

ABSTRACT

PROTECTION OF WELL KNOWN TRADEMARK AND RECOGNITION OF TRANSBORDER REPUTATION IN INDIA

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India as a country over the past two decades has perfect transition and legal system in India has changed a lot and the trademark law also refined and it is continually being refine and provide effective protection to the trade marks. The reputation of every brand has been depends upon the usage of a particular gods or service and the protection of reputation is there in the action of the passing off and is as such different from goodwill which is an assets and it should be protected by law itself. Every country should provide protection to such trade marks in their soil.

Indian judiciary has been very liberal and protected such trademarks even they are not registered in India by the passing off action. In India the concept of reputation is embodied in section 35 of the Trade Mark Act, 1999 and Indian courts has recognized action by foreign plaintiff on the basis of passing off solely upon the reputation of such goods and services on the foreign soil. An Indian court has acquired and has been set by the Courts for judging a case on the basis of transborder reputation.

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