

**GOVERNMENT OF INDIA
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
LOK SABHA**

UNSTARRED QUESTION NO:3646
ANSWERED ON:23.08.2004
BAN ON DUPLICATE BRANDS
Gadhavi Shri Pushpdan Shambhudan

Will the Minister of CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION be pleased to state:

- (a) whether the companies manufacturing consumer goods are demanding for special ban to check the duplicate products of their brands in the market;
- (b) if so, whether the present laws are not much effective in this regard;
- (c) if so, the details thereof; and
- (d) the steps Government proposes to take in this regard?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND THE MINISTER OF STATE IN THE MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (SHRI TASLIMUDDIN)

(a) : Government are not aware of any demand from the companies for a special ban to check the duplicate brands of goods.

(b) to (d): Trade & Merchandise Marks Act, 1958 basically deals with the registration and licensing of Trade Marks. The registration of Trade Mark is purely voluntary and there are thousands of trade marks in use, particularly relating to consumer items, which are not registered under the Act.

The Trade & Merchandise Marks Act, 1958 seeks to protect the intellectual property inherent in a trade mark and includes provisions for safeguarding the rights of the registered trade mark owner through various provisions under the Act which need to be agitated in the civil/criminal court. The onus of seeking to protect his right lies entirely upon the registered holder of the trade mark.