About us:
The Cell for IPR Promotion & Management (CIPAM) is a professional body under the aegis of Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce & Industry (MOCI). It was created in the year 2016 to take forward the implementation of the National IPR Policy, 2016 and ensure focussed action on issues related to IPRs. CIPAM assists in simplifying and streamlining of IP processes, apart from undertaking steps for furthering IPR awareness, commercialization and enforcement.

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All information contained in this comic strip series is provided for educational, information and non-commercial purposes only, and should not be construed as legal advice or as an offer to perform legal services on any subject matter.

To know more about CIPAM and its initiatives, you may follow us at our following social media handles:

- CIPAM
- CIPAM India
- CIPAM India
- CIPAM India

You may visit our website: www.cipam.gov.in
You may also drop us an email at: cipam_dipp@gov.in

Be sure to read the other comic books in this series on:

- Copyright
- Patents
- Designs
- IP is Everywhere
- Geographical Indications
Chotu is having lunch with his friends at a café.

Someday I’ll open my own café.

Really, Chotu? I thought you wanted to be a graphic designer.

How will I get my trademark registered then?

Just like how everyone gets it done!!

I do! These are future plans.

Name it “Eat Food”?

Never!

Why??

Well, Nani taught this to me recently. A trademark is a word/logo/design or a color combination which acts as a source identifier for a brand or a company. So, for example, this watch that you are wearing, its brand name is a trademark, this restaurant’s name could also be a trademark.

Hey what’s a trademark???
Oh, I see! I mean, then a lot of things have a trademark and trademarks can be very valuable to the companies that own them. I have read about a lot of brand names' fights in the newspaper.

So, where was I? You were about to tell us the reason why you can’t register the name I suggested as a trademark.

Oh, you were about to tell us the reason why you can’t register the name I suggested as a trademark.

Haha, I also took time to learn. Nani taught me a lot about IP. Coming back to the point, it’s not advisable to adopt a trademark that describes your business. Like, medicine for chemist shops, ice and cream for an ice cream shop. If you apply for such a trademark, it will get rejected because registering it would give a monopoly to one person over a term that is frequently used in that business. Imagine if you told ice cream vendors that they couldn’t use the term “ice cream” in the name of their products or shops because one person trademarked it!

But there are so many famous brands that describes their business, for example, AIR INDIA.

Oh, yes, that’s because you cannot get a descriptive trademark registered. It will be rejected by the trademark office.

Well, that went over my head!

Here comes the factor of long use and reputation. So, with some brands what happens is that they become so popular that you will not think about the actual meaning of the word when you hear or see their trademark, but you will only think about that brand, which is the case with AIR INDIA.

This is an exception to the concept of descriptiveness I was talking about. But to get protection for a descriptive mark, you need to show sufficient popularity of that mark.

Interesting!
My sister is participating in the 500-meter race in her school's sports day tomorrow. My parents and Nani are busy, but I'll be attending!

Anyway, what's your plan for tomorrow?

Three of them laugh.

For that you need to log on to www.ipindia.gov.in where there is an option to conduct a search of existing trademarks to compare.

Thanks for this, Chotu! I will always keep this in mind.

But how do I know if my trademark is unique or if anything identical or similar already exists?

Chotu… you have become smart, dude.

Hahaha… I agree with Bunty.

Yes, also your trademark should be unique. If you copy someone else's trademark it will be rejected. Plus, obviously the other party will also be given a chance to take an action against you. So it is important that you adopt a unique and different trademark.

Anyway, what's your plan for tomorrow?

My sister is participating in the 500-meter race in her school's sports day tomorrow. My parents and Nani are busy, but I'll be attending!
Sure! Why not? I'll pick you guys at 10:00 tomorrow morning.

Oh cool. Can we come, too?

But don't you already have shoes?

Chotu Bhaia is back! You're coming tomorrow, right?

Nani, can you give me some money? I need to buy new shoes for the race tomorrow.

I do!! But they are old now. I need new ones.

Yes, Chutki, I am.

Those shoes are 'XYZ' brand, and they're good. Good shoes are expensive and I don't think you should buy new ones now.
How much are these shoes?

Fine, Nani! I don’t want to argue, since you and Chotu Bhaia have teamed up against me!

Ma’am, these are the duplicate ‘XYZ’ shoes and are only Rs. 600.

Wow these are so cheap, and they look exactly like ‘XYZ’. I want to buy these!

Chutki leaves angrily. Chutki to herself: “I can buy shoes for the race from that new thrift shop with my pocket money.”

Chutki leaves for school and Chotu leaves to pick Minti and Bunty. Nani is having tea and suddenly her Boudhika beeps.

Chutki thinks: “This will save me a lot of money. I’ll still have pocket money left!” Nani arrives at the shop and sees Chutki buying fake shoes.
Nani? What are you doing here?

Chutki, come here!

Nani? What are you doing here?

What’s wrong with these shoes? They are nice and cheap. I can buy these with my pocket money and I don’t need to ask you for money for that.

I should be asking you that question, Chutki! Why are you buying these shoes?

But these are not original. These are counterfeits!

Counterfeiting is an offence, Chutki. It is selling fake or unauthorized replicas of a real product. Just like they are doing with XYZ here. These are manufactured and sold with the intent of taking advantage of other genuine and good brands. They are clearly earning money by riding on XYZ’s reputation, and by buying these shoes you are promoting their wrongdoing.

I know they aren’t original. This is a duplicate and it’s ok. I’ll buy these. Everyone does!

Well Nani... XYZ should be worried about that, not us. Nani I am going to be late for my race. Chotu will listen to your lessons about IP at home. I am fine.
No Chutki, you shouldn’t ignore this. It is a grave issue. Buying counterfeits promotes counterfeiting. It’s OK to wear your old shoes, but buying something fake just for the look of it is wrong. Counterfeits are often of compromised quality and they try to take the advantage of a brand’s name and fool people. Also, imagine the kind of loss it causes to the original XYZ brand and its reputation. I know someone who bought counterfeit medicines and she fell sick and was hospitalized for a month!

This isn’t medicine. Just a pair of shoes. I am going now, Nani.

Chutki leaves for school. Nani goes home and decides to attend Chutki’s school race competition.

Chutki, Minti & Bunty are in Chutki’s school.

Chotu, Minti & Bunty are in Chutki’s school.

ABC School welcomes you all! The 500-meter race is about to begin! On your marks, get set, go!

Race starts.

Go, Chutki, go!!

I am sure she will win. She is an amazing athlete.

Go, Chutki, go!!

Go, Chutki, go!!

Good luck, Chutki!!!

Good luck, Chutki!!!

Good luck, Chutki!!!
Chutki feels some discomfort while running.

Chutki runs faster. Suddenly her left shoe tears from the bottom.

Chutki thinking: My feet are hurting! But I have to win this!

Chutki, like always, has left the other runners behind and, if she continues like this, she will surely win the race.
And the winner is Ritika!

Oh, oh! Looks like our star athlete, Chutki, has had a setback! Medical team needs to assist Chutki, please.

And overtaking Chutki, Ritika has taken the lead!

Oh, no! Chutki falls with a thud hurting her knee and elbow.

Chutki starts crying. Chotu Minti, and Bunty console her.

Oh, no!!

Chotu and Bunty assist Chukti off the track.

And the winner is Ritika!

Oh, no!!

It's all my fault. I should have listened to Nani!

What do you mean?
It's ok, Chutki. Everyone makes mistakes! But promise me you will never buy any counterfeit products. Don't become a part of someone's wrongdoing.

See, Chutki! Imagine how scary it is! I think you should apologize to Nani.

Oh, no! You have hurt your knee. Let us go to the infirmary and get you first aid.

No, Nani, it's ok. I wanted to say that I am sorry. I was rude! And you were right about counterfeits!

Nani enters the school, and rushes towards Chutki when she sees her hurt.

Oh, no! You have hurt your knee. Let us go to the infirmary and get you first aid.

No, Nani, it's ok. I wanted to say that I am sorry. I was rude! And you were right about counterfeits!

I think you should have listened to Nani. I read in a newspaper that a counterfeit phone exploded and injured a person.

I promise, Nani. I will always respect the IP rights of others.

It's ok, Chutki. Everyone makes mistakes! But promise me you will never buy any counterfeit products. Don't become a part of someone's wrongdoing.

I promise, Nani. I will always respect the IP rights of others.

These are counterfeit shoes that I bought from a thrift shop. Nani tried to stop me, but I was so rude to her.

You shouldn't have done this, Chutki. You hurt yourself because of these counterfeit shoes.

I want to.

I want to.
I didn’t know we could do that!

You did. You learned an important lesson today, and that’s as good as winning!

Now don’t tease me, Nani. I didn’t win!

Very good, Chutki! Let’s celebrate your win!

Yes, Chutki, let’s celebrate!

Yes, let’s go to a restaurant.

But before that we have to let the medical team get her dressing done, and while that’s happening, I can send an email to XYZ reporting the counterfeiting.

Of course, we, the consumers, have a lot of powers.

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I didn’t know we could do that!