PEZZOTTAITE JOURNALS

Volume 7, Number 1, January – March' 2018
ISSN (Print): 2319-9059, (Online): 2319-9067
SJIF (2016): 7.194, SJIF (2017): 8.924
H5-Index: 1, H5-Median: 1, H-Citations: 1

LIKELIHOOD OF CONFUSION IN TRADEMARK LAW OF INDIA AND US: A COMPARATIVE STUDY

C. V. Madhusudhanan[4] Dr. V. Balachandran[5]

ABSTRACT

A trademark is a vehicle of goodwill and brand loyalty and occupies the mind space of the consumer's worldwide, thereby making it more valuable than its present earning capability. It is a carrier for quality and acts as a great advertising vehicle. A trademark permeates into the mind-set of the consumer in such a manner that the cost of the goods or services represented by a trademark sometimes has no relevance to the physical composition or value of such goods or services. The basic characteristic ability of a trademark is to be distinctive in the market place so that it helps it to be identifiable without any confusion and hence provide better visibility of goods and services. Even the capability of graphical representation for a trademark, which at present is a sine qua non in trademark registration, is losing relevance due to new genre of trademark like sound marks, smell marks, feel marks etc. The primary function of trademark is twofold: The first is to distinguish goods or services of one source from that of another and second is to indicate the source of origin of goods or services. The distinguishing feature separates trademark from a mark and makes it a recognizable intellectual property. However, when the distinctive or distinguishing feature of a trademark is challenged due to infringement by an identical or similar trademark, there arises the concept of confusion and deception. When a junior trademark in the market place challenges the distinctiveness of a senior trademark, there arises confusion or a likelihood of confusion in the minds of the consumer as regards the goods or services represented by each of those trademarks. When the confusion leads to make a consumer believe that such a junior trademark is from the same stable as the senior trademark, there arises deception as to the source. This article examines the legal position under the respective trademark law in India and in the US, that provides protection to a registered proprietor of a trademark subject to such challenge in the market place.

KEYWORDS

Identical, Similar, Confusion, Deception, Protection, Intellectual Property, Distinctiveness, Infringement etc.

INTRODUCTION

Trade mark performs dual role in commerce. One is that they act as a source indicator in respect of goods or services which they represent. The other is that they distinguish goods or services of one source from that of the other. As the rule goes, every trade mark is a mark, but every mark need not be a trade mark. The basic characteristic ability of a trade mark is to be distinctive in the market place so that it helps it to be identifiable without any confusion and hence provide better visibility of goods and services. Even the capability of graphical representation for a trade mark, which at present is a sine qua non in trade mark registration, is losing relevance due to new genre of trade mark like sound marks, smell marks, feel marks etc. Hence what will remain forever as a characteristic uncompromising feature of a trade mark, is its ability to be distinctive.

Concept of Likelihood of Confusion in India

As a Ground for Rejection of Application for Registration of Trademark

While distinctive feature acts as a hallmark for recognition for a trade mark, the very feature will get challenged by a similar or identical looking trade mark or a colourable imitation of the same in the market place. Section 11(1) of the Trademarks Act, 1999 (the Act) states that a trade mark shall be registered only if it is not expected to cause confusion in the eyes and minds of the general public. That is, the test under the said Section is to determine the feasibility of a trade mark that is subject to registration and its ability to create confusion in the minds of the public, upon its registration. The likelihood to cause confusion be said to exist if the trade mark can be associated with earlier trade mark due to it being:

(a) Identical with the earlier trade mark even though the goods or services it represents may be just similar (and not identical),
(b) Similar to an earlier trade mark even though the goods or services it represents are either similar or identical.

[4]Research Scholar, Department of Corporate Secretaryship, School of Management, Alagappa University, Tamil Nadu, India, madhu@ksrandco.in
[5]Special Officer (Planning & Development) and Professor, Alagappa University, Tamil Nadu, India, drvbchand@gmail.com

The Supreme Court in National Sewing Thread Co. Ltd., Chidambaram vs. James Chadwick and Bros Ltd. AIR 1953 SC 357 observed as under:

"The principles of law applicable to such cases are well-settled. The burden of proving that the trademark which a person seeks to register is not likely to deceive or to cause confusion is upon the applicant. It is for him to satisfy the Registrar that his trade mark does not fall within the prohibition of Section 8 and therefore, it should be registered. Moreover in deciding whether a particular trade mark is likely to deceive or cause confusion that duty is not discharged by arriving at the result by merely comparing it with the trade mark which is already registered and whose proprietor is offering opposition to the registration of the mark. The real question to decide in such cases is to see as to how a purchaser, who must be looked upon as an average man of ordinary intelligence, would react to a particular trade mark, what association he would form by looking at the trade mark, and in what respect he would connect the trade mark with the goods which he would be purchasing."

It should be noted that the actual confusion is not the test, but the ability to confuse is what is tested. However this test excludes circumstances where a honest and concurrent use of a trade mark by a proprietor (though junior to the earlier registered trade mark) or any other special circumstances as the Registrar may consider to register a trade mark, despite the existence of the above ground (Section 12).

As a Ground in Infringement of Trade Mark

Section 28(1) provides that a registered proprietor gets two rights upon registration. One is the right to use the mark exclusively and the other is the right to sue for infringement. The Act does not allow infringement proceedings against unregistered trade mark (Section 27). Section 29 provides for various grounds on which action against infringement of a registered trade mark can be initiated. Section 29(1) provides that a registered trade mark is said to be infringed, if a person other than the registered proprietor or a permitted user, uses the trade mark in relation to goods or services (in respect of which a trade mark is registered) so as to render the use of the mark as being used as a trade mark. Such use by an unregistered proprietor should be such that the unregistered trade mark is deceptively similar to the registered trade mark. Hence under Section 29(1) the mere similarity or identical nature of an unregistered trade mark with a registered trade mark will render such use by the unregistered trade mark liable to be sued for infringement. The term "deceptively similar" is defined to mean a mark so nearly resembling the other mark as to be likely to deceive or cause confusion.

The concept of deception is the hallmark of passing off proceedings whereas the concept of likelihood to confuse the public is basis of infringement proceedings. In Parker Knoll Ltd. v. Knoll International Ltd., 1862 **RPC** 265 at Page 274, Lord Denning explained the words "to deceive" and the phrase "to cause confusion" as follows, which was stated with acceptance the Supreme Court in the case of F. Hoffimann-La Roche and Co. Ltd., v. Geoffrey Manners and Co. Private Ltd., AIR 1970 SC 2062 (V 57 C 439):

"*Secondly, to 'deceive' is one thing. To cause confusion' is another. The difference is this: When you deceive a man, you tell him a lie. You make a false representation to him and thereby cause him to believe a thing to be true which is false. You may not do it knowingly, or intentionally, but still you do it, and so you deceive him. But you may cause confusion without telling him or without making any false representation to him. You may indeed tell him the truth, the whole truth and nothing but the truth, but still you may cause confusion in his mind, not by any fault of yours, but because he has not the knowledge or ability to distinguish it from the other pieces of truth known to him or because he may not even take the trouble to do so."*

Hence deception is said to always involve a guilty intent, while creation of a confusion in the public need not have such an intention. Section 29(2) provides a combination of instances of identical nature or similarity of the infringing mark vis-a-vis the registered trade mark and the goods or services which it represents so as to ascertain whether the use of such unregistered trade mark will cause confusion in the eyes and minds of the public. A registered trade mark is infringed by a person who, not being the registered proprietor or a permitted user, uses in course of trade, a mark which because of:

Its identity with the registered trade mark and the similarity of the goods or services covered by such registered trade mark; or
Its similarity to the registered trade mark and the identity or similarity of the goods or services covered by such registered trade mark; or
Its identity with the registered trade mark and the identity of the goods or services covered by such registered trade mark
Is likely to cause confusion on the part of the public, or which is likely to have an association with the registered trade mark.

Section 29(3) declares that the court shall presume *likelihood of confusion* if any case falls under Section 29(2)(c) while dealing with infringement proceedings of a registered trade mark.

Volume 7, Number 1, January – March' 2018
ISSN (Print): 2319-9059, (Online): 2319-9067
SJIF (2016): 7.194, SJIF (2017): 8.924
H5-Index: 1, H5-Median: 1, H-Citations: 1

The Bombay High Court in ***Ajanta Pharma vs. Theon Pharmaceuticals & Another (India Kanoon.org/doc/149703451)*** encountered the argument of defence against infringement of a registered trade mark as that the provisions of Section 29(1) is 'mark' centric while provisions of Section 29(2) is 'effect centric'. To state plainly, under Section 29(1) if a registered proprietor of a trade mark proves that the infringing mark is identical or deceptively similar with its registered trade mark then the offence of infringement is proved. Whereas under Section 29(2) not only the registered proprietor should prove that the infringing trade mark is similar or identical, as the case may be, such similarity or identical nature of the infringing mark should have the ability to cause public confusion. Further the defence went on state that the presentation of the effect of likelihood of confusion gets proven when an infringing mark is not only identical with the registered trade mark but also identical in respect of goods or services covered by such registered trade mark.

However a deeper reading of Section 29(1) will reveal that the provision is not just mark centric. The provision provides for a comparative analysis of use of the infringing trade mark vis-a-vis the goods or services in respect of which a registered trade mark is registered such usage have to be in the course of trade. Hence a combination of comparison of trade mark, its usage in the course of trade and the similarity or identical nature of the goods or services in respect of which the infringing mark is used are essential points to nail an infringement case. Further Section 29(2) provides that the concept of likelihood of public confusion stands proved once the infringing trade mark and the registered trade mark are identical **and** there is identity of nature of goods or services represented by the respective trade mark.

On an analysis of provisions of Section 29(1) and (2), the following summation can be reached:

> Under Section 29(1) two permutations are provided: One is use in the course of trade by an identical infringing trade mark (vis-a-vis the registered trade mark) as regards identical goods or services which might render the infringing mark to be taken as registered trade mark. The second is that the use in the course of trade by a deceptively similar trade mark in respect of identical or similar goods or services which might render the infringing mark to be taken as registered trade mark. In both the permutations the use of the infringing trade mark in the course of trade is essential.
>
> Under Section 29(2) a wider permutation of conditions of
> Identical trade mark vis-a-vis similar goods or services,
> Similar trade mark vis-à-vis identical goods or services,
> Similar trade mark vis-a-vis similar goods or services,
> Identical trade mark vis-a-vis similar goods or services.
> in such a manner that use of the infringing mark in the course of trade is likely to cause public confusion or likely to have an association with the registered trade mark.

Hence it can be understood that the combination of permutations on the identical or similar nature of the infringing trade mark vis-a-vis the identical or similar nature of goods as regards the registered trade mark widens the ambit of coverage of factors which can lead to public confusion. The burden of proving whether a competing mark is likely to cause confusion amongst the public is on the registered proprietor who sues.

Thus the position of the Act under Section 11(1) and Section 29(1) and (2) as regards the ability of mark to cause public confusion and not to prove actual confusion. The following observation by the Supreme Court in Corn Products Refining Company vs. Shangrila Food Products Limited, 1960(1) SCR 968 is worth noting:

> *"It is well known that the question whether the two marks are likely to give rise to confusion or not is a question of first impression. It is for the court to decide that question. English cases proceeding on the English way of pronouncing an English word by Englishmen, which it may be stated is not always the same, may not be of much assistance in our country in deciding questions of phonetic similarity. It cannot be overlooked that the word is an English word which to the mass of the Indian people is a foreign word. It is well recognised that in deciding a question of similarity between two marks, the marks have to be considered as a whole."*

Parker, J. in Re Pianotist Co. (1906) 23 RPC 774 observed while considering the factors of deceptive similarity of a trade mark and its ability to cause public confusion:

> *"You must judge them, both by their look and by their sound. You must consider the goods to which they are to be applied. You must consider the nature and kind of customer who would be likely to buy those goods. In fact you must consider all the surrounding circumstances; and you must further consider what is likely to happen if each of those trademarks is used in a normal way as a trade mark for the goods of the respective owners of the marks. For deceptive resemblance two important questions are: (1) who are the*

persons whom the resemblance must be likely to deceive or confuse, and (2) what rules of comparison are to be adopted in judging whether such resemblance exists. As to confusion, it is perhaps an appropriate description of the state of mind of a customer who, on seeing a mark thinks that it differs from the mark on goods which he has previously bought, but is doubtful whether that impression is not due to imperfect recollection."

Concept of Likelihood of Confusion in the US

The Lanham Act or the Trademark Act, 1946 (the US Act) under Section 1 (Title-1) (15 U.S.C. Section 1051) provides that the applicant for registration of a trade mark has to state inter alia that to his best of knowledge and belief that no other person has right to the mark in commerce either identical or resembling thereto or when used is likely to cause confusion or cause to mistake or to deceive except on certain grounds relating to concurrent use.

The US Act under Section 2 (Title-1) (15 U.S.C. Section 1052) provides that no mark can be registered inter alia if such mark so resembles a registered mark or a mark previously used in the US by another but not abandoned, as to be likely when used on or in connection with the goods of the applicant to cause confusion or to cause mistake or to deceive unless such use is permitted as per the grounds provided therein by the Director of USPTO.

The US Act under Section 16 (Title-1) (15 U.S.C. Section 1066) provides for interference proceedings inter alia if it could be shown to the Director of USPTO that the mark subject to registration resembles a mark previously registered by another, or in respect of which an application for registration is pending, as to be likely when used on or in connection with the goods or services of the applicant to cause confusion or mistake or to deceive.

The US Act further provides for a cause of action on the ground of likelihood of confusion under Section 32 (Title VI) (15 U.S.C. Section 1114) against a person who

(a) Uses in commerce any reproduction, counterfeit, copy or colourable imitation of a registered trade mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake or, to deceive; or
(b) Reproduce, counterfeit, copy or colourably imitate a registered mark and apply such reproduction, counterfeit, copy or colourable imitation to labels, signs, prints, packages, wrappers, receptacles or advertisements intended to be sued in commerce upon or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive.

It is further provided that under (b) above the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such imitation is intended to be used to cause confusion, or to cause mistake, or to deceive. Thereafter the Section proceeds to describe the nature of injunctive relief, monetary and other reliefs that can be claimed by the registrant.

The term "colourable imitation' is defined to include a mark which resembles a registered mark as likely to cause confusion or mistake or to deceive. Hence under Section 35 of the US Act, to prove infringement of a mark a claimant must demonstrate the following:

a) That it owns a valid mark mark, i.e., the mark, registered or not, is entitled to protection;
b) That the defendant is using the mark, or a confusingly similar mark, in commerce without permission;
c) That the defendant's use of the mark in commerce is likely to cause confusion, mistake or deception as to who actually is the source of either the plaintiff's or the defendant's products;

Further the US Act provides under Section 43 (Title VIII) (U.S.C. Section 1125) dealing with false designations or origin, false descriptions and dilution of trade mark provides for a civil action against any person causing inter alia use of a trade mark in connection with any goods or services in commerce, any word, term, name, symbol, or device, or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which is:

a) Likely to cause confusion, or to cause mistake or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person, or
b) In commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of his or her or another person's goods, services or commercial activities.

Section 43 primarily lays out a claim against "unfair competition."

Volume 7, Number 1, January – March' 2018
ISSN (Print): 2319-9059, (Online): 2319-9067
SJIF (2016): 7.194, SJIF (2017): 8.924
H5-Index: 1, H5-Median: 1, H-Citations: 1

Thus under the US Act the likelihood of confusion forms the soul of provisions relating to infringement of trade mark and also dilution of trade mark. Section 43(a) provides for a larger scope or wider range of practices which are prohibited. The protection under Section 43(a) is on the premise of unfair competition whereas under Section 32 it is more precisely infringement of registered trade mark. Hence under Section 43(a) an unregistered mark which qualifies the conditions set out in that Section can on the grounds of unfair competition avail protection.

The degree of resemblance that is necessary to because confusion cannot be clearly defined. Hence to trader can adopt a mark which resembles another mark so as to mislead an ordinary purchaser of goods or services exercising ordinary caution.

Hence under the US Act a trade mark proprietor or a claimant can avail protection on the following grounds:

(a) It proves ownership of the trade mark, irrespective of whether the mark is registered or not.
(b) It proves that the defendant is using the mark in manner which creates confusion or deception in the market place.
(c) The use of such mark is not permitted by the claimant.
(d) The defendant has no valid defence.

Factors Relevant for Likelihood of Confusion

In ***AMF, Inc v. Sleekcraft Boats, 599 F.2d 341 (9th Cir.1979***) the Court had to decide as to whether the likelihood of confusion was a question of fact or a question of law. The Court held as under:

"Whether likelihood of confusion is a more question of law or one of the fact depends on the circumstances of ach particular case. To the extent that the conclusion of the trial court is based solely upon disputed findings of fact, the appellate court must follow the conclusion of the trial court, unless it finds that the underlying facts to be clearly erroneous. Thus, this Court refused on many occasions to decide de novo the facts underlying the trial court's determination of whether the likelihood of confusion existed [Carter Wallace, Inc v. Proctor & Gamble Co.,434 F.2d 794, 799 (9th Cir.1970); Paul Sachs Originals Co. v. Sachs, 325 F.2d 212, 214 (9th Cir.1963); Plough, Inc. v. Kreis Laboratories, 314 F.2d 635, 641 (9th Cir.1963)]. However, if the facts are not in dispute, the appellate court is 'in a good a position as the trial judge to determine the probability of confusion' [Fleischmann Distilling Corp v. Maier Brewing Co., supra, 314 F.2d (149) at 152]. The court then added a "corollary test":

"Where the conclusion of the trial court is based solely upon disputed findings of fact, the appellate court need not follow the conclusion of the trial court where its finds the underlying facts to be clearly erroneous."

The court thereupon went on to list down factors relevant to likelihood of confusion to find out whether confusion existed between related goods as under:

1. Strength of the mark;
2. Proximity of the goods;
3. Similarity of the marks;
4. Evidence of actual confusion;
5. Marketing channels used;
6. Type of goods and the degree of care likely to be exercised by the purchaser;
7. Defendant's intent in selecting the mark; and
8. Likelihood of expansion of the product lines.

CONCLUSION

The courts in US have held many a times that all the above factors or the majority of them need not be proved. Further presence of malice need not be an essential ground for an infringement proceeding. Hence, confusion is bound to exist whenever two similar or identical marks coexist in a market place. Hence we can see that while the principles of "likelihood of confusion" as exists in the Indian Trademark Act is similar to US law, the scope and the conditions and scope and ambit of various factors that go in to determination of public confusion is quite different and complex in US law when compared to the Indian position even extending the protection to qualifying unregistered marks.

REFERENCES

Ananth, Padmanabhan. (2017). ***IPR – Infringement and Remedies***. Lexis Nexis.

Arthur, P. Greeley. (2015). ***Registration of Trademarks under the New Trademark Act.***

Balachandran, V. (2016). ***Economic and other Legislations***. Vijaynicole Imprints, Chennai.

Jeffrey, Belson. (2017). ***Certification and Collective Marks – Law & Practice***. Edward Elgar Publication.

Mary, Lawrence. (2016). ***Trademark Law***. Karolina Academic Press.

Pandey, Neeraj, & Dharni, Khushdeep. (2014). ***Intellectual Property Rights***. New Delhi: Prentice Hall of India.

Retrieved from http://indianexpress.com/section/opinion/
Retrieved from http://manuals.ipaustralia.gov.au/trademarks/Part_19A_Use_of_a_Trade_Mark/19A.2_Use__as_a_...

Retrieved from http://marklaw.com/index.php/43-trademark-questions-answered/346-likelihood-of-confusion-f...

Retrieved from http://marklaw.com/index.php/trademark-terms-c/343-trademark-confusion-confusingly-similar...

Retrieved from http://nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/Competition_Law_in_In...

Retrieved from http://ssrana.in/Intellectual%20Property/Infringement/Infringement-of-Trademarks-in-India....

Retrieved from http://techlawjournal.com/statutes/15usc1114.asp

Retrieved from http://www.advocatekhoj.com/library/lawareas/trade/functions.php?Title=Trademark&STitl...

Retrieved from http://www.bartonbeebe.com/documents/Beebe%20-%20Multifactor%20Tests.pdf

Retrieved from http://www.camtrademarks.com/index.php?q=node/43

Retrieved from http://www.collerip.com/news-resources/news/2013/11/29/unregistered-trade-marks-and-common...

Retrieved from http://www.columbia.edu/~mr2651/ecommerce3/1st/Statutes/Lanham.pdf

Retrieved from http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/00513.html

Retrieved from http://www.dnaindia.com/money/comment-under-contract-act-banks-have-right-to-mark-lien-140...

Retrieved from http://www.familylawweek.co.uk/site.aspx?i=ed28706

Retrieved from http://www.gbw.solutions/CorpContent/CorpTerms

Retrieved from
http://www.hadleighcastings.com/uploads/HC-F07-03-06%20PURCHASING%20TERMS%20AND%20CONDITIO...

Retrieved from http://www.indianjobtalks.com/forum/showthread.php?t=73409

Retrieved from http://www.legalserviceindia.com/article/l65-Trademark-Protection-in-India.html

Retrieved from http://www.mondaq.com/india/x/48587/Trademark/Deceptive

Retrieved from http://www.mondaq.com/india/x/600602/Trademark/Joint

Retrieved from http://www.mondaq.com/india/x/624702/Insolvency

Retrieved from http://www.mondaq.com/x/312146/Trademark/Trade

Retrieved from http://www.rslr.in/uploads/3/2/0/5/32050109/trademark-_infringement_and_passing_off.pdf

Retrieved from http://www.tms.org/pubs/journals/JOM/matters/matters-9809.html

Retrieved from http://www.wipo.int/edocs/pubdocs/en/intproperty/791/wipo_pub_791.pdf

Retrieved from http://www17.us.archive.org/stream/ArsQuatuorCoronatorumVol.181905/Aqc181905_djvu.txt

Retrieved from https://advocatemmmohan.wordpress.com/2012/02/25/the-respondent-has-obtained-registration-...

Retrieved from https://advocatemmmohan.wordpress.com/2012/02/29/intellectual-property-appellate-boarda-pe...

Retrieved from https://advocatemmmohan.wordpress.com/2012/03/27/intellectual-property-appellate-board-as-...

Retrieved from https://advocatemmmohan.wordpress.com/2012/03/27/intellectual-property-appellate-board-the...

Retrieved from https://hnlusbj.files.wordpress.com/2016/11/tracing-the-jurisprudence-of-smell-marks-as-tr...

Retrieved from https://indiankanoon.org/doc/102666201

Retrieved from https://indiankanoon.org/doc/1114158

Retrieved from https://indiankanoon.org/doc/1389940/

Retrieved from https://indiankanoon.org/doc/1496902

Retrieved from https://indiankanoon.org/doc/1558275/

Retrieved from https://indiankanoon.org/doc/1592212

Retrieved from https://indiankanoon.org/doc/1960521/

Retrieved from https://indiankanoon.org/doc/324092

Retrieved from https://indiankanoon.org/doc/68619383/

Retrieved from https://ipkenya.wordpress.com/tag/registrar-of-trade-marks/

Retrieved from https://legaldesk.com/business/infringement-of-trademark-in-india

Retrieved from https://legalvision.com.au/how-can-copyright-be-infringed/

Retrieved from https://mikedugeri.wordpress.com/2017/04/27/the-proprietor-of-a-validly-registered-tradema...

Retrieved from https://singaporelegaladvice.com/law-articles/criminal-offences-relating-trade-marks/

Retrieved from https://stackoverflow.com/questions/25729982/grab-random-record-and-mark-as-being-used

Retrieved from https://thriftytrademarks.co.uk/use-of-an-identical-trade-mark-for-identical-goods-andor-s...

Retrieved from https://www.altacit.com/publication/the-new-indian-trademark-act/

Retrieved from https://www.bitlaw.com/source/15usc/1114.html

Retrieved from https://www.bitlaw.com/source/15usc/1125.html

Retrieved from https://www.copyright.gov/title17/92chap5.html

Retrieved from https://www.coursehero.com/file/p1hddg0/reproduce-counterfeit-copy-or-colorably-imitate-an...

Retrieved from https://www.coursehero.com/file/p64j5dp/likely-to-cause-confusion-mistake-or-deception-of-...

Retrieved from https://www.courtlistener.com/opinion/271400/maier-brewing-company-a-corp-v-the-fleischman...

Retrieved from https://www.courtlistener.com/opinion/330236/the-j-b-williams-company-inc-v-le-conte-cosme...

Retrieved from https://www.courts.ri.gov/Courts/workerscompensationcourt/AppellateDivision/Decisions/05-0...

Retrieved from https://www.cps.gov.uk/legal-guidance/fraud-act-2006

Retrieved from https://www.gov.uk/guidance/intellectual-property-crime-and-infringement

Retrieved from https://www.indiafilings.com/learn/identical-similar-trademark/

Retrieved from https://www.iponz.govt.nz/about-ip/trade-marks/practice-guidelines/current/relative-ground...

Retrieved from https://www.law.berkeley.edu/files/Peguera_Miquel_IPSC_paper_2014.pdf

Retrieved from https://www.law.cornell.edu/uscode/text/15/1114

Retrieved from https://www.law.cornell.edu/uscode/text/15/1125

Retrieved from https://www.law.cornell.edu/wex/trademark_infringement

Retrieved from https://www.lawteacher.net/free-law-essays/contract-law/the-offence-of-blackmailing-contra...

Retrieved from https://www.leagle.com/decision/1963537325f2d2121481

Retrieved from https://www.leagle.com/decision/1963624217fsupp4071539

Retrieved from https://www.legalcrystal.com/case/1183264/staar-surgical-company-vs-group-india

Retrieved from https://www.neustel.com/trademarks/trademark-infringement/

Retrieved from https://www.nolo.com/legal-encyclopedia/enforcing-trademark-rights-29902.html

Retrieved from https://www.nolo.com/legal-encyclopedia/likelihood-confusion-how-do-you-determine-trademar...

Retrieved from https://www.pattishall.com/pdf/LikelihoodofConfusion.pdf

Retrieved from https://www.twobirds.com/en/news/articles/2016/uk/ip-and-it-law-bytes-december/trade-marks...

Retrieved from https://www.uspto.gov/page/about-trademark-infringement

Retrieved from https://www.zepo.in/blog/2013/08/31/guide-how-to-register-trademark-for-your-brand-in/

*****