

ABSTRACT

**SMELL TRADEMARKS: A CRITIQUE AND ITS STANDING IN INDIAN
TRADEMARK LAWS**

*** SANJANA.S¹**

As time passes, various brands are striving to make their products as unique and their features, as distinct as possible. One such recent development, yet a major one is the use of olfactory senses to make a brand distinct from the rest, or otherwise referred to as "Smell marks". Various nations hold various perspectives with regards to the registrability of smell marks. Despite the fact that numerous nations have expressly banned the enlistment of such brand names which needs words or is unequipped for graphical portrayal, it has been seen that some custom-based law nations allow the registrability of smell marks. In any case, for the present whether fragrance marks are qualified for enrolment as brand names is as yet dubious and questionable.

The primary objective of this Research Paper is to explore three different angles of smell marks-examinations on the worldwide standing of smell marks as well as its standing in Indian laws, the contentions progressed for and again with regards to the registrability of smell marks lastly it finishes up by exploring the scope of smell trademarks in the commercial sector.

Despite the fact that from the start fragrance marks appear to be novel method of making a brand distinct, yet it isn't possible keeping as a main characteristic since smell and olfactory senses are extremely subjective in nature.

Keywords: Trademark; Smell Mark; Intellectual Property Rights; Registrability of Smell; Imprint

¹ Student, Symbiosis Law School Hyderabad