



## FROM LABELS TO LEGITIMACY: NECESSITIES FOR TRADEMARK LAW IN PROTECTING FOOD BRANDS

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### ABSTRACT

The article examines the intricate relationship between the food industry in India and trademark laws. It is now more imperative than ever that Indian brands have a strong trademark protection as the food industry in the country intensifies its growth and has added new categories at an incredible pace. The challenges of online infringement, threats of genericization and copying, which threaten not only consumers' safety and branding, but also brand images and identities themselves. Additionally, the article highlights future perspectives essential for safeguarding brand integrity in a competitive marketplace.

The Trademarks Act of 1999 serves as the foundation for trademark protection in India and is essential in facilitating food brands in conquering challenges such as counterfeiting, genericization, and brand dilution. We advocate improved protection of trade dress that influences customers' perceptions of brands and can avoid market confusion. In order to mitigate these issues, it emphasizes the importance of increasing public awareness of trademarks and the risks associated with counterfeit products.

E-commerce platforms play an important role in our digital age. These platforms can mitigate trademark infringement and hold parties responsible by enforcing stringent takedown policies and vetting vendors. Furthermore, employing technology curb challenges posed in the food industry.

Finally, in order to effectively address unique challenges faced by the food industry, a thoughtful revision of the current trademark law is imperative to ensure trademark protection crucial for establishing customer confidence and guaranteeing the authenticity of food products, and this may be achieved by strengthening legal frameworks and promoting cooperation among industry stakeholders. In turn, this will help India's thriving food industry's producers and customers.

### I. INTRODUCTION

The importance of Intellectual Property Rights (IPR) has been on the rise in the food industry in recent years due to requirements for brand protection, product identity, and competitiveness in the global market. Trademark protection is one of the most important of IPR for food business

because trademarks are symbols, phrase, words or device believed to be capable of graphical representation which are used to identify and distinguish the goods or services.<sup>1</sup> Hence, the correlation between trademarks and food industry in India plays a vital role in the protection of brands, safeguarding consumers and promoting the market.

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An analysis of food trademarks not only establishes that these brands are protected by law but also that trademarks become a guarantee of their quality and originality, which safeguards consumer and business interests. Thus, the objective of the current article is to discuss the role of IPR, chiefly trademarks, for the food industry, contemplating the Indian legal context.

Trademarks can be defined as any sign that can be used or recognized as a distinguishing mark to the goods or services of one trader from the same or similar goods or services of another trader and as provided for under the Trademarks Act of 1999.<sup>2</sup> Such symbols may be in form of words, logos, symbols, packaging and even colour. In the food industry trademarks are employed by producers as a way of distinguishing their products in the marketing areas. A trademark assists one food product to be distinguished from the other, and this provides assurance to the buyers that they are dealing with the right company. Trademark also act as a tool of disseminating information regarding the quality, source and composition of the product, which in the food industry is a critical sector due to issues of health, safety and genuineness.

Food sector of India is still rapidly growing because of strong population, shifting preferences of the people, increased level of urbanization hence the need to protect the trademarks in the food sector. While Indian enterprises look forward to challenging established brands from across the globe, it has dawned upon them that trademarks require protection. In the absence of these legal protections, food businesses remain at risk from counterfeiting, imitation and passing off which can

potentially harm their brands and erode customer confidence.

India registered trademark law is Trademarks Act, 1999 which governs the process of trademark registration and protection.<sup>3</sup> It makes it possible for companies to apply for registration of their trademarks with the Trademark Registry, which bestows on the user the protection of the right to use the mark in connection with certain classes of goods or services. The law also sets out remedies where trademark has been breached including orders for the same, damages and injunctions together with orders for the destruction of the counterfeit products. These legal protections are important for the foods businesses because they cannot be associated with the competitors or imitated by the dishonest people.<sup>4</sup> Also, trademark registration can benefit a food business because the branded name becomes easily recognizable and advantageous in the commerce compared to its competition.

Trademarks are very useful for consumers mainly because they provide a way of getting a guarantee when purchasing certain products. This is particularly so in the food industry where things like fraud and contamination are prevalent, trademarks provide evidence of quality and safety. A registered trademark means a product has been produced by a known manufacturer and it conforms to some health and safety standards. Trademarks thus contribute to consumer protection by ensuring that food products meet specified safety and quality benchmarks.<sup>5</sup>

This makes trademarks crucial for companies that operate in food industries all over the world because every nation has legislation that covers intellectual

property. India, being a WTO member and a TRIPS party, is required to adhere to the TRIPS norms with regard to the trademarks.<sup>6</sup> The TRIPS Agreement prescribes the minimum standards on trademarks protection and enforcement, thus guaranteeing Indian businesses the trademark protection in other countries while the foreign food companies can also protect their trademarks in India.<sup>7</sup> It is of immense importance to align with these international trademark standards for the following reasons: This aligns with the protection of the rights of the businesses within the foods industry while enhancing India's export market on foods.<sup>8</sup>

Trademarks function as key components in the structure of the Indian food and processing industry since they provide the legal possibility of protecting the brand's logos and names, guarantee the consumers' protection, and encourage fair levels of competition. There is thus an increasing consumer awareness and demand for authentic food products a situation that can benefit from a proper trademark legal protection regime. Given the fact and trend of India food industry, the protection of trademark registration becomes more important for enterprises, it is playing a significant role in business competition, intellectual property rights and consumers' right protection. The legal framework in relation to trademarks in India is a useful tool that helps to implement these goals and improve the development of the food sector. With its development, the role of the trademarks to set the rights of the companies and the customers will only gain prominence.

## **II. EVOLUTION OF INTERNATIONAL LAWS ON IPR**

The innovation and international IP laws as we have seen have greatly influenced the future of the food industry and its capacity to secure innovations, brands, and regional sundries within the global market. Since the Paris Convention of 1883<sup>9</sup> some key principles such as national treatment together with priority rights have been established that form the framework of international cooperation in matters of IP while supporting trademarks and patents which have been crucial in food related innovations. In the same way, the Berne Convention<sup>10</sup> of the same year emphasized a notion of IP protection as standardized, a concept that was subsequently extended to food products.

Possibly the single most important event in the annals of global IP history was the creation of the World Intellectual Property Organization (WIPO) in 1967.<sup>11</sup> WIPO is involved in the management of international treaties, from making international IP registration and policy. WIPO was managing several treaties that expanded over time to encompass the requirements of the food industries by enhancing the protection of trademarks, patents, GIs trademarks, etc. These measures ensured that authenticity and value of the iconic products was retained.

The 1994 TRIPS Agreement under the WTO elevated IP to be part of global trade by requiring members to protect GI for region-specific goods like Darjeeling tea and Basmati rice to increase their value and prevent third party's exploitation.<sup>12</sup> Currently, IP international laws enhance the food industry's capacity to protect invention, emblematic

differentiation, and tradition. Trademarks and GIs keep the market genuine, build confidence, and avoiding imitation and patents promote progress to the food sector technology. As will be seen, continue cooperation and thus the need for flexibility on the part of the legislations, IP protection remains crucial for the future development, survival and competitiveness of the world's food industry and the key driver for cultural value systems.

### **III. EVOLUTION OF NATIONAL LAWS ON IPR**

The changes in the Indian IP legislation, aligned with the global standards, have greatly shaped the Food Industry Protection of IP. Dating back from the colonial age, Indian began to establish the administration of patents in 1911 with the Indian Patents and Designs Act.<sup>13</sup> The Patents Act that came into force after the independence was the act of 1970 which mainly brought the principal of public interest with restriction of the subject this restricted the patents only for food and pharmaceutical products only for nominal fees. This act was undertaken in response to principles such as those upheld in the Paris Convention on national treatment and priority rights.

The adoption of the TRIPS Agreement under the WTO in 1994 further incorporated global standards into Indian IP laws. This alignment necessitated changes to existing legislation, strengthening of IP rights in different industries including the food industry. The Trademarks Act of 1999 and the Geographical Indications of Goods Act of 1999 played an important role in safeguarding commodities inherent to specific regions such as

Darjeeling tea or Basmati rice.<sup>14</sup>

Subsequently, the creation of the World Intellectual Property Organization (WIPO) in 1967 that itself is managing 26 international treaties provided the required impetus to harmonize the global IP. International agreements like WIPO Copyright Treaty (1996) incorporated issues of the new age and thus strong IP protection was guaranteed.

In the food industries, trademarks, patents, copyrights, and GIs are most important as the shield plus tool for innovation, branding, and specialty of geographical origin. Besides TRIPS, several intellectual property rights found in the United States include trademarks which protect identities such as Amul and Britannia, patents which cover values such as new food technology, copyrights which guard accessories such as packaging and GIs which maintain reputations of geographical foods such as those from specific regions.

In India the National IPR Policy was approved in 2016 – this attempt has evolved the IIPR environment as well as reflect the Indian initiatives conform to the global standards. This well-developed IP structure fosters economic development, protects products against counterfeiters, which is particularly essential for maintaining consumer trust in the food industry and its further advancement and tenacious relevance.

What can be trademarked, Section two of the Trademarks Act 1999 provides a wide definition to trademarks. According to section 2 (1)(zb)<sup>15</sup>, trademarks may consist brand names, logos, symbols, shapes of goods' packaging, shapes, and even color distinguishing a brand. To a food company these elements are critical because they

make a product familiar to customers who could be selecting from a heap of similar products in a supermarket. For example, the peculiar color scheme of red and yellow to pack the Maggi noodles is part and parcel of the branding process. Section 18 permits food organizations to apply for a trademark. This helps brands to register for a distinctive coat for their mark and secure a protection on the mark for specified classes which includes the food products classes 29, 30 and 31.<sup>16</sup>

Assured trademarks are distinctive, in the food industry, there is always the that every food brand would wish to be associated with but there is legal setting of what constitutes distinctive trademarks. Section 9<sup>17</sup> of the Act sets out the ‘absolute grounds for refusal’ and as such trademarks that are simply too similar to the average trademark, are descriptive or are widely used within the trading world can’t be registered. This means that it is impossible to trademark words like ‘spicy,’ ‘organic’ and the like as they are not unique to a particular brand. If the mark resembles another too closely, Section 11<sup>18</sup> takes effect and the application may be rejected so as not to confuse its clients. For example, a brand that intends to register a name or a logo that is close to Amul’s would be turned down.

Minimizing the Risk of Genericization and Brand Dilution, as for the issues around these going to be considered, several of them have to with genericization, the phenomenon, for example, where a brand’s name becomes so pervasive as to reach a point where the food brand in question can lose identity, such as the ultimate convenience food brand name “Maggi” being used to refer to form instant noodles in India.<sup>19</sup>

Section 29(4)<sup>20</sup> protects trademarks from infringement when a similar mark used by another party may cause confusion, even if the goods or services are not the same. This provision applies specifically to well-known trademarks, preventing others from taking unfair advantage of their established reputation. Its goal is to safeguard the uniqueness and reputation of well-known marks, ensuring they are not diluted or misrepresented in the marketplace.

It also applies to famous brands by shielding them from being used on entirely different products. This means that a food brand such as “Amul “could erect a legal shield around its brand and bar it from being printed on products such as shoes thus making it unique.

Also, Section 29(2)(c),<sup>21</sup> deals with trademark infringement where a sign or mark that is identical or similar to a registered trademark is used on related goods or services. It assesses whether there is a risk of consumer confusion, or the possibility of the mark being mistakenly linked to the registered trademark. The provision aims to prevent such confusion and preserve the unique identity of the registered trademark. It is deemed a violation to apply similar mark to a mark that is famous or well-established depreciation of its image. For instance, one more competitor cannot employ a logo that is nearly resemblant to Parle’s biscuit brand packaging since the public will be foul.

Assuring Quality and Authenticity through Certification Marks, certification marks and geographical indications are put into practice by the food businesses to show consumers the quality and origin of the product. For instance, under the

Section 2(1)(e)<sup>22</sup> of the Act certification marks are used to vouch for standards like organic certifications or quality assurance sign on spices. Globalization also includes Geographic Indications like Darjeeling Tea, Basmati Rice and the like that keep the geographic significance of foods from being misused.

Protection Against the Counterfeiters and Copycats, when the market is as fiercely competitive as the food, counterfeiting is a known phenomenon. Section 103 and Section 104 of the Act<sup>23</sup> describe traffic in or use of counterfeit of a registered trademark as a criminal offense which attracts fines or imprisonment. Moreover, Section 107 provides penalties for false statement of registration of a trademark.<sup>24</sup> These measures put legal weaponry in the hands of food brands so they can clear any doubts and convince consumers that they are buying authentic products.

Recognition and Protection of Well-Known Brands, brands are those that some users may know them easily in the market, and the Indian law provide them specific legal protection. Section 2(1)(zg) of the Act set out the meaning of “well-known trademarks” provided that protection will follow where a trademark has become well known in accordance with Section 11(6) and Section 11(9).<sup>25</sup> This makes certain that big brands in the market are offered protection beyond their product segment in so far as the threat of dilution is concerned.

For instance, although Cadbury Company is famous for chocolates one cannot trademark chocolate itself but one has to trademark a name and a color to the extent that Cadbury’s name and purple color are protected in many categories so as to guard against

materials that may negatively impact its image.

Trade Dress and the Look of a Product, while Indian law does not have a specific section for ‘trade dress’ – the color and packaging of a product, the Trademarks Act of 1999 does define it and allows for its protection if it is distinctive. For example, Cadburys purple coloring on packaging<sup>26</sup> wrappers are protected in law as it is well known that they are part of the brand image. Trade dress is very important in the food industry more so because most consumers are likely to purchase the foods that are packaged in familiar trade dress.

Regulatory Bodies, in addition to the Controller General’s Office the Food Safety and Standards Authority of India (FSSAI) is a key regulator of the food processing industry. It is paramount to note that while addressing food safety and quality the FSSAI is at times involved in trademark matters. For instance, there are labeling standards that FSSAI has set down, their labels form the part of trade dress which is a part of the trademark<sup>27</sup>. Also, FSSAI monitor laws that bans information that may deceive consumers for example info such as ‘organic’ or ‘low calorie’. The overlap is a fact that means that before the food brands utilize labels and logos that they want to trademark, they will have to adhere to provisions in both the Trademarks Act and FSSAI regulations in order to avoid such legal complications.

#### **IV. PROTECTING FOOD INDUSTRY TRADEMARKS: KEY ISSUES AND CHALLENGES**

Genericization and Brand Dilution, a trademark is prone to genericization, or "genericide", when a brand name acquires substantial market dominance

or mind share, becoming so widely used for similar products or services that it is no longer associated with the trademark owner. One of the biggest challenges that food companies face in India is that brands lose their trademark rights in a country as competitive and culturally diverse as India. The slang for quick noodles can be "Maggi".

The Indian judiciary addresses issues of brand dilution in several cases, and this is directly connected to genericization.

For instance, in *Daimler Benz AG v. Hybo Hindustan*<sup>28</sup>, the Delhi High Court addressed an objection against the use of the "Benz" mark for undergarments despite the fact that the mark is connected to automobiles. The court ruled that the term "Benz" is not descriptive of the undergarments and that its use would weaken the plaintiff's established market position and identity. Despite not being related to a food brand, this case set a noteworthy precedent in Indian trademark law by highlighting the wide range of industries that well-known trademarks fall under and meriting greater protection.

Copycat Brands and Infringement Cases, one major problem currently seen in the food industry in India is counterfeiting or imitation, brands, brands that have packaging, logos, or names that are close to those of another product in order to deceive consumers. For instance, the Cadbury's signature packaging elements were so closely imitated by Neeraj Food Products for their products.<sup>29</sup>

Such a move is common in the food industry especially as even minor similarity in a product may lead to its misrepresentation to the consumer. This paper argues that copyist brands take advantage of

the consumers' behavior of using brands to quickly establish themselves as brands consumers can trust thereby minimizing the distinctiveness of a well-established trademark.

Indian courts have addressed it most significantly holding that trademarks don't necessarily require to be identical to be infringed, they just must be "deceptively similar." In the *Cadila Health Care Ltd. vs Cadila Pharmaceuticals Ltd*<sup>30</sup>, the Supreme Court pointed out that even the slightest similarity in trademarks such as phonetic similarity and a visual connection could easily confuse the public, if not in all industries, definitely in industries that deal in goods that are necessities of life such as food and pharmaceuticals. The Supreme court has underscored the two factors of likelihood of deception as an element of trademark infringement arguing that any action to protect trademark must have regard to consumer interests.

*Cadbury India Limited and Ors. vs Neeraj Food Products*<sup>31</sup> is another landmark case. Wherein, Cadbury stated that Neeraj had copied the packaging of its popular brand to that of Cadbury. Delhi High Court siding with Cadbury said that Neeraj, through emulation of Cadbury's design features, had a tendency to confuse and deceive the public. The court issued an injunction, thus continuing its earlier practice of recognizing that first movers need to be shielded from imitation competitors who gain from the goodwill that the pioneer has created.

Challenges in Enforcing Trade Dress Black's Law Dictionary defines trade dress as "visual impression that is made by totality of all elements used to package or present a service or good for sale giving

it a recognizable look.”<sup>32</sup>

Litigating trade dress in India is rather complex especially times when companies say that competitors have copied their looks and feel of the products. An example of this is the case of ITC Ltd. v. Britannia Industries Ltd<sup>33</sup>, wherein, Britannia NutriChoice biscuits were held to have copied the trade dress of ITC’s Sunfeast Farmlite Digestive Biscuits. Britannia got an initial reaction from the Delhi High Court where the court passed an injunction restraining Britannia from mimicking ITC’s packaging which the court held was different. However, this case was a strong indication that it is challenging to provide enough evidence on non-functional, distinctive aspects of trade dress, primarily considering the fact that in most industries, packaging designs resemble each other.

In another case which is comparatively recent *Zydu Wellness Products Limited v. Cipla Health Ltd.*<sup>34</sup>, Zydu claimed that Cipla was employing the similar packaging of sugar-free items. Holding that even accessories of patents are sufficient to mislead the public it ruled in favor of Zydu after the highly reputed brand Ambassador, had come up as a point of reference implying that a minor similarity in the packaging is sufficient to go to the extent of leading likeminded consumers to form controls that have established their market Hegemony. This judgment reveals the judicial position on protection of brand identity It also underscore the difficulty attendant with establishing confusion among consumers, which remains embedded in the protection of trade dress.

## **V. NEW APPROACHES TO STRENGTHEN TRADEMARK PROTECTION IN THE FOOD INDUSTRY IN INDIA**

Enhance Protection of Trade Dress, since unique graphic designers have the ability to shape the consumers’ perception in the food industry, Trade Dress should be on the list of trademarks which is imperative to Indian brands. It’s easier to stop rival products from flooding the market if all aspects of the product that customers perceive – the colours, shapes, texture and so on, are captured. The judiciary has gradually adopted trade dress in its decision making, as was illustrated in *Colgate Palmolive Co. v. Anchor Health and Beauty Care*<sup>35</sup> where the court while deciding a dispute regarding colours of a toothpaste, addressed the issue by referring to the identity of trade dress and held, "trade dress is the soul for identification of the goods as to its source and origin and as such is liable to cause confusion in the minds of unwary customers, particularly those who have been using the product over a long period. In other words, if the first glance of the article without going into the minute details of the colour combination, getup or lay out appearing on the container and packaging gives the impression as to deceptive or near similarities in respect of these ingredients, it is a case of confusion and amounts to passing off one's own goods as those of the other with a view to encash upon the goodwill and reputation of the latter.”

Public Awareness and Educating the Customer, the greatest improvement in the protection of trademarks in the food industry is the necessity to increase the level of public awareness and customer



sensitization to the importance of these marks, as well as the threats of fakes. Governmental and trade bodies awareness drive to make consumers aware of fakes through label and certification marks will go a long way in solving the problem. Education should start with schools and communities carrying on programs to ensure people appreciate the worth of genuine brands. The friends, family members and social media influencers can always warn the public about the dangers of the fake products and anyone in partnership with food safety organizations ensure the public to only buy their products from accredited sources. It will assist the consumers to easily identify products certified to meet safety and quality measures of the various products. Furthermore, workshops and webinars can also increase the health literacy of consumers and the public and promote consumers' ability to identify and support reliable businesses. In sum, the rationale of an informed public can decrease the demand for counterfeit food products and therefore help in the protection of trademarks and the promotion of the dependability of the food industry. Enhance accountability on the online marketplace platforms, e-commerce themselves should employ sound takedown policies, employing automated scanning for all suspicious listings. Such checks and balanced inspections can discourage many a violation or guarantee absolute compliance with the trademark laws.<sup>36</sup> Default takedown agreements would enable the quick elimination of the abusive listings and therefore reduce harm to brands. Tight controls that a buyer must follow in order to sell should be enforced and buyers should be required to provide details so that they may be contacted.

Furthermore, there are mandatory response periods for infringement claims, and reporting protocols that need to be set by platforms. To empower platforms collaborating with brands, the following steps towards evaluation of Food marketplaces can be made: Scientific substantiation of the potential for brand owners to improve integrity of the food market in favor of consumers' and brands' benefits. Digital Monitoring, due to the expanding character of e-commerce and digital marketing, it is crucial to utilize new effective ways to prevent and fight trademark violation in the food industry. There is an opportunity to use AI and machine learning to track such unauthorized sales on the Internet, as in case of purchasing TM unauthorized goods. Such tools can help analysts scan through literally thousands of records to identify similar-looking and sounding scam sites as the legitimate brands in terms of names, packaging, or advertising. Moreover, integrating these technologies with blockchain can enhance the tractability of products such that consumers can determine the genuineness of food products from the farm to the store. Real time notifications can aware brand about violation, and they can counter against replication sharp immediately. AI-assisted inspections of the online platforms on a frequent basis most likely enables the recognition of the appearance of new tendencies regarding infringement. Better protection from digital counterfeiting will be achieved by developing customized solutions for the food industry with the help of the IT businesses.<sup>37</sup> Any firm can follow a good online monitoring system and enhance its protection against trademark infringement and increase customer confidence in

the products. In conclusion, therefore, it is impotent to encourage a sophisticated strategy of enforcement commensurate to the advancement of digital space to curb the infringement of protection of intellectual property rights in light of current cutthroat commercial environment.

Enhanced Regulatory Framework, for the proper safeguard of trademarks in the context of food business in India, it is necessary to enhance IP protection in the country. The legal framework of the region is principally well established through the Trademarks Act 1999 but the Act requires amendment to meet current challenges<sup>38</sup> such as imitation products and packaging that may derail customers. From these provisions, the policymakers can clarify the meanings of those laws and establish clearer rules on trademark protection for imitated food products that are often visually copied. Further, enhancing corrective actions against second time offenders would prevent status quo infringement of trademarks and foster respect for such principles. Specialist rules for the food sector can therefore assist to safeguard geographical indications and traditional foods, products that are often infringed. Governmental agencies should also enhance their capacity on monitoring of compliance, adding to increasing volume of reports on violations by businesses and legal actions. Lastly, by implementing the faster resolution of disputes, one would be able to address the matters quickly and spares brand image reputations. It became for the adoption of a sound regulatory system specific to the food industry suitable for the spin of innovative measures with consumer interest and prompt the sector's growth.

## VI. CONCLUSION

Analyzing the interaction between trademarks and food industry of India, it is possible to determine the changes in consumer rights perspectives and brand affiliation. With the development of the food sector with many and various products and increasing competition, trademark protection becomes necessary to protect the rights of customers and manufacturers. It also demonstrates how trademarks serve to protect products from being confused, create actual channels and brand loyalty.

Trademark safeguard within the Indian food industry is a basic legal requirement in fulfillment of its legal rights, client protection as well as fair competition in the market. Trademarks play a crucial role with regard to product differentiation, quality control, and finally, consumer protection. However, the sector is also challenged by counterfeiting, genericization and brand dilution, which erode a brand's value and undermine consumer protection.

However, there is need for legal reforms in order to address the dynamism of the food industry. The protection of trade dress should be strengthened, the rules and regulations to fight against genericization must be clearly written, enforcement measures for IP violation particularly trademark infringements must be strengthened. Also, changes that enhance the rates of addressing litigation or providing powerful preventative measures against resume violators would strengthen the legal regime. Also, compliance with international standards as provided under the TRIPS Agreement guarantees protection of Indian food brands in foreign markets and opens

opportunities for foreign brands in India.

Modern technological developments bring a lot of opportunities for trademark protection. The use of artificial intelligence and blockchain technologies in the monitoring arrangements can improve the effectiveness of understanding those infringements and their prevention in the real-time mode. The role that e-commerce platforms play as primary stakeholders in the digital economy is manifestly evident; thus, they must ensure that effective takedown policies with clear procedures for engaging vendors, coupled with accountability to ensure compliance with trademark laws, are adopted and rigidly enforced.

The aspect of consumer education and public awareness is equally important. Increased awareness of the importance of trademarks, certification marks and geographic indications as conducted by the government can enable the consumer to distinguish between genuine and fake products. The coordination of trade and industry participants, lawyers and policymakers shall also significantly contribute towards improving on robustness of trademark protection regimes.

Therefore, legal protection of trademarks is critical part of food industry due to its relation to authenticity, fair competition, and consumers attention. Through the incorporation of the best legal and technological practices, together with public-private partnerships, India can develop a strong legal environment capable of adequately responding to the existing and future innovations in the food sector.

Finally, strong trademark protection becomes the major factor in preventing brand dilution and in

safeguarding consumers, thus making trademarks as the important assets of brands which guarantee brand authenticity and consumer confidence.

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- <sup>20</sup> The Trade Marks Act, 1999, s. 29(4)
- <sup>21</sup> The Trade Marks Act, 1999, s. 29(2)(c)
- <sup>22</sup> The Trade Marks Act, 1999, s. 2(1)(e)
- <sup>23</sup> The Trade Marks Act, 1999, ss. 103, 104
- <sup>24</sup> The Trade Marks Act, 1999, s. 107
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- <sup>29</sup> Cadbury India Limited & Ors. v. Neeraj Food Products, 2007 SCC OnLine Del 841
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