Your Brand is More Than a Name: Brand Protection for D2C Startups in India

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A D2C brand can begin with little more than a name, a logo, a product page and an Instagram account. Then something changes. Customers begin recognising the packaging. A particular colour combination becomes familiar. The product starts appearing in search results, marketplaces and social feeds. Eventually, the brand itself begins to carry value independent of the products it sells.

That is where intellectual property enters the story.

For a D2C startup, brand protection is not limited to registering a name. Indian trademark law recognises a much wider range of identifiers, including words, logos, colour combinations, shapes of goods or packaging and, in appropriate circumstances, sounds. The law is concerned with the function of a mark: its ability to distinguish one business's goods or services from another's.

The Name Is Only the Beginning

Consider a hypothetical skincare startup whose name becomes popular online. Its customers may not recognise the name in isolation. They may recognise the particular logo, bottle, label, typography and overall presentation together.

This is where trade dress and get-up become important.

In *GRM Foodkraft Pvt. Ltd. v. KS Agro Impex*, decided by the Delhi High Court in 2026, the dispute concerned similarities in the packaging and get-up of competing products. The Court considered whether the combination of features in the defendant's packaging was sufficiently distinctive and similar to the plaintiff's get-up to support a claim of passing off. The judgment reiterates an important principle: packaging and presentation can form part of the goodwill of a commercial enterprise, but the claimant must establish that the relevant features are distinctive rather than merely commonplace.

For a D2C business, that distinction matters. A distinctive package can become associated with its source; an ordinary package cannot automatically be monopolised simply because another business used something similar.

When the Packaging Becomes Part of the Brand

The same principle has appeared repeatedly in Indian trademark jurisprudence.

In *Dart Industries Inc. v. Techno Plastic Industries*, the Delhi High Court examined the concept of "get-up", the visual manner in which goods are presented, including packaging, colours, decoration, lettering and arrangement. The Court's discussion illustrates why the visual presentation surrounding a product can become commercially significant where consumers associate it with a particular source.

This is particularly relevant to D2C businesses because their brands are often experienced visually before a consumer encounters the physical product. A customer may first encounter a product through a social-media image, marketplace thumbnail or influencer video. The visual identity can therefore become part of the consumer's recognition of the source.

But recognition alone does not turn every design element into exclusive property. **Distinctiveness remains central.**

The Marketplace Changes the Problem

D2C brands also operate in an environment where the brand can be reproduced at extraordinary speed.

A deceptively similar name may appear on a marketplace. Packaging may be copied. A seller may use another business's mark in advertising. A confusingly similar domain name may divert consumers. Social-media accounts may create the impression of an association that does not exist.

The Trade Marks Act, 1999 expressly treats several forms of commercial use as potentially infringing, including applying a registered mark to goods or packaging, offering goods for sale under the mark, using it in advertising and using it as a trade name.

That matters because the modern D2C brand does not exist in one place. Its identity travels across products, packaging, websites, marketplaces, advertisements and social platforms.

A Brand Can Become a Business Asset

Trademark protection also has an economic dimension that is easy to overlook when a business is still young.

IP India expressly describes a registered trademark as a potentially valuable business asset capable

of being licensed or assigned. Registration provides statutory protection and clearer enforcement rights, while an unregistered mark may still receive protection through the common-law action of passing off.

This becomes important as a D2C company grows. A brand that began as a founder's idea can eventually become part of the company's valuation, licensing arrangements, distribution relationships and expansion into new product categories or markets.

The legal identity of the brand therefore needs to develop alongside its commercial identity.

Growth Can Change the IP Question

A startup might initially sell one product through its own website. A few years later, it may have several product categories, a much wider customer base, marketplace distribution and international ambitions.

The intellectual property landscape changes with it.

A trademark is protected in relation to specified goods and services, and the classification of those goods and services matters. For a business expanding beyond its original product, the question is no longer simply whether its name is protected. It becomes whether its existing IP portfolio corresponds with the business it has actually become.

International expansion adds another layer. India participates in the Madrid System, allowing eligible Indian businesses, including startups and MSMEs, to seek trademark protection across multiple jurisdictions through an international application based on an Indian application or registration.

From Marketing Identity to Intellectual Property

The most interesting thing about a D2C brand is how quickly its identity can evolve.

A name becomes familiar. A visual language becomes recognisable. Packaging acquires associations. Customers begin to connect those elements with a particular source.

At that point, the brand is no longer merely a marketing exercise.

It has become commercial identity, and potentially intellectual property.

For D2C founders, that is perhaps the more useful way to think about brand protection. Not as a filing exercise at the beginning of a company's journey, but as the legal dimension of something the business is continuously building: recognition, reputation and goodwill in the market.

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