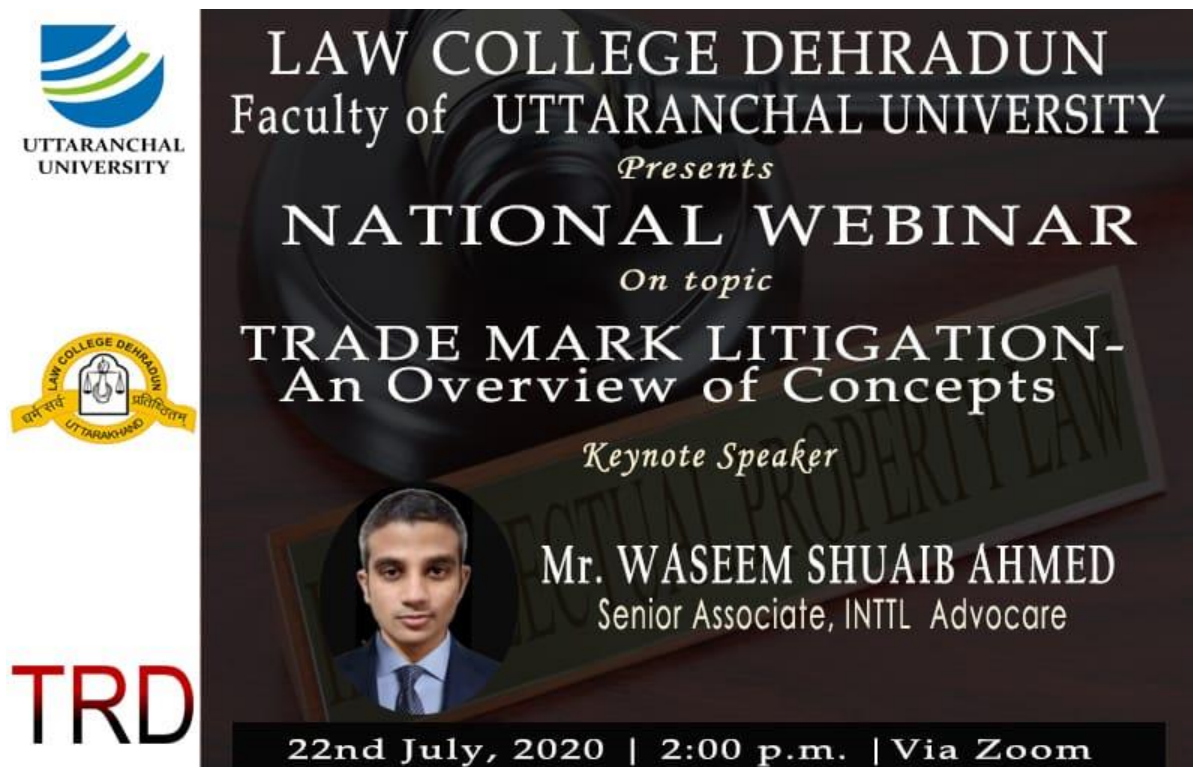


***Law College Dehradun organized a National Webinar on
“Trademark Litigation - An Overview of Concepts”***

Law College Dehradun, organized a National Webinar on ‘*Trademark Litigation- An Overview of Concepts*’ on 22nd July, 2020 with **Mr. Waseem Shuaib Ahmed** as the keynote speaker. **Mr. Ahmed**, Senior Associate, INTTL ADVOCARE, graduated from the National University of Juridical Sciences, Kolkata (NUJS) in 2014. He discovered his interest in IP laws during his studies at NUJS. Today, he works on contentious trade mark, industrial design and copyright matters, apart from handling trade mark opposition proceedings. He also has experience in IP licensing and transactional issues.



The poster is for a National Webinar titled "TRADE MARK LITIGATION- An Overview of Concepts". It is presented by the Faculty of Uttarakhand University, Law College Dehradun. The keynote speaker is Mr. Waseem Shuaib Ahmed, Senior Associate at INTTL Advocare. The event is scheduled for 22nd July, 2020, at 2:00 p.m., and will be held via Zoom. The poster includes the logos of Uttarakhand University, Law College Dehradun, and TRD (The Rajshree Trust Dehradun).

UTTARANCHAL UNIVERSITY

LAW COLLEGE DEHRADUN

TRADE MARK LITIGATION-
An Overview of Concepts

Keynote Speaker

Mr. WASEEM SHUAIB AHMED
Senior Associate, INTTL Advocare

22nd July, 2020 | 2:00 p.m. | Via Zoom

The insightful technical session, began with the welcome address by the Vice Chancellor (officiating)/ Dean, Law College Dehradun- Prof. (Dr.) Rajesh Bahuguna. The session commenced with Mr. Ahmed giving a brief introduction about the structure of the day’s webinar following which he proceeded explaining the basic concepts of trademark registration and trademark litigation. He

explained the definitions of “trade mark” and “mark” as laid under Sec. 2(1)(zb) and Sec.2(1)(m) of the Trade Marks Act, 1999 respectively. For giving a better understanding to the audience, he gave examples of renowned brands and companies explaining minute details important to trademarks and the significance they hold. Mr. Ahmed proceeded with the session examining trademark registration process, explaining its basic concepts and throwing light on the Indian position regarding the same. Then, he discussed *Trademark Litigation*. He explained how legal aid for trademark infringement has itself been provided under the Trade Marks Act, 1999 with special reference to Sections 28, 29 and 135(1). He stated that relief for a trademark infringement can be granted in the form of an injunction or damages. He also discussed with the audience the approach adopted by the courts while dealing with disputes involving trademarks. In this light, he also enlightened the audience with the concept of "Deceptive Similarity" categorizing the same into Visual and Phonetic.

The screenshot shows a Zoom meeting interface. On the left, a presentation slide titled "AVERAGE CONSUMER" is displayed. The slide content includes the case name "AMRITHARA v. LAXMANDHARA", a list of points about competing trade marks for "medicines", and a quote from the Supreme Court (AIR 1963 SC 449) regarding the standard of an average consumer. On the right, four participants are visible in a grid: Waseem Shuaib Ahmed, Rashi Jha, Akanksha Bhatt, and Saharsh Shubham. The top of the Zoom window shows a status bar with "You are viewing Waseem Shuaib Ahmed's screen" and a "Speaker View" button.

AVERAGE CONSUMER

AMRITHARA v. LAXMANDHARA

- Competing trade marks for "medicines"
- Defendant argued that consumer would differentiate between the two drugs by their literal meanings i.e. "stream/current of nectar" and "stream of Laxman"
- SC held: "... An unwary purchaser of average intelligence and imperfect recollection would not ... split the name into its component parts and consider the etymological meaning thereof or even consider the meanings of the composite words as 'current of nectar' or 'current of Laxman'. He would go more by the overall structural and phonetic similarity and the nature of the medicine. ... A critical comparison of the two names may disclose some points of difference but an unwary purchaser of average intelligence and imperfect recollection would be deceived by the overall similarity of the two names having regard to the nature of the medicine he is looking for with a somewhat vague recollection that he had purchased a similar medicine on a previous occasion with a similar name"

AIR 1963 SC 449

Participants:

- Waseem Shuaib Ahmed
- Rashi Jha
- AKANKSHA BHATT
- Saharsh Shubham



The latter half of the event had the keynote speaker taking up doubts and queries of the participants. The webinar attracted participation from students, academicians and professionals from all over India. Queries were regarding: Using signatures as trademark, Civil and Criminal remedies in case of trademark infringement and many more. He concluded the session by sharing certain defenses and exceptions to trademark infringement and also discussed emerging concepts such as trademark infringement on social media platforms & e-commerce and counterfeiting.

The enlightening session saw around 300 participants and concluded with a vote of thanks by the Organizing Committee of Training and Recruitment Division, Law College Dehradun, Uttaranchal University.