Film makers reined in by court injunctions to preserve IP rights

Thought Leadership • July 31, 2014

Pravin Anand and Achuthan Sreekumar explain how courts have dealt with filmmakers being hauled into courtrooms by rights holders alleging disparagement and tarnishment of their trademarks.

There have been various instances in India where filmmakers have been hauled into court by trademark right holders alleging commercial disparagement, infringement of registered trademarks, dilution and tarnishment of trademark, damage to reputation and tarnishment of brand equity, brand dilution, passing off, and more, thereby seeking injunctive relief and damages. This article is an attempt to examine the state of case law in India that addresses various aspects of trademark law such as commercial disparagement, infringement, passing off, dilution, tarnishment, and more, and the affirmative defense of 'freedom of speech and expression' in the context of films and such other audiovisual works. *This article was published in MIP's IP Stars Handbook 2014.* To continue reading, please contact us at email@anandandanand.com

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