Can AI Steal Your Brand Identity? Trademark Squatting and AI Misuse in India

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Imagine discovering an Instagram account using your company's name, a website offering products under a deceptively similar identity, or an AI-generated advertisement suggesting that your business endorses a product it has never encountered. The name may be familiar, the logo may look convincing and the communication may appear authentic. Yet none of it may have originated from your business.

As brands increasingly operate across websites, social media, online marketplaces and AI-powered platforms, protecting a commercial identity has become more complicated. The concern is no longer limited to someone copying a logo. It extends to impersonation, false associations, misleading endorsements and attempts to register marks that belong to someone else's commercial reputation.

When Someone Registers a Brand Before You Do

Trademark squatting occurs when a person seeks to register a mark associated with another business, often without a genuine commercial intention to use it, but with the possibility of exploiting the original brand's reputation or preventing its legitimate registration.

India's Trade Marks Act, 1999 provides mechanisms to examine such applications. Section 18 requires an applicant to claim proprietorship of the mark and an intention to use it. Section 11 addresses conflicts with earlier trademarks and, under Section 11(10), requires the Registrar to consider bad faith on the part of the applicant or opponent.

The problem becomes particularly significant when a business has developed recognition in one market but has not secured trademark protection across all relevant classes, product categories or territories. A third party may attempt to take advantage of that gap.

Registration alone does not necessarily establish legitimate ownership where prior rights, bad faith or other statutory objections arise.

When AI Makes Brand Impersonation More Convincing

Generative AI has changed the scale and appearance of brand misuse. Fake advertisements, synthetic endorsements, cloned voices and AI-generated promotional material can make an unauthorised association appear genuine.

A business may find its registered trademark appearing alongside an AI-generated spokesperson, a fabricated product endorsement or a chatbot falsely suggesting an official association with the company.

These situations can raise several legal issues. Use of a registered mark may attract Section 29 of the Trade Marks Act, depending on the nature of the use and the likelihood of confusion. Misrepresentation that damages another business's goodwill may also support an action for passing off.

However, not every AI-generated reference to a brand amounts to trademark infringement. Context, commercial use, consumer confusion and the rights involved remain relevant.

Ankur Warikoo: When a Personal Brand and a Registered Trademark Intersect

In *Ankur Warikoo and Another v. John Doe and Others* (Delhi High Court, 26 May 2025), the Court considered allegations involving AI-generated deepfakes showing the entrepreneur giving investment advice and directing viewers towards fraudulent WhatsApp groups.

The proceedings involved both Warikoo's personality rights and the registered trademark “Warikoo”, owned by his company, Zaan WebVeda Private Limited.

The Court restrained unknown defendants from misusing his name, image, voice and likeness, as well as the company's trademark. It also directed Meta to remove specified infringing material within 36 hours.

The case illustrates how a personal identity and a commercial brand can overlap. A fabricated endorsement can affect an individual's reputation while simultaneously misleading consumers about the products or services associated with a business.

When AI Impersonation Extends Beyond Social Media

A similar concern arose in *Aman Gupta v. John Doe/Ashok Kumar and Others*, before the Delhi High Court in May 2026.

The proceedings involved allegations of unauthorised merchandise, impersonation, AI-based chatbots and misleading commercial listings using Gupta's identity and registered trademarks. The Court granted an ad-interim injunction restraining the alleged misuse of his persona and registered marks, including through AI and deepfake technology.

The case is particularly relevant because it demonstrates how brand identifiers can be misused

across several digital environments. An unauthorised chatbot, a misleading event listing or a fabricated endorsement can create an impression of commercial affiliation even when no such relationship exists.

The order is an interim measure based on the material before the Court, rather than a final determination of every allegation.

India's Emerging Response to AI and Trademark Misuse

In October 2026, the Office of the Controller General of Patents, Designs and Trade Marks published draft guidelines addressing the use and misuse of AI and the problem of trademark squatting.

The initiative followed proceedings in *Stryten Energy LLC v. Nidhi Agarwal & Ors.* before the Delhi High Court. The Registry's proposed framework addresses concerns surrounding AI-generated material in trademark proceedings, including the use of fabricated legal authorities and unreliable submissions.

It is important to distinguish these draft guidelines from a comprehensive legal framework governing AI-generated brand impersonation. They are not yet a substitute for the remedies available under existing trademark law.

Nevertheless, the development reflects a growing recognition that AI is changing not only how brands are misused but also how intellectual property disputes are presented and examined.

A Brand Is More Than Its Registered Mark

A trademark registration is an important legal foundation, but a business's identity also rests on the goodwill, reputation and trust it builds with customers.

AI can reproduce visual identities, imitate commercial voices and create convincing associations at a speed that traditional enforcement mechanisms may struggle to match. Trademark squatting adds another dimension by challenging the ownership and control of brand identifiers themselves.

For businesses, the challenge is therefore twofold: securing legitimate rights in their marks and responding when those identifiers are misappropriated across digital platforms.

The real question is no longer just who owns a brand name. It is who controls the commercial identity and goodwill that the name represents.

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