

## **28.02.2026: REPORT ON TRADEMARK BOOTCAMP**

The DPIIT-IPR Chair of National Law University and Judicial Academy, Assam conducted an Advanced Trademark Training Boot Camp: Law, Filing and Complexities of the Digital Age on 28<sup>th</sup> February, 2026 at the University campus. The Training covered an inaugural session, a technical session, a training session followed by a panel discussion of the IPR experts.

### **Inaugural Session**

The Training commenced with insightful addresses from distinguished academicians and experts in the field of Intellectual Property.

**ADVANCED TRADEMARK TRAINING BOOTCAMP:**  
**LAW, FILING AND COMPLEXITIES OF THE DIGITAL AGE**  
DATE: 28.02.2026  
TIME: 10:00 AM TO 4:30 PM  
Ecosystem Partner

Organized by  
**DPIIT-IPR CHAIR,**  
**NATIONAL LAW UNIVERSITY JUDICIAL ACADEMY, ASSAM**

**ABOUT DPIIT-IPR CHAIR**

The Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry, Government of India, vide office order dated 16th of October 2018 has endowed the National Law University and Judicial Academy, Assam with an Intellectual Property Rights (IPR) Chair, under the Scheme for Pedagogy & Research in IPRs for Holistic Education & Academia (SPRHA), to benefit the people of the North-East Region of India in protecting their IPRs. The Chair since its inception in 2018 has concerted its efforts towards conservation and dissemination of IP resources of the North-East Region and has been fervently engaged in capacity building of the creators/producers/owners towards safeguarding their IP rights at the grass-root and also visibly commercialize their products, in order to strengthen the nation's overall IP eco-system.

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Address: National Law University and Judicial Academy Assam, Hajo, Amingaon-31



The session began with the address of Prof. (Dr.) K. V. S. Sarma, Vice Chancellor of the university. He emphasized that Intellectual Property Rights (IPR) constitute a crucial backbone of the modern economy, particularly in the rapidly evolving digital ecosystem. He highlighted the increasing relevance of IPR in the digital world and stressed the need to bridge legal theory with practical advancements, encouraging participants to engage with the evolving intersection of law, technology, and innovation.



Following this, Dr. Nalanda Bala Murugan, DPIIT-IPR Chair Professor, outlined the objectives of the boot camp. She noted that the program was designed as a meaningful platform for understanding the practical nuances of trademark law, moving beyond theoretical learning. She further explained that the sessions would expose participants to the realities of trademark creation, branding, and filing practices, especially in an era where AI and digital branding are rapidly transforming trademark practice. She

also emphasized the role of trademarks as a tool for assessing originality and managing legal risk in branding and innovation.

The inaugural session also featured an address by Prof. (Dr.) U. S. N. Murthy, Director of National Institute of Pharmaceutical Education and Research, Guwahati and National Institute of Pharmaceutical Education and Research, Kolkata who was invited as the Chief Guest of the Inaugural Session. He underscored the importance of protecting intellectual property by citing historical instances where India had to defend its traditional knowledge, such as disputes surrounding Basmati rice and Turmeric. He highlighted how the rise of startups and entrepreneurial culture over the past two decades has significantly increased the importance of innovation and IP protection.



Prof. Murthy illustrated the power and vulnerability of trademarks through practical examples, including cases of deceptive similarity where marks are subtly altered to imitate established brands—such as the misappropriation of Bata by modifying it to resemble “BALA.” He also referred to globally recognizable marks such as Coca-Cola and Apple to demonstrate how trademarks function as strong identifiers that allow consumers to



distinguish one brand among thousands in the marketplace.

Overall, the inaugural addresses set the tone for the boot camp by emphasizing the growing significance of trademark law in innovation-driven economies and the need for practical understanding of trademark protection in the digital age.

### **Technical Session: Speaker – Mr. Abhijit Bhand**

The Inaugural Session of the training was followed by the technical session where Mr. **Abhijit Bhand**, Co-Founder, Kanadlab, IP Consultant was invited as the Resource Person. Mr. Bhand presented a session which offered participants a practical and strategic understanding of trademark law in contemporary commerce.

Beginning with a historical reflection, the speaker noted that India's rich export tradition was historically supported by the use of family emblems and distinctive shop symbols, particularly visible in old Kolkata markets. The session went on to explore the expanding scope of trademarks in modern law. Participants were introduced to various forms of marks, including word marks, shapes, colours, sounds, videos, smells and trade dress. The distinction between product marks and service marks was clarified, along with categories such as collective marks, certification marks granted upon satisfaction of specific standards, and well-known marks that enjoy heightened protection due to longstanding reputation.



He also emphasized on the functional role of trademarks and on the importance of registration. The legal framework governing refusal of registration was discussed in detail. The concept of acquired distinctiveness was highlighted to show how long and continuous use may sometimes overcome initial barriers to registration. Moving beyond doctrine, the speaker further underscored the importance of strategic thinking in trademark adoption. The session ended with the question and answer session.

### **Training Session: Speaker- Dr. Chitra Arvind**

The training session was delivered by **Dr. Chitra Arvind**, Partner, Accures IP Care LLP who focused on the procedural and strategic dimensions of trademark prosecution, offering participants a grounded understanding of how rights are examined, defended, and shaped in practice.



The speaker began by situating the examination report within the broader framework of trademark prosecution, emphasising that it is not a mere formality but a critical stage where the Registrar raises objections based on statutory grounds and prior rights. She underscored the importance of responding carefully and strategically to examination reports, noting that a well-drafted reply can determine whether a mark proceeds to registration or faces refusal.

Participants were encouraged to rely on relevant case law while drafting replies, particularly when arguing distinctiveness, likelihood of confusion, or acquired secondary meaning. The

discussion highlighted that in common law jurisdictions, prior use plays a decisive role, and the first user of a mark generally prevails over a later registrant. This principle, however, does not operate identically in civil law countries, where registration often carries greater weight than prior use.

The concept of a user affidavit was examined in detail. The procedural steps of filing and substantiating such claims were also briefly outlined, reinforcing the need for consistency between pleadings and proof.

A particularly engaging anecdote concerned the entry of IKEA into the Indian market. Before opening its first offline store, the company reportedly engaged a linguistic expert to study regional pronunciation patterns. Concerns arose that in certain linguistic contexts, the brand name might be mispronounced in a way that diluted its distinctiveness. This analysis contributed to the strategic decision to open its first physical store in Hyderabad rather than Mumbai. The example illustrated how trademark protection extends beyond registration into brand perception, phonetics, and market realities. With emerging technologies reshaping commerce, participants were further introduced to developments concerning digital assets such as NFTs. Overall, the session provided a procedural lens to trademark law, demonstrating that successful registration is not merely about filing an application, but about anticipating objections, substantiating claims with evidence and case law, and aligning legal strategy with linguistic, commercial, and technological realities.

### **Panel Discussion:**

**Panelists:** Mr. Abhijit Bhand, Dr. Chitra Arvind, Adv. Manas Barman;

**Moderator:** Dr. Nalanda Bala Murugan

During the panel session, Dr. Nalanda Bala Murugan initiated the discussion by highlighting the changing nature of brand communication in the digital era. She observed that brands today are no longer focused solely on goods and services but increasingly on visibility and consumer engagement. While advertisements were once the primary medium of communication, social media platforms now play a significant role in shaping consumer perception and brand identity.



Moderating the panel, she directed a series of thought-provoking questions to the panelists. Addressing Mr. Abhijit Bhand, she invited discussion on whether trademark law is evolving adequately to meet contemporary challenges and what pressing legal frameworks require attention. The conversation also explored the emerging role of artificial intelligence in the conceptualization of trademarks, raising concerns about liability where AI-generated marks may conflict with existing ones, and noting that the risks posed by AI are often underestimated by trademark practitioners.

Responding to the question on ownership and liability in AI-generated trademarks, Mr. Bhand observed that the use of AI in generating trademarks has become increasingly common. He emphasized that the fundamental purpose of trademarks is to facilitate fair trade and protect market competition by safeguarding the goodwill and trust built by the rightful owner. According to him, trademarks are rooted in commercial use rather than personality, and therefore liability would arise only when a party exploits or infringes an existing trademark. In such cases, the infringer—not the AI system—would be responsible.

In the rapid-fire round, when asked about an AI-related risk that trademark lawyers may be underestimating, Mr. Bhand cautioned against the over-reliance on AI models, emphasizing that AI should be used as a supportive tool to enhance legal practice rather than a substitute for professional judgment.

Overall, his remarks highlighted both the opportunities and regulatory challenges posed by AI in trademark practice, encouraging legal professionals to adopt technology responsibly while remaining attentive to evolving legal frameworks.

To Adv. Manas Barman, questions focused on how trademark enforcement strategies have evolved over time and whether India requires more targeted legislation to address the nuances of digital and AI-driven trademark disputes. Comparative references were drawn with legal developments in the United Kingdom and the United States, alongside a discussion of the “AI black box” problem and the urgent reforms India may need to address such challenges.

Addressing the question of India’s position in developing a judicial framework for AI-related issues, Mr. Bhand concurred with fellow panelist Adv. Manash Barman that relying on a single legislative framework may not be sufficient. He suggested the adoption of a structured and multi-layered regulatory approach, drawing lessons from the European Union Artificial Intelligence Act, which attempts to address multiple regulatory concerns. He also noted that legal jurisprudence evolves continuously, and no legislative framework can be entirely foolproof, highlighting the need for ongoing policy intervention.



Responding to a question on how enforcement strategies have evolved in the era of growing online marketplaces, Advocate Barman noted that the legal advantage of registration remains central, particularly in light of Section 134 of the Trade Marks Act, which confers jurisdictional benefits upon registered proprietors. However, enforcement today must account for transformed consumer behaviour driven by platforms such as Amazon and Flipkart, where algorithm-based recommendations influence purchasing decisions.

He raised the practical dilemma of online listings: when a consumer searches for a specific brand, such as a OnePlus mobile phone, competing products are simultaneously displayed. Whether such algorithmic display amounts to trademark infringement remains context-dependent. Section 79 of the Information Technology Act, 2000 provides safe harbour protection to intermediaries for third-party content, limiting their liability. Yet, this protection is not absolute.

In litigation strategy, Adv. Barman explained that platforms like Google and Amazon are often impleaded as parties at the outset of infringement suits. Referring to *Indiamart v. Puma*, he observed that intermediary protection weakens where the platform plays an active role rather than remaining neutral. Jurisdictional questions in online disputes were also discussed, including instances where a plaintiff files a suit in Delhi despite both parties being located elsewhere, relying on digital advertisements or online accessibility. The principles laid down in the *Banyan Tree Holding* case regarding purposeful availment and online targeting were highlighted in this context.

The discussion further touched upon passing off in algorithm-driven environments and the purchase of competitor keywords through advertising tools such as Google AdWords. With AI and recommendation systems operating on behavioural data, the risk of confusion becomes technologically amplified. In this regard, reference was made to *Lush v. Amazon*, where a U.S. court examined the liability of an online platform in the context of trademark use within search functions.

Addressing the second question—whether new legislation is required to deal with trademarks and AI—the panel noted that much of India’s intellectual property jurisprudence currently emerges from the Delhi High Court, leaving several grey areas unresolved. One such concern relates to AI-generated logos or marks. If an AI system generates a



mark that conflicts with an existing trademark, liability cannot be avoided merely by arguing that the creation was machine-generated. An example was cited where a mark resembling

“Chanel” faced objection despite being AI-generated, demonstrating the inadequacy of attributing authorship to technology as a defence.

Questions were also raised regarding the extent of due diligence in AI or machine-learning based trademark searches prior to filing, and the legal recourse available if a Registrar refuses registration despite automated clearance searches.

The panel concluded by observing that the rapid integration of AI into branding and commerce exposes regulatory gaps in existing trademark frameworks. Drawing parallels with the European Union’s approach toward AI regulation, the discussion suggested that a dedicated legislative framework may eventually be necessary to address accountability, authorship, and enforcement complexities in the age of algorithm-driven commerce.

Finally, Dr. Chitra Arvind was asked to reflect on how courts have approached disputes involving territorial nexus in trademark law. The discussion also touched upon the practical skills law students should develop to effectively engage with the evolving field of trademark law.

She began by noting that the Trade Marks Act, 1999, though foundational, was drafted in a period when commerce was largely territorial. In contrast, today’s digital ecosystem—shaped by technologies such as AI, NFTs, and deepfakes—creates complex questions about jurisdiction and enforcement across borders.

A key focus of the discussion was how courts determine jurisdiction in online trademark disputes. She highlighted the concept of “purposeful availment,” explaining that courts examine whether a platform or entity intentionally targets a particular jurisdiction. Two important considerations arise in this context: the country where the goods or services are made available and whether there is a willful intention to target Indian consumers.



She also revisited Section 134 of the Trade Marks Act, discussing its relevance to jurisdiction and cause of action, and clarified the distinction between where goods are manufactured and where they are found in the market. In this context, she explained how courts analyze confusion in the minds of consumers under Section 29(6) when evaluating trademark infringement.

Referring to the Yahoo! India case, she illustrated the distinction between active targeting and passive presence online, emphasizing that jurisdiction generally depends on deliberate engagement with a particular market rather than mere accessibility of a website.

Another important point raised was that the mode of creation of a trademark—whether by humans or AI—is not determinative for jurisdiction. Instead, what matters is the territory where the mark is used and the market it targets.

She concluded by discussing cybersquatting and domain names as trademarks, highlighting that courts often recognize domain names as identifiers of commercial origin. In such cases, establishing a territorial nexus becomes crucial in determining the appropriate jurisdiction.

The session provided valuable insights into how traditional principles of trademark law are being interpreted and applied to address the evolving complexities of the digital age.

Overall, the session provided valuable insights into the intersection of trademarks, digital platforms, and artificial intelligence, while encouraging participants to critically examine the future trajectory of trademark regulation.