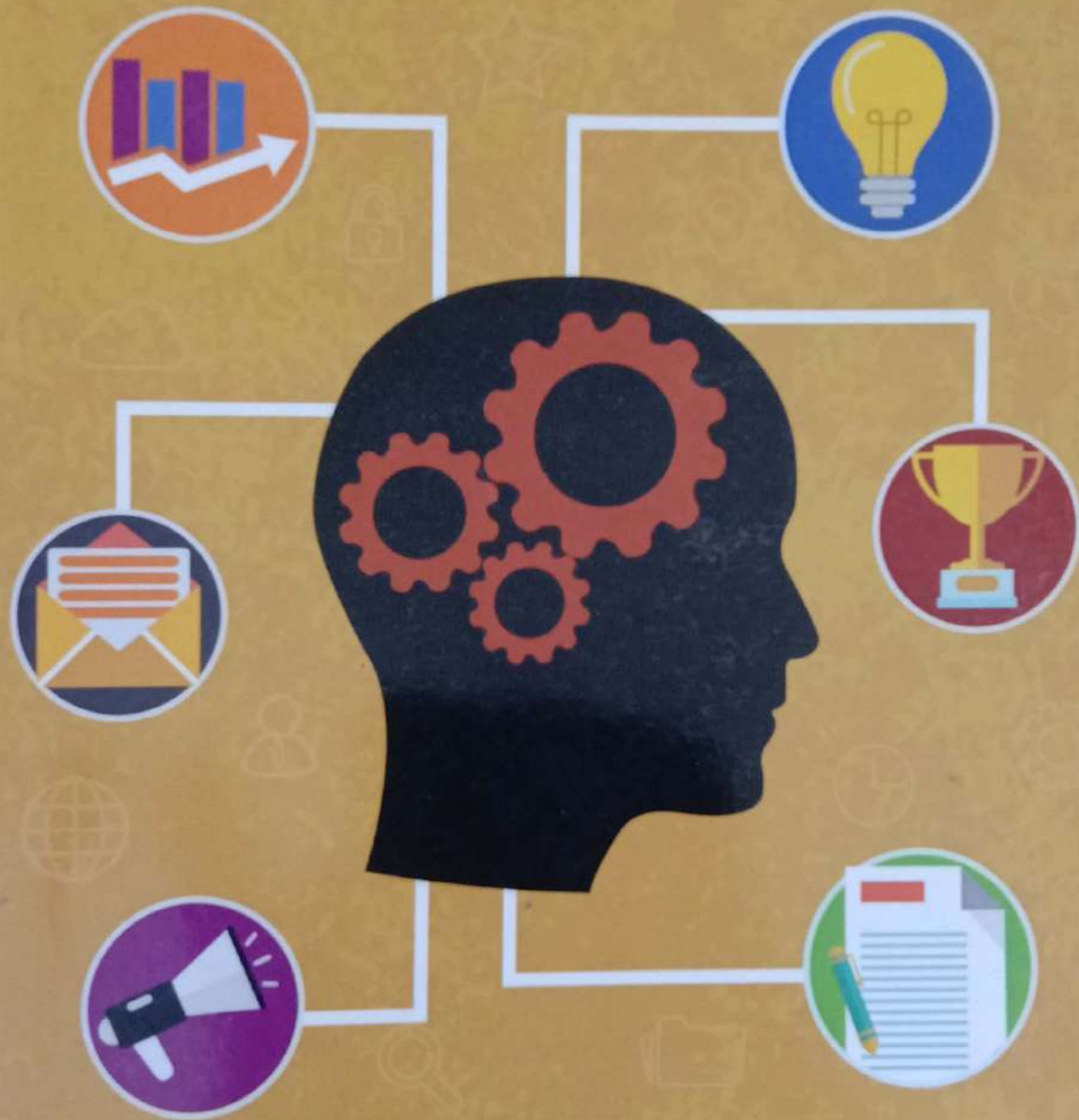


The changing scenario of Intellectual Property Rights and the way forward



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representing a bat in an oval surround was devoid of distinctive character on the date of filing of the application for registration," the Court ruled. "For the relevant public, that distinctiveness makes it possible to associate, according to EUIPO, the goods covered by the trade mark with DC Comics and to distinguish them from those of other undertakings. "The Italian company can appeal to the EU Court of Justice, Europe's highest, on points of law.²³

CONCLUSION

The creators and owners of fictitious characters are not exempt from copying or counterfeiting, just like all other brand owners. Ambush marketing by legitimate businesses makes the issue worse for the organisers of major athletic events like the Olympics or the Football World Cup. The ability to take legal action against many of these instances of infringement is provided by civil and criminal law, but doing so is not always simple or inexpensive. It can also be troublesome during international events when quick action is required. Preparation is obviously essential, as it is with any enforcement and anti-counterfeiting strategies. This entails taking the necessary IP precautions prior to the event by making sure trademarks and designs are registered in the proper classes and jurisdictions, setting up a programme to identify sources of infringement (both online and off), and developing an enforcement strategy to deal with infringement and counterfeiting once it has been identified. Don't ignore the possibility of counterfeiting in unrelated classes; broad protection is required to cover all eventualities. Additionally, events should collaborate with their local organisers to make the greatest use of the private law tools available to them in the various jurisdictions and to guarantee that they have the backing of local authorities like customs and the police. As with other anti-counterfeiting measures, public education is crucial.

²³ Batman wins EU trademark dispute with Italian designer: <https://www.reuters.com/business/batman-wins-eu-trademark-dispute-with-italian-designer-2023-06-07/>. Accessed on 04.07.2023 at 08:27 PM

'PILL OR KILL'-AN INSIGHT INTO THE PHARMACEUTICAL TRADEMARK INFRINGEMENTS

Ms. Sheela Ganesh*

ABSTRACT

Trademark is crucial for a pharma industry, any confusion or deceptiveness in it will become detrimental to public health and calls for serious public welfare concerns. For instance, any error in prescription or resemblances in the nomenclature of the drug, similar outlook in packaging or phonetic resemblances of the drug can become life threatening or aggravate contraindications in patient health. Deceptive similarity need not be always indulged by rival companies but most often by marketers of spurious drugs for reaching their unethical economic targets. While naming, in fact, the pharma companies find it very difficult to assign the appropriate nomenclature to their products as most of the names are derived on the basis of the common chemical composition. Though the relevant laws are in place, judiciary finds it a great deal in balancing the tussle restricting the monopoly of public jurists names, public health and pharma companies. Plethora of case laws in the above subject matter throws light on the painstaking efforts by the judiciary in evolving tests, public health standards, consumer interest and the claims of pharma companies.

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