Flashback: Yahoo gets its Yodel

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As part of our flashback series, we take a look back at the Yahoo Yodel which was the first sound mark to be registered in India under the Trade Marks Act 1999. *Sound marks have been one of the core members of the 'Unconventional Trademarks' family. While sound marks received wide protection in jurisdictions such as the United States of America and the European Union some time ago, India had been somewhat more reticent of sound marks.* Although the provisions of the Trade Marks Act, 1999 enabled a sound mark being registered as a trademark, Indian authorities were perceived to be hesitant in acknowledging the growing needs of entities to secure registrations over sounds which were unique, distinctive and were associated solely with them. Representing Yahoo! Inc. before the Trade Marks Registry, Anand and Anand helped India make a paradigm shift in 2008 when it secured trademark registration for its famous and highly unique 'three-note' yodel. In light of the established principle for registration of non-conventional marks as enumerated under the Shield Mark criterion, it was successfully established that the Yahoo! yodel in addition to being highly distinctive, was also capable of being represented graphically thereby enabling it to secure trademark registration. Registration of the Yahoo! yodel opened up India's doors to protection being increasingly conferred upon sound marks with companies like ICICI, Nokia and Allianz Aktiengesellschaft securing registrations for their distinctive and unique sound marks as well.

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