

Rasna trademark infringement, trademarks and GST, Amazon's 'meal-kit' trademark, Celebrity Domain Names and more

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"Indian Trade Mark Statistics for July, 2017 (Third Week), Rasna Trade Mark Infringement News, GST Impact on Trade Mark Registrations, Amazon's New Trade Mark on Meal-Kit, Celebrity trade marks, and other weekly trade mark news is brought to you by the Trademark Team of BananaIP Trade Mark News:

TRADEMARK QUOTE OF THE WEEK

"A Trade Mark is a company's persona and identity in the marketplace."

Dr. Kalyan C. Kankanala, Renowned IP Attorney, Professor and Novelist.

INDIAN TRADEMARK STATISTICS

The productivity of the Indian Trade Mark Office was less compared to the previous week from the statistics perspective. The number of examinations issued and hearings disposed decreased by five (5) percent. The number of registrations reduced by seven (7) percent. However, the number of published trade mark applications rose by twenty three (23) percent. The increase in publications indicates an increase in the number of acceptances. It is noteworthy that the number of hearing notices issued also increased by fourteen (14) percent.

Particulars	Last week	This week	Change in %
Total Trademark applications examined by Trademark Office	9432	8880	A decrease of 5%
Total applications disposed through show cause hearings	1163	1103	A decrease of 5%
Total applications published in the trademark journal	7221	8888	An increase of 23%
Total registrations granted	10475	11227	An increase of 7.1 %
Total hearing notices issued	3484	2965	A decrease of 14%
Total renewal notices issued	2278	1213	A decrease of 46%

Total number of Applications Examined by the Trademark Office in 2017 so far: 236749

INTERESTING TRADEMARKS

JAYBO-JAY Z Trade Mark

The American rapper Jay-Z has filed trademark application with the USPTO for the mark 'JAYBO' under 16 classes. JAYBO is an animated character in the music video for "The Story of O.J.," and features the history of racist related cartoons over the years. The marks have been filed on an intent to use basis.

INDIAN TRADEMARK UPDATES

Film 'Rasna No Dabbo' is under Trade Mark attack

The popular soft drink brand, Pioma Industries, brand owner of Rasna, has filed a law suit against an upcoming Gujarati Film titled 'Rasna No Dabbo'. In the suit, it claimed that the film not only infringes the Trade Mark but also defames it. The word 'no' in the title is written in small font, which is read as Rasna Dabbo which according to the company is defamatory in nature. Pioma has sued three production firms involved in this movie – Saptarishi Cine Vision Pvt Ltd from Delhi, Veronica Productions Ltd from Rajkot and Purple Bull Entertainment Pvt Ltd from Mumbai along with producers Kshitiz Bharadwaj and Sushil Pandey. Pioma has sought directions from the court to restrain release of the film.

Traders give up registration to avoid GST

The new GST (Goods and Services Tax) law has forced many traders to give up their registered trademarks in order to avoid paying 5% extra tax. The new law levies 5 % GST on the exempted goods such as paneer, dal, rice etc., which are packaged in unit containers and, which are registered trademarks under the Trademarks Act, 1999. Due to the extra costs, many dal and rice traders have applied for withdrawal of their registered marks.

INTERNATIONAL TRADEMARK UPDATES

Amazon files for 'meal-kit' trademark

Amazon Technologies Inc., an Amazon subsidiary, filed a trademark application with the USPTO for the term 'meal kit' and several slogans including 'We do the prep. You be the chef' and 'We prep. You cook'. The application provides the description for "prepared food kits composed of meat, poultry, fish, seafood, fruit and/or vegetables" that is ready for cooking and assembly as a meal. Amazon's proposed service of the meal-kit business, experts believe, is a threat to the identical service provider, Blue Apron who holds the title as the largest meal-kit provider in the U.S.

Wrigley sues an E-cig company for trademark infringement

Wrigley, the candy giant filed a trademark infringement lawsuit in Chicago Federal Court against the electronic cigarette company, Chi-Town Vapers. The Petitioner alleges that Vapers sells e-cigarette flavored vaper liquids in the name of "Joosy Fruit Gum" and "Dbl Mint E-Liquid" that intentionally bear prominent similarity to Wrigley's popular Juicy Fruit and Double mint gums. The lawsuit is seeking an injunction against the sale of any products which are "confusingly similar" to the Wrigley trademarks, undisclosed damages and all profits obtained by Vapers through the alleged trademark infringement.

DOMAIN NAME DISPUTE UPDATES

David Duchovny wins davidduchovny.com domain name dispute

The X-files actor David Duchovny filed a UDRP complaint

against the domain name www.davidduchovny.com for cyber squatting nearly 21 years after the domain was registered. The domain name is owned by Canadian firm Alberta Hot Rods, which has lost a number of similar disputes with celebrities. There was no response filed by the Hot Rods. The Arbitration Forum directed the domain name to be transferred to the actor.

TRADE MARK LICENSING AND MERCHANDIZING UPDATES

Spider-Man joins hands with Pizza Hut, Panasonic and DELL

The licensing and merchandizing of Spider-Man Homecoming continues as the popular Marvel hero has now entered into a global brand deal with Panasonic, Dell and Pizza Hut through, Brand & Deliver, a creative marketing agency in the UK. Spider-Man will soon appear on Pizza Hut's boxes and toppers. The super hero will also be making appearances on Panasonic packages, multi-media on DELL platforms, and also on rail posters. The Homecoming is filled with several popular brands in London and other parts of the world.

BIP TIP OF THE WEEK

Celebrities must protect Trade Marks

Celebrities must register trade marks with respect to their persona that form part of commercial endorsements, and are well recognized. Protecting trade marks will help celebrities prevent misuse of their persona with an additional cause of action in the form of trade mark infringement.