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## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

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# **THE ROLE OF TRADEMARK IN BUILDING BRAND VALUE**

AUTHORED BY - SHREYA PANDEY

## **Abstract**

Trademarks are important for businesses because they help to create a strong brand identity, build trust with customers, and protect companies from unfair competition. A trademark can be a name, logo, symbol, or even a slogan that represents a brand. When consumers see a trademark, they immediately associate it with the company's products or services, which helps businesses stand out in crowded markets. Legal protection is one of the major benefits of trademarks. They do not allow other companies to replicate or use the same marks, potentially confusing consumers. The protection ensures that companies maintain their uniqueness and reputation. Companies whose trademark is registered can enhance the brand value in the long term, making it an asset. Trademarks also affect how customers perceive a brand. A strong trademark gives the impression of quality, reliability, and professionalism. Customers who identify and believe in a brand are more likely to prefer its products over others. Such commitment can lead to long-term business success.

Furthermore, trademarks have an important function in economic development. They promote fair competition by encouraging businesses to invest in quality and innovation rather than simply copying others. Trademarks also assist consumers because they allow them to quickly identify and trust familiar brands, lowering the risk of purchasing low-quality or counterfeit products. Effective trademark management can help firms generate brand equity, which is the value that a company receives from customer familiarity and trust. Companies that effectively manage their trademarks can gain a durable competitive edge, allowing them to thrive and flourish in the market.

Trademarks are more than simply legal tools; they are valuable economic assets. They defend brands, increase consumer trust, and contribute to long-term economic success, thus they are a crucial component of every brand-building strategy.

**Keywords:** Trademarks, Brand Identity, Consumer Trust, Legal Protection, Competitive Advantage

## Introduction of Trademark

A trademark is a distinctive sign, symbol, word, phrase, or combination thereof that identifies and distinguishes the goods or services of one business from those of others. A trademark is a unique mark or sign that can be registered or established for use in commerce. Furthermore, trademarks correctly govern these identifiers, making it illegal for third parties to contest the prior mark's use in situations where consumers are likely to be confused by the similarity between the third parties' names or symbols and the previous brand. This legal protection is critical for organisations to preserve their brand image as well as the qualities of the goods and services they provide.<sup>1</sup>

Strong trademark management helps boost brand equity, which is the additional value a business acquires from consumer perception and awareness. This is especially significant in areas where consumer trust and brand reputation determine purchasing decisions, such as fashion, technology, and consumer goods.<sup>2</sup>

They promote fair competition by encouraging firms to invest in product quality and innovation rather than copying products. Trademarks provide consumers with assurance of quality and uniqueness, allowing them to make informed purchasing decisions. As a result, trademark protection is essential for fostering a healthy business environment that benefits all stakeholders.<sup>3</sup>

Trademarks may be registered or unregistered. Registered trademarks offer more legal protection, enabling firms to prevent unauthorised usage and establish exclusive rights to the brand. Trademark registration normally entails doing a trademark search, submitting an application, and receiving clearance from a relevant intellectual property office.

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<sup>1</sup> Zolvit, what is trademark, <https://www.zolvit.com/blog/role-of-trademarks-protecting-building-brand/>

<sup>2</sup> Keller, K. L. (2013), Strategic Brand Management: Building, Measuring, and Managing Brand Equity. Pearson.

<sup>3</sup> Davis, J. (2019), Intellectual Property Law and the Importance of Trademarks. Oxford University Press.

## Brand Identity

Trademark and Brand Identity Trademarks are an essential component of brand identity, helping businesses communicate their values and quality to consumers. A well-established trademark conveys trust, reliability, and consistency. Companies invest significantly in trademark development, design, and marketing to create a strong brand association. Brand identity is like the personality of a business, it's how a company presents itself to the world. It includes things like colours, logos, designs, fonts, and even sounds that make a brand unique. Anything that helps people recognize a brand is part of its identity. Brand identity is an essential component of an organisation since it is the picture that the corporate sector presents to the public. The word "brand image" or "brand identity" refers to any distinguishing characteristic that makes a brand easy for consumers to recognise, including colours, logos, designs, typography, and even sound.<sup>4</sup>

## Consumer Trust

Consumer trust refers to the confidence that customers have in a brand, company, product, or service. It is built over time through consistent positive experiences, transparency, reliability, and ethical business practices. Trust plays a crucial role in influencing consumer behaviour, repeat purchases, and brand loyalty.<sup>5</sup> It develops when customers believe a company will consistently meet their expectations, provide quality, and operate with integrity.

Building trust requires positive experiences that showcase reliability, transparency, and a dedication to keeping promises. This trust is essential for nurturing long-term relationships, promoting customer loyalty, and enhancing a brand's reputation.<sup>6</sup>

## Legal Protection and Business Security

Registering a trademark grants a business exclusive rights to its use, preventing others from using similar marks that could confuse. This legal protection is crucial for maintaining brand integrity and avoiding costly disputes.

A domain name and a trademark differ. A trademark identifies goods or services as being from a particular source. Although using a domain name only as part of a web address doesn't qualify

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<sup>4</sup> Bhumi Raj, Building A Strong Brand Identity: The Role of Trademarks In Business Strategy (28-01-2025)

<sup>5</sup> What is Customer Trust, Safebase, <https://safebase.io/resources/what-is-customer-trust>

<sup>6</sup> Lavenda Morin Atieno, Customer Trust, <https://www.bolddesk.com/blogs/customer-trust>

as source-indicating trademark use, using it prominently apart from the web address may qualify as trademark use. Registering a domain name with a domain name registrar doesn't give you any trademark rights. For example, even if you register a certain domain name with a domain name registrar, you could later be required to surrender if it infringes on someone else's trademark rights.

Similarly, using a business name doesn't necessarily qualify as trademark use, but using it as the source of goods or services might qualify it as both a business name and a trademark. Many states and local jurisdictions register business names, either as part of obtaining a certificate to do business or as an assumed name filing. For example, in a state where you will be doing business, you might file documents (typically with a state corporation or state division of corporations) to form a business entity, such as a corporation or limited liability company.<sup>7</sup>

A domain name and a trademark differ. A trademark identifies goods or services as being from a particular source. Although using a domain name only as part of a web address doesn't qualify as source-indicating trademark use, using it prominently apart from the web address may qualify as trademark use. Registering a domain name with a domain name registrar doesn't give you any trademark rights. For example, even if you register a certain domain name with a domain name registrar, you could later be required to surrender if it infringes on someone else's trademark rights.

### Competitive Advantage

Trademarks provide a competitive edge by differentiating a business from its competitors. They can also be valuable assets, increasing the overall worth of a company and attracting potential investors or buyers.<sup>8</sup>

### Research Objectives

- To investigate the role of trademarks in developing brand identity- Investigating how trademarks may help firms differentiate themselves in competitive markets and establish a recognisable brand image.
- To explore the legal frameworks governing trademarks- Examining trademark rules and regulations to ensure legal protection for businesses and prevent unfair competition.

<sup>7</sup> [https://www.uspto.gov/trademarks/basics/trademark-process?utm\\_source=chatgpt.com](https://www.uspto.gov/trademarks/basics/trademark-process?utm_source=chatgpt.com)

<sup>8</sup> <https://www.forbes.com/sites/allbusiness/2020/09/23/trademarks>

## Research Question

- How do trademarks contribute to brand identity and recognition in small businesses?

Trademarks play a crucial role in shaping the brand identity and recognition of small businesses by providing a unique and legally protected symbol, logo, name, or slogan that distinguishes them from competitors. A registered trademark helps customers easily identify and associate products or services with a particular business, fostering trust and loyalty.

For example, a small coffee shop with a distinct logo and brand name can create a strong market presence, making it easier for consumers to remember and prefer it over unbranded alternatives. Additionally, trademarks protect businesses from imitation, ensuring that competitors cannot use similar branding to mislead customers.

- How can trademark education and awareness be improved among small business entrepreneurs?

Improving trademark education among small business entrepreneurs requires a combination of accessible resources, government initiatives, and industry support. Workshops, webinars, and online courses can provide practical knowledge about the importance of trademarks, registration processes, and legal protection. Government agencies and business organizations should collaborate to offer free or low-cost training programs tailored to small businesses.

## The Significance of Trademarks in Brand Identity

A trademark is more than a legal obligation; it is an essential component of a brand's identity. Here's how trademarks help to establish and reinforce brand identity:<sup>9</sup>

### Establishing a Unique Brand Presence

Successful branding demands different features. Conducting trademark registration protects the distinctive brand identification by preventing competitors from using the same or similar marks in the market. A powerful trademark improves brand recognition and leaves a lasting impact on customers.

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<sup>9</sup> The legalmost, important of trademarks <https://www.thelegalmost.com/coaching/the-role-of-trademarks>

### **Improving brand recognition**

Trademarks play an important role in establishing brand identification. The appropriate combination of logo design and tagline, together with a distinctive brand name, transforms into common icons representing high standards and strong dependability. Customers recognise established trademarks, which instantly recall both the brand and its established reputation. Although instant brand recognition can increase familiarity, trust and strong consumer attachment are influenced by aspects such as quality, customer experience, and brand reputation.

### **Increasing consumer trust and loyalty**

Customers gain trust in familiar brands based on positive past experiences. The usage of trademarks assures customers that their items are coming from authentic, trustworthy sources. Businesses that routinely employ their trademarks foster stronger brand-to-customer ties, resulting in repeat purchases and increased customer loyalty over time.

### **Offering Legal Protection Against Imitation**

The greatest barrier for a brand is unauthorised copying of its identity. If trademark elements are left untouched, competitors and counterfeiters may fool customers by employing similar brand features. A registered trademark gives businesses the legal ability to take action against unauthorised use, thereby safeguarding their brand's reputation and market position.

### **Increasing business value**

While trademarks provide value, business growth is dependent on a number of things, including product quality, marketing, and customer service, as well as the awareness afforded by a strong trademark. As brand awareness and reputation increase, the trademark becomes a valuable asset. Businesses that own well-known trademarks can generate several revenue streams by licensing, franchising, or even selling their trademarks. Codified brand identities encourage greater stakeholder participation among investors, whereas business partners seek out establishments that provide legal brand protection.

### **Legal Framework of trademark**

The legal framework for trademark protection varies by country but is generally governed by national and international intellectual property laws. Key international agreements include:

The Madrid System: Facilitates international trademark registration in multiple countries.

The Madrid Protocol allows trademark owners globally to file a single application to register their trademark in several jurisdictions. A single, streamlined application and payment process allows you to file for and manage trademark protection in over 120 countries and regional intellectual property offices. The "Madrid Protocol" is the conventional name for the international trademark registration treaty that enables this method.<sup>10</sup>

Paris Convention, which ensures that trademarks registered in one member country receive protection in others, preventing unfair competition and unauthorized use. These frameworks help businesses safeguard their brand identity globally, ensuring legal enforcement and fostering fair trade across international markets.

### **Trademark Registration Process**

The process of registering a trademark typically involves:

1. **Choosing a Unique Trademark:** Selecting a distinctive name, logo, or symbol that represents the brand.
2. **Conducting a Trademark Search:** Ensuring the chosen mark isn't already in use by another entity.
3. **Filing a Trademark Application:** Submitting the necessary documentation to the appropriate government authority, such as the United States Patent and Trademark Office (USPTO).
4. **Examination and Approval:** The trademark office reviews the application to confirm it meets all legal requirements.
5. **Trademark Registration:** Once approved, the trademark is officially registered, granting the owner exclusive rights to its use.<sup>11</sup>

### **Trademark Issues Faced by Businesses Industries**

- **Choosing a trademark without proper research-** Most companies occasionally rush trademark registration, ignoring all relevant research and viewing it as a formality. However, if, after all of your creation and registration, you discover that another

<sup>10</sup> Wipo, madrid convention, <https://www.wipo.int/treaties/en/registration/madrid/>

<sup>11</sup> Indiafiling, registration process of trademark, <https://www.indiafilings.com/learn/trademark-registration>.

company has already registered a trademark that is similar to yours, all of your effort and time will have been in vain.<sup>12</sup>

- Not knowing the strength of your trademark- Knowing how powerful your trademark is will benefit your business in the long run. Owners of businesses often overlook this problem, only to learn later that many other organisations have names that are almost exactly the same as theirs, with the exception of one or two alphabetic characters. However, this could confuse and mislead your customers because many businesses have been using essentially the same trademark.
- Inferior brands exploiting your brand with unfair practices- Trademarks have given business owners more power as the media and internet have grown, allowing them to confidently use the trademarks of well-known companies to increase their profits. These companies try to mimic the strategies used by your brand, creating the impression that the two trademarks are owned by the same business. Additionally, by offering their products at a lower price, they diminish your market share. Keep an eye out for brands like these.

## Conclusion

Trademarks play a crucial role in the success of small businesses by helping them establish a unique identity, build brand recognition, and gain customer trust. A well-protected trademark ensures that a business stands out in a competitive market, preventing unauthorized use by others and safeguarding its reputation. Additionally, trademarks add value to a business, making it more attractive to investors and potential buyers. By securing a trademark early, small businesses can create a strong foundation for long-term growth, customer loyalty, and market expansion. Therefore, investing in trademark protection is not just a legal necessity but also a strategic business move that can drive sustainability and profitability. Trademarks play a vital role in the growth and sustainability of small businesses by serving as a powerful tool for brand identity, customer trust, and market differentiation. In a competitive business environment, a strong trademark helps a small business stand out, making it easier for customers to recognize and remember its products or services. By legally protecting the business name, logo, slogan, or any distinctive mark, trademarks prevent competitors from using similar branding elements, reducing the risk of brand confusion and loss of market share.

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<sup>12</sup> Babariaip, Trademark Issues Faced by Businesses, Industries <https://babariaip.com/blog/common-trademark-issues-faced-by-indian-businesses/>

Moreover, trademarks contribute to long-term business value. As a small business expands, a recognizable trademark becomes a valuable asset that enhances credibility and attracts investors, partners, and loyal customers. It also provides a sense of professionalism and reliability, which is crucial for building strong customer relationships. Additionally, trademark registration offers legal protection, allowing businesses to take legal action against infringement, ensuring that their reputation remains intact.

Beyond legal protection, trademarks support business growth by enabling expansion into new markets. Whether through franchising, licensing, or international trade, a well-established trademark strengthens a company's ability to scale. Furthermore, trademarks play a key role in digital branding, where online presence and e-commerce rely heavily on brand recognition.

Investing in trademark protection is not just a legal formality but a strategic move that safeguards a small business's identity, reputation, and future success. By securing exclusive rights to their brand, small businesses can foster customer loyalty, expand confidently, and build a strong, enduring presence in the marketplace.

