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**TRADEMARKS AND ITS IMPACT ON THE GROWTH OF BUSINESSES
BASED ON ENVIRONMENTAL SUSTAINABILITY**

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ABSTRACT

This paper examines the importance of trademarks, their evolution, and their necessity. It thoroughly discusses the impact on the growth of businesses based on environmental sustainability. This data extract information from various websites, commentaries, the Economic Index of many research groups, and the Trademark Act, 1999, the TRIPS Agreement, the Madrid Protocol. Further, this paper indicates that how India act and stand on the violation and how they resolve infringement around the international forum. It tells us the importance of transparency, the brand value trademark provides. Further, the paper gives suggestions to improve the implementation of the same in this democratic country.

KEYWORDS: - Trademark, environmental sustainability, growth, economic benefit.

INTRODUCTION

“Every Trade Mark you Build adds to the financial value of your business, much more than your tangible assets” – **Dr. Kalyan C. Kankanala.**

Innovation is the first step, implementing the idea is the second, but to provide optimum use safeguarding becomes a necessity. With the increase in innovations, inventions, and an increase in demand for comfort, the term ‘Sustainability’ echoes. With the rapid globalization, privatization, and opening up of the Indian economy after 1991, "Intellectual Capital" has

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become a key factor in the present international trade. Lack of IPR awareness has repeatedly resulted in the death of inventions, high risk of infringement, economic loss, and a decline in intellect in the country. In-country with over 1.3 billion people, the term sustainability plays an even more substantial role. For businesses, start-ups, inventions, and to safeguard the interest of the country, specific laws and policies have to be adopted. In India, laws such as the RTI act,² the trademark act,³ and the Consumer protection act⁴ enable the administration and the judiciary to keep the country's interest intact. To safeguard from potential fraud, and provide equity to the innovator, entities such as trademark, patents, and copyright have been established. These entities have their importance; acting together to formulate the face and the backbone of the business. India ratified the TRIPS agreement and established itself as a member of the World Trade Organization (the "WTO") on 1st January 1995. Along with ratifying international treaties and conventions, India has enumerated many sections in the Trademark Act to service proper justice to various businesses and trade.

METHODOLOGY

The research paper is an exploratory study concerning the Trademark sector and its necessity in businesses based on environmental sustainability. The research is based on the observation and extensive study of secondary data available on the internet, books, articles, and journals. This study revolves around the observations from secondary data of businesses functioning in India. The data has been an accumulation of many surveys conducted by many business scholars, and international organizations. This describes the necessity of a trademark in the business sector is not limited to the national market, but it is more prevalent in international forums.

- RESEARCH STRATEGY AND FRAMEWORK.

We have begun this examination to concentrate on the inquiry "In what manner can trade marking help business based on environmental sustainability?" In request to arrive at our

2. The RTI Act, 2005.

3. The Trademark Act, 1999.

4. The Consumer Protection Act, 2019.

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objective, which is the response to this inquiry we collected information. This research is a collection of years of data and economic benefits gained through this operation.

For the framework, this paper has been divided mainly into 2 parts. The first part describes trademarks, their evolution, their legal backing in India, and the laws and bodies that administer trademark functioning in the International forum. The second part describes the necessity of having trademarks in the business based on environmental sustainability. The issues faced by both established businesses and start-ups. This paper ends with the benefits provided to these businesses along with a conclusion.

DEFINITION

A trademark is a sign or a combination of signs that are used to distinguish the goods or services of one enterprise from another.⁵ The owner of a trademark has the exclusive right to prevent all those not having the owner's consent from using it in the marketplace to identify certain goods or services. A 'trademark' defined in Module III includes both the trademark of goods and services. With the increase in complexity and innovation in every sector, a trademark also includes graphic symbols, labels, or logos. A company may have different types of trademarks for their various products but to distinguish themselves from other company or enterprise trade name is being used.⁶ There have also been registrations of shapes of products themselves (e.g. the triangular shape of 'Toblerone' chocolate) and colors (the orange color of 'Fiskars scissors'). The process also works in the registration of sounds ('TIME WARNER ENTERTAINMENT - Looney Tunes Theme Song; 'LUCASFILM' - THX logo theme) and smells (Japan's Sumitomo Rubber Co. –the fragrance of roses applied to their tires). These instances indicate that the trademark has evolved from just symbols to anything substantive asset that may describe or has evolved into being an identity of the business.

THE TRIPS AGREEMENT

5. Art. 15.1, the Trips Agreement, 1995.

6. WIPO Manual: What is Intellectual Property? http://www.wipo.int/edocs/pubdocs/en/intproperty/450/wipo_publication_450.pdf.

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The TRIPS Agreement comprehensively characterizes trademark, and the rights presented by enrolled trademarks, alongside the provisions on constraints, exemptions, and insurance (protection). It adds meaningful arrangements and provisions concerning trademarks and the security of notable imprints and patents. These provisions systematize, codify, and concretize the statute and general practice created under the Paris Convention and its party's national law. Excursions modified the territory of global IP law. TRIPS had more teeth than WIPO controlled arrangements as deals managed through the World Intellectual Property Organization (WIPO) had no viable enforcement mechanism; however, the WTO consolidated another debate settlement framework, taking into account arbitration of TRIPS questions and for international embargoes against nations discovered to be infringing upon the Agreement. India's commitments under the TRIPS Agreement for the security of brand names, inter alia, incorporate assurance to recognizing marks, acknowledgment of administration marks, the uncertain periodical reestablishment of enlistment, cancelation of mandatory permitting of trademarks.

- IMPORTANCE OF THE TRIPS AGREEMENT REGARDING ITS RELATION WITH THE PARIS CONVENTION

One of the significant reasons behind embracing the TRIPS agreement was for the organizations identified with service marks. Before the TRIPS agreement, the enrollment of trademark for service ('service marks') was discretionary under the Paris Convention; and very few any nations gave to the enlistment of such checks. However, with the rise of the service economy and the resulting importance of trademarks in distinguishing services, the TRIPS Agreement stipulated the protection of service marks in the same way as trademarks for goods. Major overhauls took place in many countries regarding 'service trademark' law.⁷

- LICENCING OF TRADEMARK FOR THE MEMBERS OF THE TRIPS AGREEMENT

Article 21 of the TRIPS dealing with Licensing and Assignment mandates that "... the owner of a registered trademark shall have the right to assign the trademark with or without the transfer of the business to which the trademark belongs." Article 21 of the TRIPS Agreement clears that

7. Melissa R , Something old, something new, something borrowed, something blue: A new tradition in non-traditional mark registrations, *Cardozo Law Review*, 27 (2005) 457.

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members' shall not allow any mandatory permitting of a trademark. This mirrors the view that not at all like in the patent area (see Module V on Patents), has no open strategy or public policy reasoning for permitting mandatory licensing in the territory of trademark rights and governments may not, along these lines, grant the utilization of a trademark without the approval of the correct/current holder.

While trademark rights are obtained by the enrollment of a sign as a trademark, a few nations make these rights accessible without enlistment essentially based on use. These are considered precedent-based law trademark. The TRIPS Agreement just obliges individuals to accord rights to the proprietor of enrolled trademarks. In any case, it expressly perceives in Article 16.1 members' privilege to make trademark rights accessible without enrollment based on use. It additionally requires insurance for notable denotes that are not enlisted.

THE MADRID PROTOCOL

Registration of trademarks in multiple jurisdictions around the world is governed by two independent treaties – the Madrid Agreement (the Agreement) and the Madrid Protocol (the Protocol). Despite its name, the Protocol is a separate treaty and not a “protocol” to the Agreement. Together, the Agreement and the Protocol are known as the Madrid System for the International Registration of Marks (the Madrid System).⁸ The Agreement was set up in 1891 to give a system that would take into consideration a solitary and cheap worldwide trademark enlistment and wipe out the requirement for recording, indicting, or keeping up isolated enrollments in various nations. The Protocol was, however, adopted in 1989 to address the apparent lack in the Agreement. Nonetheless, the Protocol keeps up the underlying expectation of the Agreement, to arrange basic and reasonable global trademark enlistment.⁹

India Parliament passed the Trade Marks (Amendment) Bill, 2009 for enacting special provisions relating to the protection of trademarks through international registration under the Madrid Protocol. After the amendment in the trademark act, Chapter IV A was embedded; which contains the extraordinary arrangement with the assurance of trademarks through global

8. https://www.nyulawglobal.org/globalex/International_Trademark_Law.html.

9. F. Hoffmann-La Roche AG v. TMNET, WIPO Case No. D2008 - 0995.

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registration under the Madrid Protocol. This change permits Indian individuals or businesses to enroll their trademark in 97 nations by recording a solitary application. Likewise, it permitted the other foreign entities (any business) of the part nations of the Madrid Protocol to enlist their imprint, patents, trademark in India. India has joined the Madrid Protocol with an impact from 8th July 2013. According to the Amended Act, the date of the global registration of a trademark where India has been assigned; or from the date of the registration in the register of the International Bureau about the extension resulting from a worldwide enlistment of a trademark to India, is assured protection in India equivalent to if the trademark had been enrolled in India.¹⁰

- WHAT IS THE MINIMUM TERM OF PROTECTION UNDER THE MADRID PROTOCOL?

According to Article 18 of the TRIPS Agreement, the initial registration and each renewal of registration shall be for a term of no less than seven years. It also stipulates that the registration of a trademark must be renewable indefinitely. This means that trademark rights, in contrast to copyright or patent rights, can last for an indefinite period, provided the right owner renews the registration at the expiry of each term and pays the required renewal fees. If members require the actual use of a trademark to maintain registration, Article 19 of the TRIPS Agreement provides that cancellation of a trademark may only occur after an uninterrupted period of three years of non-use. This means that even if a country wants to require the use of a trademark as a condition for renewal, it must allow for a period of at least three years of uninterrupted non-use before the trademark can be canceled for that reason. Trademarks are intangible and somewhat anomalously intellectual property rights.¹¹

EVOLUTION OF TRADEMARK LAWS IN INDIA

Trademarks already existed in the ancient world. The Indian artwork men used to imprint their mark on their adornments or imaginative creation around 3000 years before the whole concept of the inter-nation trademark took place. With industrialization, the concept of trademarking

10.Thies Bosling, *Securing Trademark Protection in a Global Economy- The United States' Accession to the Madrid Protocol*, 12 U. Balt. Intell. Prop. L.J. 137 (Spring, 2004).

11. *Mattel Inc v. 3894207 Canada Inc*, (2006) SCC 22.

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became a dominant factor in the present-day universe of worldwide exchange. Before 1940, there was no law on the trademark sector in India. Various issues of encroachment, misuse, and unregistered trademark were settled under § 54 of the Specific Relief Act, 1877. The registration of any trademark was mediated under the Indian Registration Act, 1908. To conquer the absence of any proper law on trademark; The Indian Trademark law was enforced in 1940. After the implementation, the interest in the security of the trademark expanded as there was a significant development in exchange and trade. During this period, the issue of unregistered businesses still existed. To protect new ventures from unauthorized identity takeover, identity theft, illegal use of patents or trademarks, the renovation of the sector of trademarks became a necessity.

- FORMATION OF THE TRADEMARK AND MERCHANDISE ACT, 1958

After the reforming Ayyangar committee report in 1955,¹² The Trademark and Merchandise Act, 1958 replaced the then-existing law. It gave better insurance to trademark and curbed abuse or improper usage of any trademark by any business. The Act gave enlistment of the trademark with the goal that the proprietor of the brand name may get a legitimate appropriate for its selective use. But, as time passed, better techniques were discovered that saw a rise in danger in the trademark sector. Multi-National companies that were more capital-centric led to a rise in the violation of an individual nation's IP law. The issue of an international stand on trademarks arose as one of the biggest concerns for MNCs. To solve these issues many conventions were held and ratified by the countries. International Conventions like the Paris Convention, the Berne Convention, the Phonograms Convention, and the Rome Convention was ratified by India. Treaties such as the Patent Cooperation Treaty were signed by India to establish its stand on Intellectual-property. These steps were taken by the then government for establishing the future of Indian business.

- THE TRADEMARK ACT, 1999 AND THE CURRENT SCENARIO

In the present times, India's trademark laws have evolved; the new legal guards consisting of the 1999 Trade Marks Act and the Trade Marks Rules of 2002¹³ and 2017.¹⁴ The administrative

12. Ayyangar Committee Report — [Trademarks] Trade Marks Law Revision, 1955.

13. The Trade Marks Rules, 2002.

14. The Trade Marks Rules, 2017.

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authority and statutory protection of a trademark are administered by the Controller General of Patents, Designs, and Trade Marks under the Department of Industrial Policy and Promotion. The police presently have more strong powers in authorizing and enforcing trademark law, including the capacity to look through premises and hold onto merchandise associated with being 'fake' without a warrant. In any case, these forces are tempered by the necessity for the police to look for the Trade Mark Registrar's sentiment on the registration of a trademark before making a move.

NECESSITY OF TRADEMARKING IN BUSINESSES

India, being a precedent-based, common law nation, observes the codified law, yet also, custom-based (common) law standards, and as such accommodates encroachment just as passing off activities against infringement of the trademark.¹⁵ India perceives the idea of the "Well-known Trademark" and the "Principle of Trans-Border Reputation".¹⁶ A notable Trademark implies that a mark has become so significant to a section of the general public; that probably it is going to conceive an association between the two marks.¹⁷ In the minds of the public, the primary significance of a [mark] is to identify the source of the product rather than the product itself.¹⁸ This doctrine has been a watchtower for the Supreme Court of India to resolve issues of trade marking. In cases such as *N. R. Dongre v. Whirlpool*,¹⁹ the doctrine showcased its very meaning when the SC ruled the case in favor of whirlpool. Under the Trade Marks Act, both civil and criminal remedies are simultaneously available²⁰ against infringement and passing off under §135 of the Trademark act.²¹ In the case of *Midas Hygiene Industries Pvt. Ltd. v. Sudhir Bhatia*, it was held that the law on the subject is well settled. In cases of infringement of trademark, an injunction must follow.²² The grant of injunction becomes necessary if it prima

15. Thomson Reuters The Trade Marks Act, 1999, [Bare Acts with Comment].

16. *Tata Sons Ltd. v. Manu Kosuri & Ors*, 90 (2001) DLT 659.

17. *Mumtaz Ahmed v. Pakeeza Chemicals*, AIR (2003) All 114.

18. *Glaxo group Ltd v. Dowelhurst Ltd*, [2000] EWHC Ch 134.

19. *N. R. Dongre v. Whirlpool*, (1996) 5 SCC 714.

20. § 29 of The Trademarks Act, 1999.

21. §135 provides for civil relief, including injunctions, damages, rendition of account of profits and delivery up of infringing labels and marks for destruction or erasure.

22. *Midas Hygiene Industries Pvt. Ltd. v. Sudhir Bhatia*, 2004 (28) PTC 121 (SC).

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facie appears that the adoption of the mark was itself dishonest. The country, after the 2000's has seen a significant increase in innovation. But, the issue is yet to be solved.

- RECENT LEGAL ISSUES FACED BY ESTABLISHED ORGANIZATIONS DUE TO LACK OF TRADEMARKING

The practice of registration of a trademark in bad faith by outsiders has been a grave concern. Registration of trademarks before and for certain notable imprints to sell them to the first rights proprietors is common malpractice. It is prudent for rights proprietors to enroll their name in the domain of India as a trademark as quickly as time permits. Enrollment takes as long as two years; and can be renewed for ten more years.

- **THE RECENT DISPUTE OF TRADE MARKING THE NAME OF Ps5-** The recent issue of trade marking the name of the gaming console Ps5 is a commendable case of the need for exchange stamping/trademark. In this case, a man named Hitesh Aswani from Delhi had filed for the PS5 brand name in India a year ago, as per a report by The Mako Reactor. Sony, on the other hand, had registered for the trademark in February 2020. While Sony won, this episode showcases the significance of securing a name ahead of schedule. The issue of squatting of a trademark is a persistent issue faced in the country.²³ This issue isn't the first run for a significant brand is confronting a trademark issue in India.
- **THE ASUS "ZENFONE" DISPUTE-** Prior, ASUS confronted a similar issue with the ZenFone name copyright. The Taiwanese producer was sued by a local brand for utilizing its current Zen Mobile brand name. Asus contended that Zen is a typical term from Buddhism and can be undertaken by any organization, not only by one organization. Ultimately, ASUS had to eliminate ZenFone from its ZenFone 6 Smartphone and dispatch it's as ASUS 6z in the Indian market.²⁴

23. <https://www.worldtrademarkreview.com/brand-management/trademark-squatter-nabs-ps5-in-india-prompting-questions-over-release-delay>.

24. <https://indianexpress.com/article/technology/mobile-tabs/asus-might-have-delayed-zenfone-6-launch-in-india-due-to-legal-issues-5768602/>.

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WHAT IS A BUSINESS WITH CORE PRINCIPLES BASED ON ENVIRONMENTAL SUSTAINABILITY?

Business sustainability is the act of working a business without affecting climate contrarily. A green-business functions to its advantage of the neighborhood and worldwide climate, which means it supports the regional community and economy reliant. An ecologically mindful business thinks about something beyond benefits — it caters to its effect on society and the climate. Such an operation is practical because it adds to the strength of the structure inside which it works. Though the concept is beneficial all-around, its implementation is not a cup of tea.

It is acknowledged that the private sector has a more vital task to do in the atmosphere currently more than ever. With the globalization of the world's economy, the demonstrations of organizations have broad effects, and with freedom in various territories, associations/organizations are left to their devices, methods to fulfill ecological rules. Thus, it is of most significance to standardize the guidelines of natural legitimacy into the modern-day and key approaches around the world.²⁵

- NECESSITY FOR BUSINESS SUSTAINABILITY- As indicated by the Environmental Sustainability report, we're poised to create 27 billion tons of strong waste by 2050. Due to organizations that believe in quick creation and turnover for the extreme economic benefits.²⁶ Against this scenery, an expanding number of organizations and financial specialists are estimating and dealing with their ecological effect, and various associations have arisen to give direction to different makers and purchasers of data, including the Sustainability Accounting Standards Board (SASB), the Global Reporting Initiative (GRI), and The Task Force for Climate-related Financial Disclosures (TCFD), and the Corporate Reporting Dialogue. These organizations have developed environmental reporting standards for the calculation and disclosure of environmental metrics.²⁷ These organizations have all but said

25. Kakabadse-Navarro, Yolanda, "Interim Report of Task Force 6 on Environmental Sustainability", 2004,

26. Steen, B., 2019. Monetary Valuation of Environmental Impacts: Models and Data. CRC Press.

27. https://www.hbs.edu/faculty/Publication%20Files/20-098_4b62de0b-4428-4f17-84b6-7fef878b4eab.pdf.

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one thing, that environmentally-friendly measures have to be adopted, or else life won't support the concept of comfortable living.

NECESSITY FOR ESTABLISHED BUSINESSES TO USE TRADEMARK WHICH ARE BASEDON ENVIRONMENTAL SUSTAINABILITY

Businesses must adopt methods, procedures, components, and overall business module to adopt policies based on environmental sustainability. The "Great Pacific Garbage Patch" is illustrative of why organizations must organize sustainability. The plastic (twice the size of Texas) would not exist if not for organizations that utilization it to make and bundle items.²⁸ The bottom line is that we must recognize that in today's world a corporation is allowed to stay in business only if it responds to society's needs and concerns.²⁹

The "Website" blast of the last part of the 1990s introduced the commercialization of the Internet and generated the extension of the domain name framework. These positive turns of events, notwithstanding, likewise gave rise to the problem of cyber-squatting³⁰ – the dishonesty enlistment of trademarks, particularly notable trademarks, in the desire for exchanging them at a benefit. Presently, brand and Internet users face issues such as the misuse of trademarks to further the sale of counterfeit products, phishing schemes, and fraud. In 2019, 16% of domain name cases filed with the WIPO Center involved fraud through faulty schemes, 8% of these cases involved alleged fraud. Nearly 6% involved the sale of counterfeit goods or services. Two-thirds of the cases of counterfeited products involved fashion, retail, and luxury goods industries.³¹ To counter, the international forum has established NICE classifications.

India along with many nations follows the NICE Classification of Goods and Services for the enrollment of trademarks. The NICE Classification bunches items into 45 (classes 1-34 incorporate products and classes 35-45 incorporate services).³² The NICE Classification is perceived in the prominent part of the nations and makes applying for trademark universally a

28. <https://online.maryville.edu/blog/importance-of-environmental-awareness-when-running-a-business/>.

29. Robert M Abbott, "Green and competitive," Canadian Mining Journal 6, (December 1998): pp.30.

30. Yahoo! Inc. v Akash Arora & Anr, (1999) 78 DLT 285.

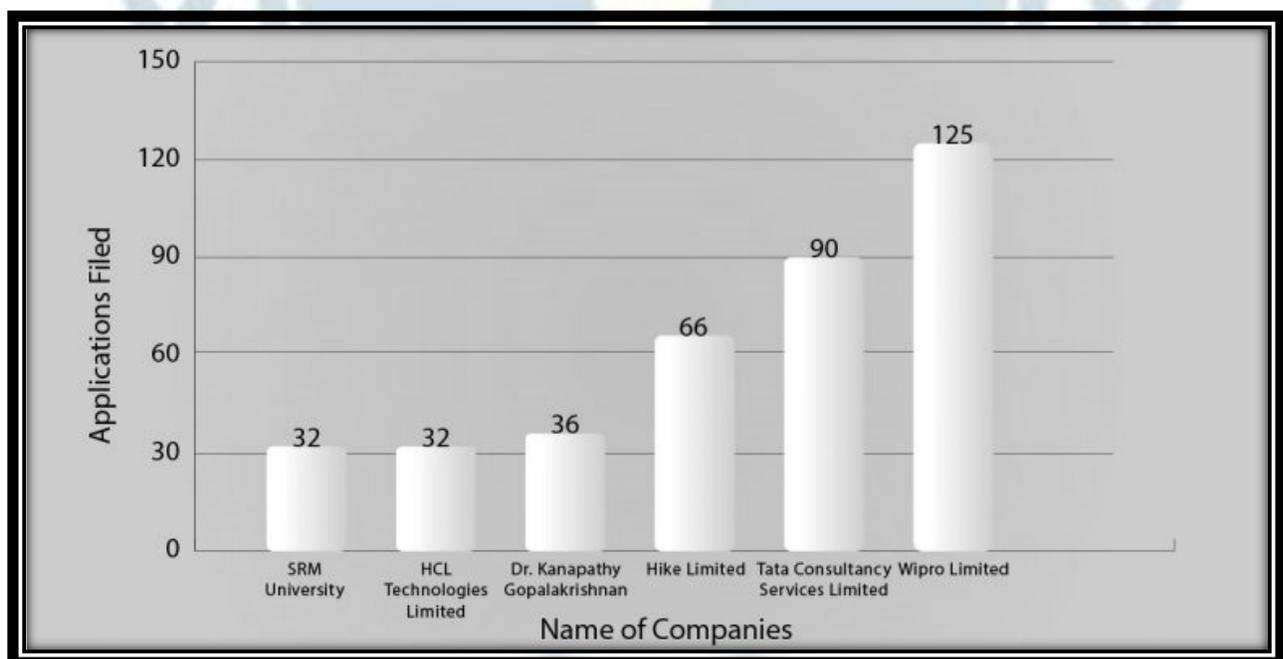
31. https://www.wipo.int/wipo_magazine/en/2019/06/article_0006.html.

32. <https://www.wipo.int/classifications/nice/nclpub/en/fr/>.

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smoothed out cycle. Businesses have to understand the significance of the NICE classifications, to survive. This classification helps in protecting the identifiers from international theft through a central database. The NICE classifications, hence become a very important pillar in the overall safeguarding mechanism for trademarks.

With an increase in intellectual property (IP) filing activity in the world, India has witnessed significant growth in patent, industrial design, and trademark filings in 2018. India saw over 20% growths in trademark filing, whereas in respect of industrial design filing activity, it witnessed a 13.6% rise.³³ It said that India has made significant progress towards establishing stronger IP protections but the "job is not yet done".³⁴ India emerged as top tenth nation in the ranking of the total (resident and abroad) IP filing activity by origin revealed World Intellectual Property Indicators 2019, which published such data for 49 countries.



A GRAPH INDICATING TRADEMARK, PATENTS AND DESIGN FILED IN THE IT SECTOR IN INDIA

33. <https://entrackr.com/2019/10/india-growth-ip-filings/>.

34. https://www.business-standard.com/article/pti-stories/india-position-slips-to-40th-on-international-ip-index-120020501805_1.html.

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NECESSITY FOR A START-UP WITH CORE PRINCIPLE BASED ON ENVIRONMENTAL SUSTAINABILITY TO TRADEMARK

Moved by special packages, tax, and duty exceptions declared by the Government of India; a multitude of Startups, professing to give creative arrangements and items to the client, are being joined. As per the Start IP India activity by the Department of Industrial Policy and Promotion (DIPP), 6096 entities have been determined as Startups. In a notification by the DIPP on May 23, 2017,³⁵ the period for guaranteeing the status of "Startup" has been expanded from five to seven years. For a Startup in the field of Biotechnology, the said period is as long as ten years.

Nineteen State Governments in India have actualized Startup strategies with the target to advance the simplicity of-business climate among new business visionaries in the nation. The scheme for Startups Intellectual Property Protection (SIPP) is envisaged to facilitate the protection of Patents, trademarks and Designs of innovative and interested Startups.³⁶ The Government is additionally setting up Research Parks, Bio-Clusters, Bio-Incubators, Technology Transfer Centers, and Startup-Assist Center to urge business people to wander into Startup space. New companies are administered by deals, promoting activities, income cycles, business improvement, subsidizing, funding, logistics, and HR managing. With the initiative taken, the start-ups need to capitalize and future proofs their identifiers to make sure any theft or squatting is avoided. With over 60% of youth establishing Indian populaces and expanding the use of innovation and the web, this ought not to be an obstacle.³⁷ Now this will provide a jump start to these start-ups as now more recognition will be given for their efforts.

In India, the SICLD Act, 2000³⁸ has been passed to protect the requirements of the electronic industry in compliance with the TRIPS agreement.³⁹ Any original and inherently distinctive layout design can now be registered as per the Indian SICLD Act, 2000 for 10 years. A similar law, the SICLD protects intricate designs from the very beginning. The comprehensive, straight end law closes the open loops barricading the innovator from any infringement. This law has

35. *Supra* 26.

36. http://www.ipindia.nic.in/writereaddata/images/pdf/statupUps_Scheme_05May2016.pdf.

37. *Supra* 25.

38. The Semiconductor Integrated Circuits Layout Design Act, (SICLD) Act, 2000.

39. www.copyright.gov.in/Documents/handbook.html.

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saved many new Startups that focus on mixing environmental friendly products and science. This law working in conjectured to the trademark act necessitates why the identifiers are considered to be the backbone of any business.

In India, there is both criminal and civil remedy for theft.⁴⁰ In the global scenario, the country has not been able to prove its mature stand. In a report by the US Chamber of Commerce in 2015, India stood at 29th position amongst 30 countries in IP index around the globe. It is a very alarming condition for policymakers as well as for the nation as a whole.⁴¹ India's slipped to 40th position on the International Intellectual Property (IP) Index, which analyses the IP climate in 53 global economies.⁴² These statics pose a grave concern. The absence of proper knowledge among the general public and start-ups about the trademark and the absence of proper implementation is the cause of theft by another business.

WHY IS IT NECESSARY FOR BUSINESSES BASED ON ENVIRONMENTAL SUSTAINABILITY TO ADOPT TRADEMARK?

Identifiers such as trademarks, patents, and designs play a vital role in a business. The point to which they can be considered as pillars of a strong, independent, profitable business organization. To understand further, we have to understand the benefits trademark provides other than identity. These benefits not only drive businesses it can be said that these are the main principle on which a business functions. The main benefits provided are-

- PROVIDES COMPETITIVE ADVANTAGE.

One of the biggest benefits of a trademark can be an active advantage over other businesses. S&P 500 companies with manageability prepared into their technique perform in a way that is better than those that don't: they see an 18% higher ROI⁴³ since they're overseeing and anticipating environmental change. As indicated by Jeffrey Hollender, educator of manageability

40. *Supra* 19.

41. ET Bureau: India ranked second last in Intellectual Property Index, http://articles.economictimes.indiatimes.com/2015-02-04/news/58795926_1_ip-environment-gipc-intellectualproperty-index (accessed on 4 February 2015).

42. <https://www.financialexpress.com/economy/india-slips-to-40th-position-on-international-intellectual-property-index/1857611/#:~:text=India's%20slipped%20to%2040th%20position,position%20out%20of%2050%20countries.>

43. <https://hbr.org/2009/09/why-sustainability-is-now-the-key-driver-of-innovation.>

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at NYU Stern, "You will perform better monetarily by doing things like having an extraordinary supportability program." Researchers from Harvard Business Review⁴⁴ concur: "We've been contemplating the maintainability activities of 30 huge enterprises for quite a while. Our examination shows that maintainability is a jackpot of authoritative and mechanical advancements that yield both primary concern and top-line returns." Rajan Varadarajan, Mark P, DeFanti, and Paul S. Busch, argue that the first mover who is dealing with the issue of environmental sustainability is going to have the potential to achieve a competitive advantage.⁴⁵

A business' stance concerning ecological supportability can have a critical effect on your public picture. Ecologically practical organizations are pictured as market pioneers, trend-setters, and socially mindful. Setting up your image as an environment-friendly business will assist you with building trust and regard from an expansive scope of buyers. An organization can utilize it as an approach to use its business over the opposition and add a serious edge, while simultaneously making a positive commitment to the wellbeing and manageability of the climate.⁴⁶

Ecological marketing (or green showcasing) is the advertising of items and administrations that are ecologically sheltered. There is unexploited potential here as shoppers become keener on naturally supportable choices. Promoting and product packaging are key components in the advertising business based on environmental sustainability. Publicizing and promotional campaigns need to set up that you have a pledge to securing the climate; notwithstanding, it shouldn't be the main message passed on to clients.

- FROM THE PERSPECTIVE TO INCREASE CLIENTIAL REACH AND INCREASE CLIENT

Trademarks not only provide trade benefits it also helps in increase in reach. Trademarks and other identifiers act actively as passive promotion for a business based on environmental sustainability. According to the 2018 BSR/Globe scan survey⁴⁷ of business leaders in charge of sustainability and corporate social responsibility, respondents identified ethics and integrity as

44. <https://www.theguardian.com/sustainable-business/2014/sep/23/business-companies-profit-cdp-report-climate-change-sustainability>.

45. Rajan Varadarajan, Mark P. DeFanti and Paul S. Busch, "Brand Portfolio, Corporate Image, and Reputation .Managing Brand Deletions," Journal of the Academy of Marketing Science 34 (2006).

46. <https://hbswk.hbs.edu/item/corporate-environmental-impact-measurement-data-and-information>.

47. <https://www.bsr.org/en/our-insights/blog-view/csr-sustainability-business-trends-now-and-the-future>.

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the No. 1 reason for pursuing business sustainability. Ethics of conduct in and out of the four walls of cooperation has a large role. These ethics indirectly increase the profitability of a business as now a section of the public who uses only environmentally friendly products to become aware of the product.

In most recent years, we have seen a shift in qualities move all around the globe. Business, to some degree shockingly, is being headed to focus on qualities and values.⁴⁸After 2005, the environmental reports have become more standardized, as more companies have to adopt the GRI guideline and are gearing towards an eco-friendly product and procedure.⁴⁹

Branding incorporates the capacity of creating brand value from the viewpoint of brand proprietors and encouraging buyers to distinguish a specific item through its image. Likewise, it would pass on the fundamental characteristics of an item alongside a wellspring of its root.⁵⁰ Hence it becomes a necessity.

- AI'S POTENTIAL TO GENERATE EFFICIENT GAINS IN THE TRADEMARK SECTOR.

In the years ahead, technologies based on artificial intelligence (AI) may be leveraged to bring efficiencies to this arbitration process. For example, the WIPO Overview (a summary of UDRP case law) could serve as a basis for developing an algorithm to identify common fact patterns or potentially infringing domain names. Similar tools have been employed in other fields, for example, to automate trademark searches. AI may also be used to analyze and measure other objective indicators of “bad faith”. As an example, EUR id, the EU registry is successfully using AI to develop tools to proactively examine domain name registration data to identify domains name that may have been registered with an infringing or unlawful intent. EURid’s AI program reports that so far malicious domain registrations have been identified with a 92 percent accuracy rate. This indicates proper filings, registered history and protection to businesses from theft identity while providing numerous advantages to them. Hence it becomes a must-have in a business based on environmental sustainability,

48. John Elkington, *Cannibals with forks* (Capstone Publishing Limited, Oxford, 1999).

49. S&P 100 CSR Reporting Up,” *Business and the Environment* 17, no.10 (October 2006).

50. Lionel Bently, Jennifer Davis, and Jane C. Ginsburg, *Trade Marks and Brands: An Interdisciplinary Critique*, (Cambridge University Press, 2008), Vol.1, pg 80.

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CONCLUSION

As we have seen, it took us several decades to form a sort of environmental behavior, formulate necessary laws, and treaties to safeguard the identifiers of a business. Many issues are faced by businesses to secure their logo, trademark, and patents. The country has yet to witness any statutory resolution that condemns these illegal practices.⁵¹ This behavior is becoming more and more integrated into global organizations with the biggest negative environmental impacts. To encourage businesses to give closer attention to the whole impact of all their operational activities, provide economic benefits, and trademarks and other identifiers become important.

The main goal of trademarks for business based on environmental sustainability is to balance the three dimensions in the company's activity:

- The corporate economic benefit,
- The environment and
- International recognition.

To be able to achieve this goal; there exist methods aforementioned in the paper to control and record the whole operational process in terms of environmental sustainability. Ignorance, unawareness among youth, academicians, researchers, industrialists, and brokers in India about IPR and its advantages is the principle explanation behind falling behind in the trademark's support. It is fundamental for strategy makers to incorporate trademarks, licenses, and plans in a necessary instructive framework and advance IPR enrollment by empowering the trailblazers and makers. India is having all the assets as far as accessible raw materials, modest cheap work, inventive and imaginative committed labor. Hence it becomes a priority to implement the knowledge to avoid severe irrecoverable damages.

51.Narayanan, P. (2004). Law of Trade Marks and Passing off (6th ed.). Kolkata: Eastern Law House.
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