



Vested Rights in Trademarks

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Nupur Sharma explains how trade mark rights are vested in owners without any formalities, beginning instead with first use. In the Intellectual Property field, Trade Marks rights are vested in the owners without any formalities. As soon as a Trade Mark is launched in the market or a proprietor has started using a mark, the rights vest in that Trade Mark and no registration is required to obtain these rights. Hence, prior Trade Mark rights are very important and one should not adopt a similar or identical mark, which is already existing in the market. If a well-known mark already exists in the market, then the subsequent proprietor should avoid to adopt this mark as the prior mark whether a well-known, reputed or ordinary will definitely obstruct the passage of the later Trade Mark, though the later Trade Mark is used on different goods. *This article was published on [Legal 500](#).*

