

ABSTRACT

THE CONUNDRUM OF DECEPTIVE SIMILARITY UNDER INDIAN TRADEMARK LAW

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Trademarks are protected under intellectual property laws. A trademark is a mark that consists of a symbol, a word, or a name that serves to distinguish the goods from those of other manufacturers. Trademarks are very important in determining the original source of goods and services. A trademark aids in building goodwill for a company. On the other side, it is vulnerable to misuse and infringement. "Deceptively similar" trademark poses a grave threat and is one of the ways that an existing trademark might be infringed. A deceptive trademark will be visually and phonetically very close to the original trademark and it shall cause confusion among the consumers. This research article aims to study and analyze the concept of deceptive similarity under the Trade Marks Act in India, its historical development, trademark infringements and the various landmark decisions of the courts on deceptive similarity of trademarks in India.

Keywords

Deceptively similar

Trademark

Infringement

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