

# CONFERENCE REPORTS

## **National Seminar on the Role of Trademarks in Marketing of Goods and Services and the TRIPS Agreement**

A national seminar on the Role of Trademarks in Marketing of Goods & Services and the TRIPS Agreement was held at New Delhi on 20 May 1996. The seminar was organized by the Confederation of Indian Industry in cooperation with World Intellectual Property Organisation (WIPO) and UNDP. Shri R K Sinha, Secretary, Ministry of Industry, Government of India in his inaugural address informed about the current status of the implementation of reforms in the sector of intellectual property in the country. He informed that the Government has initiated measures to modernize the trademark registry and expedite the process of registration of trademarks. Shri T R Subramanian, Controller General of Patents, Designs and Trademarks, shared information on the salient features of law of Trademarks in India. The first statutory law on Trademark was the Trademarks Act of 1940. This law was revised and replaced by the comprehensive Trade and Merchandise Marks Act of 1958. There has been steady increase in the number of trademark applications filed in a year. In 1981-82 it was 13,970 which increased to 42,723 in 1995-96. In order to cope up with the ever increasing

load of work the Government of India in cooperation with WIPO is implementing a project for Modernization of the Trademarks Registry. Shri G S Jaiya, Senior Programme Officer, WIPO, spoke on International Protection of Trademarks, Paris Convention, Madrid Agreement and Protocol, the Trademark Law Treaty and the TRIPS Agreement. The main features of the Madrid Agreement include the facilitated character of the agreement in providing international registration of the trademarks. Any applicant who is a national of a country party to the Madrid agreement or a person having his domicile or a real and effective industrial or commercial establishment in such a country is eligible for registration of trademarks under the agreement. The Trademark Law Treaty simplifies the protection of marks, including service marks, by removing a number of formalities that are not necessary. It will enter into force on 1 August 1996 in respect of the following states that, as on 6 May 1996 have deposited their instrument of ratification or accession: Czech Republic, Republic of Moldova, Sri Lanka, Ukraine and United Kingdom. India is not yet member of these treaties.

Shri Pravin Anand, practising attorney spoke on The Trademark Attorney and Agent in Relation to his Client and the Trademarks Registry. With the help of case studies and lucid presentation, he delved upon the characteristic features of the trademarks legislation in India. Shri Subramanian, made a presentation on Modernization of the Administration and Computerization of the Operations of the Indian Trademarks Registry - Present Situation and Future Plans.

Mr A Liberian, specialist from WIPO spoke on Corporate Policies and Strategies for Trademark Management; Creation, Protection and Valuation; Trademark Licensing and Franchising and Judicial Remedies against Infringement and Counterfeiting of Trademarks; International Trends, including Enforcement Provisions of the TRIPS Agreement. Drawing upon the historical developments of the Trademarks, he explained the basic concepts. Trademark functions both as a badge of origin and a badge of quality. Trademarks are the only form of

registered intellectual property right that can "last forever". He also shared the critical aspects for the management of trademarks such as effective record keeping and easy access to information on trademarks, systematic monitoring and requirements for commercialization of trademarks systematic monitoring and requirements for commercialization of trademarks through licensing and franchising. On the second topic of judicial remedies, he shared information on the current world trends, the changing concepts of trademark infringement and the defences available against infringement. The remedies included temporary or permanent injunctions, damages/account of profits, seizure by customs and other such majors.

People from industry, government institutions and private practitioners in the field of patents and trademarks participated in the seminar.

**V K Gupta**  
Scientist  
NISTADS, New Delhi