it let say same chair, some chair mark is there, some chair mark is not there, no mark is available. If you try to search it no mark is available. What mark signifying? Mark signifying that chair have been just like say chair, as in the chair who is marketing that chair or who is producing that chair. Which was like the way form this is the Godrej mark is there. Accordingly it is understanding that Godrej is marketing those chair or selling those chair. So, Godrej is let say selling those chairs.

Some cases you made by somebody marketed by some cases just like a medical product for (Refer Time: 04:41) requirement. Some cases you have to meet made by then marketed by like this. So, chair Godrej remains it totally mentioned that the chair as been coming from the Godrej.

So they will let say another chair is there they are machine cello. So, then it is that cello is selling that chair. So, the two chairs will distinguish who is the where from which source the chair is coming. One is from Godrej Company. One is coming from the cello company. Two company is selling the chair. Many chair technically or functionally same, but the just like other form of IP, you are not contributory with difference to those chair, but we are contributory from which source that chair have been coming. So, there lies the role of trade mark. If no trade mark is available then already department discussed about the theory of (Refer Time: 05:48) There is a term called search cost, There is a term called in trade mark context or economical context called transaction cost, Search cost and transaction cost.

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What doing by transaction cost, cost involves for transaction of a single unit of goods. So, single unit of goods for transaction. Transaction means transaction happens by means of let us say sale. The mode of transaction is sale. So, transaction involve the cost involve in transaction in sale one unit of goods this transaction cost.

Now the search cost and transaction cost. Let us say there is no level or logo in the chair and you want to prefer the chair. So how you will prefer there is no label or logo how you will prefer the, you have to think about that which are the different ways, you conclude. You have to go to that particular showroom, then look and see the chairs, look and feel of the chairs by virtue of that you have to may asked about somebody who as gone to that shop who as preferred those chairs that like that call sometimes experienced goods somebody experienced all those goods, then you can take the view of the experienced p p with reference to those goods.

So, it will ultimately enhance that that say by virtue of transaction cost involve the time and money let us say time in money. So by virtue of that money means sales that that sale price of that chair is increasing, but if you try to involve that time for preferment have been increasing. So, that by virtue of that time for preferment as increasing that it increases of transaction cost. Why time preferment is increasing? Because of the time is that involve in respect of search. If there is no trade mark your transaction cost will

increase because of the increase of search cost. Search cost will increase by virtue of that transaction cost will also increased.

So, the trade mark signifies that it will try to reduce the transaction cost by virtue of that it will try to make the market efficiency. Then what is the benefit of the trade mark owner. Definitely the trade mark owner just like say I consider Godrej, the trade mark Darjeeling t the trade mark owner Hilton or Apple the trade mark owners benefit lies on that. That trade mark owners if now the transaction cost reduced then they are sell also people, will be sell also increased and if government tries to state some source of protection for that mark. Then they will be more attractive for to provide quality chairs they got quality chairs.

So somebody use their Godrej mark and the state does not give the protection for that person try to use their logo in their chair. So, then that then that lead to the somehow loss of revenue for the actual owners. So, that way if state give some sorts of protection with reference to the use of actual owners trade mark by second person then he will be more adducted for that and another way the why states would give protection because consumer, if you have to think about the consumers, the society will part the society member of the society these are the consumer and consumer if say Godrej chairs by Godrej by company also using the our Godrej.

Then may be whatever way the quality Godrej was providing the company A, when the using the Godrej logo they are not just like making that quality, they try to claim on the brand of Godrej. So, people will be getting second hand quality of second quality good or that lead to that as like say consumer will not be satisfied. So, that lead to that imperfect market and consumer will be despite of quality goods.


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What is Trademark?

•A trade mark in laymans language is a mark which may be a word, signature, name, device, label, numerals or combination of colours used by one undertaking on goods or services or other articles of trade to distinguish it from other similar goods or services originating from a different undertaking.

Under modern business condition a trade mark performs functions such as

- It identifies the goods / or services and its origin.
- It guarantees its unchanged quality
- It advertises the goods/services
- It creates an image for the goods/ services
- It create branding



So, that way now if I say tell you that trade mark somehow try to promote market efficiency, is it agreeable to you. I think you may analyze that what trade mark and trade mark try to protect the interest of the consumer. Because consumer is getting a quality goods by virtue of actual trade mark owners trade mark ok.

So definitely trade mark is important in respect of economy and because in respect to market economy specifically, so if you virtue of that if you read our trade mark that. So that way that PM will suggest or the objective of act suggested, giving protection of the trade mark and for the protection of the consumer. So that way that to give better protection of the trade mark or the trade mark owner by virtue of that they are protecting the interest of consumer. So, that way try to make a balance between the say interests of perceive consumer and owners.

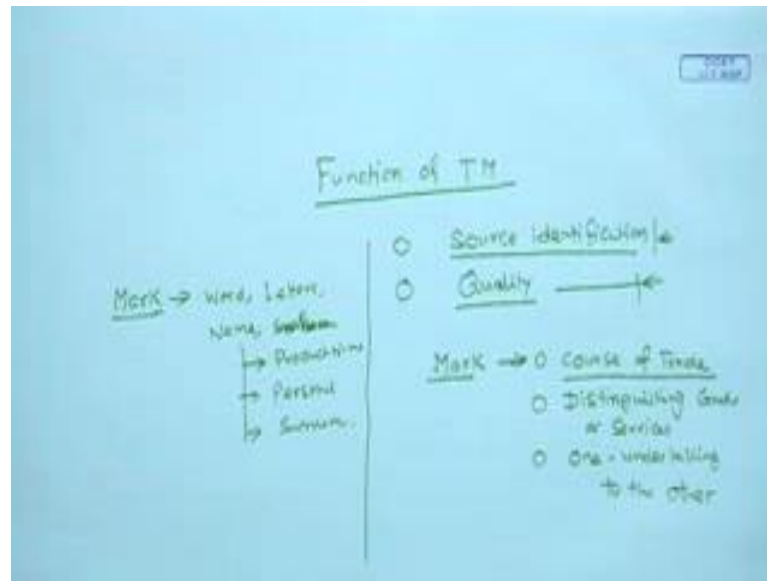
If the owner interest also meets by the virtue of consumer interest also meet. This owner will be more attracted to provide quality product because of their statutory protection and consumer also will be happy or purchaser will be also happy because they will get a quality product or unchanged quality product. So trade mark by significance of trade mark Godrej means all Godrej bearing chairs we have unchanged quality. Godrej bearing chair will have unchanged quality. So wherever you go (Refer Time: 13:13) go to the It or go to Kashmir, if you see the Godrej chair, all the Godrej chairs would have unchanged quality.

So trade mark signifies the unchanged quality. If the real trade marks owners if the quality goods are available they are using that type of thing they are may not get the unchanged quality, so trade mark quality part. So definitely we try to mention thus the function of trade mark, if I ask trade function of trade mark. So I will say that is it reduces the search cost. So it provide quality product. So virtue of that say we can consider that by means of using search cost providing quality product. So it definitely tries to important role in the market or trade perspective. So it provided thing in short and the (Refer Time: 14:21) time of the public. So there, you can deny the role of trade mark. So this is an important form of industrial property.

All though no much creativity involved, much creativity involved in the form of designing of the logo, whatever logo you are designing in respect of an using that logo as a trade mark, there some sorts of creativities or creation of minds involved, otherwise this is somehow you can consider industrial properties that (Refer Time: 15:01) suggested.

So this are the basics or if I say that little bit economics of the trade mark, you can really deals with that, one major constant is the source identification function. So if I consider trade mark function specifically, the functions of trade mark let us consider TM. Let us say can you tell, what is the function of trade mark? I will put that the source identification function and also quality, that logo of that institute or SBI is also providing the source just like say and that also automatically providing that quality.

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So trade mark having the 2 functions, dual function source identification and quality indication function; one is identification another one is indication. This is the major function. So how will you represent your goods in the market they are lies the rule of trade mark. So now, let us go to the little bit on the integrities of our trade mark.

So trade mark just like say I am not going to legal definition, Trade mark in layman's is a mark which may be a word, signature, name, device, label, numerals or combination of color used by one undertaking on goods or services or other articles of trade to distinguish it from other similar goods or services originating from a different undertaking. So just like a chair I refer chair cello Godrej. Similarly televisions or mobile industry, now we consider how many players are there in the market Samsung, Apple, Nokia all those kinds of players. So that indicating that particular things. So what way that label logo or name is indicating that distinguishing that same goods from one undertaking to the other country mobile from Nokia mobile for Samsung or for apple.

So it is distinguish same or similar goods from different undertaking different undertaking. So if you go to the legal definition the trade mark as per section 2ZB or trade mark at 99, the trade mark they are defining the trade mark means the mark used in the codes appropriate.

So if I now analyze that mark used within, the course of trade mark used with another feature course of trade. For what the marks will be used marks should be used in the

course of for distinguishing, what goods or services of what from upon undertaking from others, from one to others.

So now you got the legal definition of the trade mark. So mark used in the course of trade, for now I will not go in details regarding that, because there is a lot of legal interpretation, what do you mean by course of trade. We do not have enough time to discuss on integresis, but (Refer Time: 19:18) course update you may consider the just like a manufacturing for to preparation to the market when it will reached the hand of the customer the it could consider a one course of trade have been completed.

Now, for second hand goods similarly another course of trade may charge for second hand goods. So, course of trade means manufacturing preparation advertising, preparation for the markets promotion sell. So, all those kinds of elements may come in the purview of course, of trade distinguishing goods or services goods or understanding goods which are in the course of trade just like say let us say chair table everything will be the goods. Services means like a banking service divisional service insurances are the services insurances are the services that also they can also used the trade mark. One undertaking just like a banking service you know SBI in a trade bank like this way educational institute you know also the different MITs. So, marks now come to integresis on the mark.

So mark, what can be a mark? So, already referred the word signature name device label, mark say the that case mark so can be a word, can be letter, combination of letters and word letters, may be name I will not go in details regarding that may be surname. So, then name includes on the name part you can again differentiate the different way the product name, personal name may personal name then surname. So, like this way a word, letter just like say LG 2 letters to the trade mark. Word apple is a trade mark.

Now word label signature name can be personal name personal name as a trade mark can you give the example, similarly surname is a trade mark use number of examples Cadbury is also you know that Cadbury is a surname. Xerox is a name person, Xerox is a name of a person, and Cadbury is a surname, all the rim good brand in India. So, this is also a surname.

Now the surname can be trade mark the device particular device means device MR or we can think can be use like a (Refer Time: 22:26) that device can be associated a numeral

555, is a good trade mark of combination of colors just like say petrol pump, if you can see that reliance different color combinations and then Bharath petroleum different color combinations. So color similar color may not, but color combination may not be qualified as a trade mark as a mark.

So, mark includes word, letters, symbol device, logos all sorts of things and the Indian law suggested mark should be represented in graphically means mark should be applied. The mark should be applied to the goods; means that mark should be visible to the customers. For that they put graphically represents, but just by mark should be represented graphically in a paper forms. So, otherwise marks graphically able to see one of the requirements for a trade mark basically in India part.


So, the function of modern I already refer it identifies the goods or services and its origin it guarantees its unchanged quality because, I already preferred already it advertise the goods, how you will advertise by virtue of that trade mark. It creates an image for the goods trademarks only create the image of the goods, but otherwise how will you whether you will go for say testing in a laboratories for the component that is defined part just it is an recent days about the maggi and other components you understood (Refer Time: 23:58) the product. So, that is the second part, but already you know they done a huge market.

So, create an image with an nestle by virtue of that it creates branding, just like say branding we consider, just like a particular companies or a particular trade mark is a use brand for that. So, that he creates a branding is an important parameters nowadays.


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Why Trademark?

- ✓To protect public from Fraud
- ✓To Minimize Purchasing Time



- Right...Perpetual;
- Right loses by virtue of non-use;
- Statutory right has to be renewed every 10 years




Let like this product public from fraud minimizing process in time processing time. So, this is the part. Now different types of mark devices that. Now, one important parameters, now I should discuss as your technically graduates.

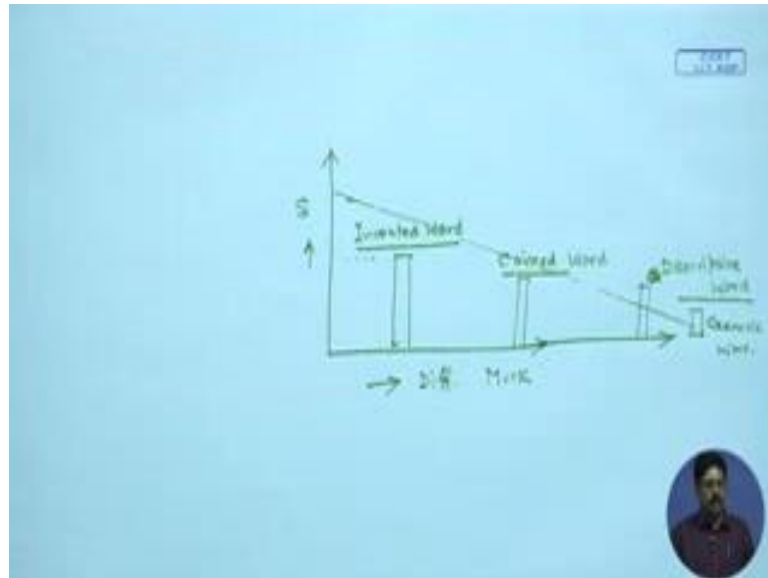
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Different Type of Mark

- Devices, including fancy devices or symbols
- Monograms
- Combination of colors or even a single color in combination with a word or device
- Shape of goods or their packaging
- Marks constituting a 3- dimensional sign
- Sound marks when represented in conventional notation or described in words by being graphically represented



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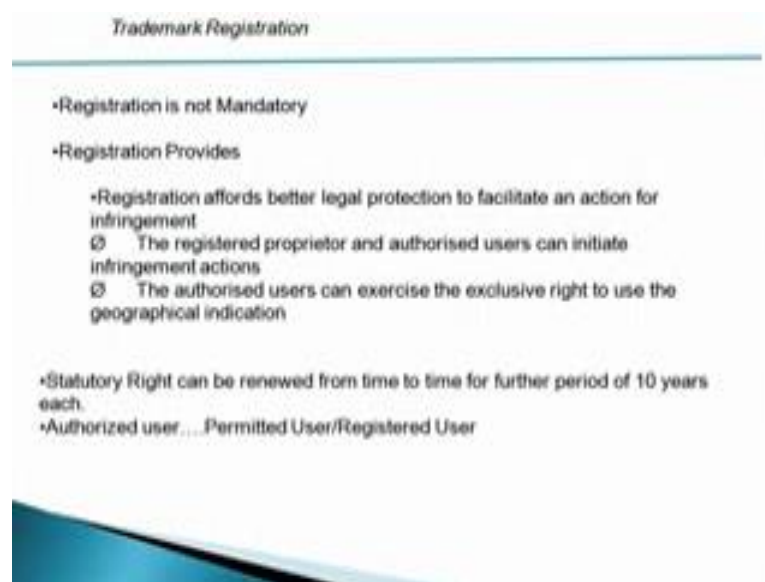
So, the different types of word marks are there. Just like say the word can be invented word like say invented word or doing by invented word, that there is a word as not have any meaning that word does not have any meaning. Then what may be coined word means, that 2 words somehow you are mixing and vomiting some word. So, one may be a coined word, then word may be a generic word also or descriptive word. Let us a descriptive word. So, considering that that, if I consider strength we can in y axis strength yeah strength in y axis and different types of mark in x axis different marks in y axis x axis.

So, considering the market rate they suggested that invented word having the higher strength. If you can consider higher strength compared to the coined word, then descriptive word, then come the generic word. So understood that, if I make a gradient like this, the strength decreases if when the word is tending towards generic word descriptive word this is generic word, now, what will be the could not way to select a good trade mark. Generally we say that for day one should be invented word. Just like I say consider apple, apple for computer business we consider this is an arbitrary word, because apple does not have any relationship with reference to the computers, but apple for apple juice may consider descriptive or generic word or apple juice is a product, if you use the apple as a trade mark that may consider the generic word or descriptive word.

So, initially may not get good market segment or market (Refer Time: 27:16) because people definitely will thought about that descriptive attributes of that mark descriptive attributes that is providing with associated with their goods.

So that way those who select a good trade mark you should be easy to speech, easy to speak, easy to spell, that type of things, easy to remember, this types of things may be will be considered to be a good trade mark. Good trade mark means the day one it should have enough strength, day one is to prevent the market with higher capacity. So, that will be considered as say good trade mark.

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So another part is forgot to mention, let us discuss here a little bit, that India say just there is also mark in the mail in the form of a hollowgram, in the form of a touch, in the form of a sound, just like say for a mark to be register will just like say based on criteria in nontraditional mark. So, it is to be registered because must should be should be clearly eligible, intelligible, all those components they have created in the criteria. Mark should be clearly visible, just like we have graphical representation. So, that people can definitely distinguish one mark from the others mark others mark. So, nontraditional mark just a mail how you will represent in a graphical form. There lies the channel. Nontraditional marks like mail till date not registered in India, but that can be registered considering the descriptive of the mark or based on the chemical formula of the mark. Somehow the mark just I say what can elements or chemical formula you are using.

Similarly, sound can be registered as a trade mark based on the description of the sound along with the notation you are using for the sound. Till that India only you have registered sound as a trade mark, but no smell as a trade mark has been registered. Nontraditional marks include sounds, smell, and sorts of things. This is also an important intellectual contribution of information of nontraditional trade mark that (Refer Time: 29:52) including the packaging or that way, what way goods you are packing just like a nowadays a flipkart and others you came into your hostel, security persons you will inform the packaging itself you will understand from which source the goods are coming, so color that we call trade dress or packaging trade dress, what is the trade dress? Trade dress as a trade mark these are the issues with reference to the non traditional ways of representing goods on nontraditional goods trademarks.

So, you understood now, why trade mark? What is the importance of the trade marks? What are the different types of mark? Where the marks have been intellectually contribution based on logo label, where the intellectual contribution involve with reference to the invented word. Selection of the trading marks just like as a engineering or technically graduate or MBA graduate, if you create or a good trade marks for your organization then definitely that is a the value addition for the organization, that will ultimately will be a considered a huge brand for that company.

So, that way how you will create a brand for the company (Refer Time: 31:08) actually that actually you can create consider who has got the idea, to apply the word apple for the apple computers. See that what is the brand value of apple nowadays similarly the Google, you consider the brand value of Google. What is considering the micro step all sorts of things? So I am ending it here with the basics of trade mark will subsequently discuss the other attributes.