

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

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ISSN

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TRADEMARK CHALLENGES IN ONLINE GAMING INDUSTRIES IN INDIA: ANALYZING THE LEGAL CHALLENGES AND THE WAY FORWARD

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ABSTRACT

As digital spaces take over how consumers engage in India, the gaming industry has grown into a complex area that includes console gaming, mobile gaming, and online skill gaming. This quick change has led to big problems, especially regarding intellectual property rights, where the issues of trademark laws are highlighted. With many gaming companies and digital platforms vying for market share, problems like trademark infringement, brand dilution, and protecting intellectual property have grown. Additionally, the mix of local laws and global gaming practices makes the regulatory landscape more difficult, complicating trademark applications and protections. In light of this, it is important to carefully look into these problems, leading to a discussion on possible legal reforms and better protection strategies that can help maintain brand identities in this fast-growing industry. The paper sheds light on the dynamic change that mobile gaming industry has brought along with several intellectual property right issues.

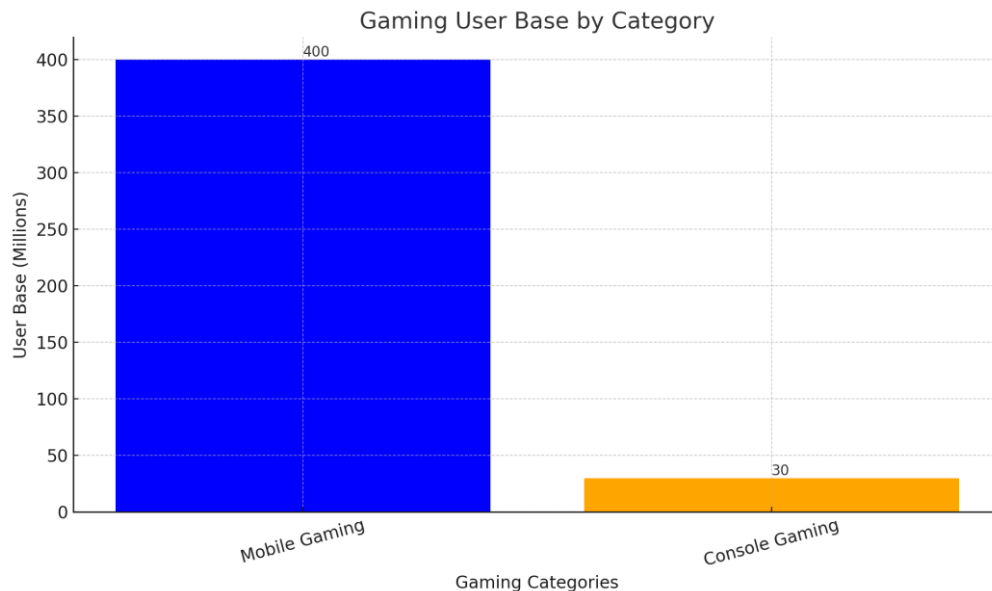
Keywords: Trademark Infringement, Gaming, Brand Identities and Regulatory frameworks

1. INTRODUCTION

Technology changes have greatly influenced online gaming in India, making a varied and fast-growing industry¹. With more smartphones available, mobile gaming has become the largest part, drawing millions of players from different economic backgrounds. It is thought that over 400 million people play mobile games, creating a large market that is good for investment and new ideas. Additionally, the console gaming market, while smaller, is starting to grow due to better access and more popular games. The pandemic has also helped increase participation in

¹ Tanay Gupte, The Pursuit of Innovation: An Analysis of International Competitive Advantage in a Globalized Knowledge Economy, (2018), <https://core.ac.uk/reader/157699950> (Last accessed Sept 28, 2024)

both casual and competitive gaming. The various types of gaming bring special challenges, especially regarding intellectual property rights and registering trademarks, which are important for protecting new ideas and brand identities in the industry. As the sector continues to grow as shown below in the figure, dealing with these trademark issues will be important for maintaining growth and improving the competitive landscape of online gaming in India².



The above chart illustrates the user base in millions for different gaming categories, specifically highlighting the dominance of mobile gaming with 400 million users compared to console gaming, which has a user base of 30 million². The chart effectively visualizes the significant disparity between these two categories, making it easy to understand the current landscape of gaming.

In the fast-changing gaming industry, which includes console, mobile, and paid gaming, trademarks are very important for brand identity and success. They protect unique aspects like game titles, logos, and character names, which helps build brand loyalty among players and keeps developers safe from imitation and fake products. In a competitive market, being able to tell products apart is very important. Trademarks are vital in the gaming industry since they help identify different games, safeguard the ideas of game creators, and foster loyalty among gamers "Trademarks play a crucial role in the gaming industry as they help to distinguish one game from another, protect the intellectual property of game developers, and build brand loyalty among gamers." Additionally, the growth of digital platforms has made trademarks

² INNOVATION, ECONOMIC DEVELOPMENT, AND INTELLECTUAL PROPERTY IN INDIA AND CHINA: COMPARING SIX ECONOMIC SECTORS (K.-C. Liu & U. S. Racherla ed., Springer Nature Singapore) (2019), <https://link.springer.com/10.1007/978-981-13-8102-7> (Last accessed Sept 28, 2024)

necessary to handle the challenges of online interactions, licensing deals, and international markets. This shows how crucial they are for maintaining a healthy gaming environment, especially with the issues in India's legal system. The rise of online gaming, including console, mobile, and pen-and-paper (PAP)³ gaming, brings several complexities that need careful study of trademark issues in India. With this sector growing quickly and featuring new game designs and changing consumer interactions, it is essential to look closely at how current laws deal with these changes. This essay is set to shed light on the complex legal situation, focusing on problems like trademark infringement and brand protection in a digital space. By looking at case studies and current laws, it will show the limits and possibilities of legal systems that manage intellectual property in online gaming. Additionally, this discussion will also consider how traditional protections and user-made changes affect creativity in the industry, highlighting the tricky balance between legal limits and creative expression (Seaman et al., 2022). In the end, this analysis aims to offer guidance for online gaming companies in India on how to handle trademark challenges⁴.

2. LEGAL FRAMEWORK GOVERNING TRADEMARKS IN INDIA

The legal rules about trademarks in India have a big effect on the online gaming industry, which includes console, mobile, and pay-to-play gaming. The Trade Marks Act of 1999 is key to this setup, as it lays out the rules for trademark registration, protection, and enforcement. But the fast changes in the gaming world often happen quicker than laws can keep up, creating issues for protecting intellectual property online. Since online gaming platforms often use trademarks for their brands, any violations can hurt their market share, showing the need for strong legal actions. Furthermore, problems like trademark squatting and piracy make it clear that the Indian legal system needs to use new technology for better enforcement. It is crucial to combine legal frameworks with industry insights—such as those found in “The IP Press website”—to create a space where innovation and intellectual property rights can grow even with new digital challenges. The laws about trademarks in India are mainly governed by the Trade Marks Act, 1999. This law aims to balance what brand owners want and what consumers need. A registered trademark is defined in Section 2(1)(w) as one that is officially listed in the trademark register. This sets up a formal way to protect against infringement and misuse. The

³ Christopher B Seaman & Thuan Tran, Intellectual Property and Tabletop Games, <https://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1734&context=wlufac>

⁴ Ivan Savin et al., Topic-based classification and identification of global trends for startup companies, 60 SMALL BUSINESS ECONOMICS 659–689 (2023), <https://link.springer.com/10.1007/s11187-022-00609-6> (Last accessed Nov 22, 2024)

Act gives rules for how to register trademarks, but it's important to highlight that registration is not required in India.

Therefore, brands can use unregistered trademarks as well "The Trademarks Act, 1999, is the law prevailing in India for the protection of trademarks. A registered trademark is defined under Section 2(1)(w) of the Act as a trademark that is actually present on the register and remains in force.⁵" This situation can create difficulties in the online gaming industry, where fast technological changes and the rise of digital marketplaces can cause trademark conflicts that make enforcement and compliance harder. As the gaming industry grows—covering consoles, mobile, and online formats—suitable legal solutions need to be created to tackle these issues quickly and effectively. Trademark disputes in online gaming are made more complex by the Intellectual Property Appellate Board (IPAB). This board is important for settling issues that come from misusing or violating intellectual property rights. The IPAB was created to improve efficiency in the Indian patent and trademark systems. It deals with challenges that are unique to the digital and interactive gaming world, which includes multiplayer games and different platforms like consoles and mobile devices. As gaming technologies change quickly, the IPAB⁶ must interpret current laws in an environment marked by fast innovation and many business models. Recent studies raise questions about whether the IPAB's decisions can keep up with these changes, aiming to clarify regulatory uncertainties that could hinder creativity and growth in this profitable industry ('Bloomsbury Academic', 2022). The growth of online gaming has changed the way intellectual property is viewed, leading to a rise in trademark disputes in different areas, including console and mobile gaming. As noted, "It is tough to enforce trademark laws in the online gaming industry because of the internet's global nature and how easily infringing content can spread" "The enforcement of trademark laws in the online gaming industry is particularly challenging due to the global nature of the internet and the ease with which infringing content can be disseminated."⁷ This worldwide aspect makes the legal framework difficult, resulting in various interpretations of the law in different countries. Additionally, fast technological changes in gaming often move quicker than the current legal protections, creating enforcement issues. In India, there is a lack of detailed laws,

⁵ SECTION 59 OF THE TRADE MARKS ACT, 1999 IPLEADERS, <https://blog.ipleaders.in/section-59-of-the-trade-marks-act-1999/> (Last accessed Nov 22, 2024)

⁶ RAMESH SUBRAMANIAN, ACCESS TO KNOWLEDGE IN INDIA: NEW RESEARCH ON INTELLECTUAL PROPERTY, INNOVATION AND DEVELOPMENT (Bloomsbury Publishing Plc 1st ed) (2011)

⁷ IP INFRINGEMENTS ON THE INTERNET – SOME LEGAL CONSIDERATIONS WIPO-MAGAZINE, <https://www.wipo.int/web/wipo-magazine> (Last accessed Nov 22, 2024)

which makes these problems even worse, putting rights holders at risk of infringement. As a result, those involved must push for clearer legal guidelines and flexible legal strategies to handle and reduce trademark problems in this changing landscape.

3. TRADEMARK INFRINGEMENT ISSUES IN ONLINE GAMING

The quick change in online gaming in India has made trademark violation issues more important on different platforms, like consoles, mobile, and PC games⁸. As these areas expand, the chance of brand confusion and weakening increases, making it difficult for trademark law to do its job in protecting brand value. Many gaming companies have found themselves in legal struggles over unauthorized trademark use, which is often made worse by the broad reach of digital distribution methods. This online setting makes it hard to enforce and monitor trademark use, with many industry players taking reactive steps that fall behind new technologies (Bastian et al., 2014). Additionally, as India deals with its own legal and social situation, having a clear framework to tackle these problems is crucial to ensure strong enforcement of intellectual property rights, fostering innovation, and protecting brand identities in this growing field.

Trademark infringement in the gaming industry shows up in common ways, affecting console, mobile, and play-to-game (PG) markets. Unauthorized use of well-known gaming characters or logos can seriously weaken brands, which worries established companies. For instance, many fan-made games or mods use recognized trademarks without permission, making it hard to tell tribute from infringement. Also, fake products that take advantage of popular gaming franchises create more legal issues. As online gaming grows in India, unclear regulations make enforcement harder, leading to uneven court decisions⁹. The urgency of these problems is highlighted in the statement, there are many arguments and debates on how to tell apart games of skill from games of chance, showing the need for clearer legal definitions regarding trademark use in gaming "The growing gaming and gambling industry in India adds to an increasingly complex system of law. There are many arguments and debates on how to differentiate games of skill from games of chance as a large boom industry, created by the rise in online gaming platforms especially fantasy sports, has shown its face; however, legal issues

⁸ Venessa Bastin et al., Measuring Infringement of Intellectual Property Rights, SSRN ELECTRONIC JOURNAL (2014), <https://www.ssrn.com/abstract=4095117> (Last accessed Nov 26, 2024)

⁹ Ibid

on this front are serious."¹⁰

3.1.COMMON TYPES OF TRADEMARK INFRINGEMENT IN ONLINE GAMING

Infringement Type	Description	Examples	Recent Cases
Counterfeiting	Using a registered trademark without authorization to sell fake or imitation products.	Creating and distributing fake game software that uses a well-known trademark.	High-profile cases in 2022 where a counterfeit game merchandise was involved.
Dilution	Using a trademark in a manner that diminishes its uniqueness or brand identity.	Using a popular game title in unrelated products or services.	Legal challenges faced by developers over unauthorized merchandise in 2021.
Cybersquatting	Registering domain names that are identical or similar to existing trademarks to profit from their fame.	Buying domain names that are similar to popular gaming brands to sell them at a higher price.	Cases reported in 2023 where companies were sued for cybersquatting on famous gaming titles.
Parody and Fair Use	Using a trademark in a way that is arguably transformative or for commentary.	Creating parody games that use trademarked elements for humor.	Legal disputes in 2022 over fair use claims in gaming content.
False Advertising	Misleading consumers by misrepresenting the source or nature of a product.	Creating games that falsely claim to be affiliated with a major gaming franchise.	Notable cases in 2023 where companies were penalized for false advertising related to games.

Complex legal situations often show up in areas where technology and creativity mix, leading to many trademark arguments, especially in India's growing gaming field. The growth of

¹⁰ IS IT LAWFUL? THE GROWING USE OF GAMING AND BETTING IN INDIA IPLF, <https://www.ipandlegalfilings.com/is-it-lawful-the-growing-use-of-gaming-and-betting-in-india/> (Last accessed Nov 26, 2024)

console, mobile, and online gaming has caused conflicts, with companies often clashing over brand image and how consumers view them. For example, well-known cases like the dispute between two mobile gaming creators reveal the stresses around trademark registration and usage among similar products in a more competitive market. Additionally, the current intellectual property laws often fail¹¹ to meet the special needs of online platforms, making these conflicts worse, as older ideas of trademark infringement don't fit well with the digital world. These issues highlight the need for a clearer understanding of intellectual property rights in this changing field, since existing legal rulings often do not offer enough protection, which could harm innovation and consumer confidence in the Indian gaming market.

3.2. TRADEMARK DISPUTES IN INDIAN ONLINE GAMING INDUSTRY

Case Study	Year	Issue	Outcome
Glass Egg Digital Media Vs. Gameloft Inc. ¹²	2021	Trademark infringement over similar names.	Court ruled in favor of Game Loft SE.
Zynga Inc. Vs. Nazara Technologies	2022	Trademark encroachment on social gaming titles.	Ongoing litigation as of 2023.
Dream11 Vs. MPL	2021	Brand confusion leading to loss of revenue.	Mediation resulted in brand distinction.
Playtika Vs. Rummy Circle	2022	Use of similar game titles leading to trademark issues.	Court ruling awaited.
Maya Digital Studios Vs. ABC Games	2020	Copyright and trademark dispute regarding character design.	Settlement reached outside of court.

The spread of online gaming in India has raised worries about trademark issues, greatly

¹¹THE ROARING SUCCESS OF ONLINE GAMING: URGENCY TO PROTECT INDIAN INNOVATIONS AND IPS, <https://www.barandbench.com/columns/the-roaring-success-of-online-gaming-industry-should-create-an-urgency-to-protect-indian-innovations-and-ips> (Last accessed Nov 26, 2024)

¹² GLASS EGG DIGITAL MEDIA V. GAMELOFT, INC., CASE NO. 17-CV-04165-MMC | CASETEXT SEARCH + CITATOR, <https://casetext.com/case/glass-egg-digital-media-v-gameloft-inc> (last accessed Dec 13, 2024)

affecting brand image and trust among consumers.¹³ As cybercriminals take advantage of this growing market with fake products or services, the risk of confusing consumers increases. A major result is the loss of brand value; customers often see infringing products as signs of poor quality or authenticity. As noted in a recent report, “If consumers believe another company’s product or service is linked to your business, you may lose customers, money, and reputation.” This erosion of trust can make gamers hesitant to use specific platforms, which can lead to a decline in market share for genuine brands. Therefore, the strength of the gaming industry depends on strong trademark protection, making it vital for both the defense of brands and the preservation of consumer trust in a more competitive online environment.

4. CASE ANALYSIS

4.1. GLASS EGG DIGITAL MEDIA VS. GAMELOFT INC

The digital gaming scene has been greatly influenced by major businesses like Glass Egg Digital Media and Gameloft Inc., both important to the field with their unique methods and creative products. Glass Egg Digital Media, a 3D art studio from Vietnam, focuses on making high-quality digital material for different gaming systems, providing services that cover 3D design to full game asset creation. On the other hand, Gameloft Inc., a worldwide leader in mobile game development, is well-known for making fun games that frequently use advanced tech to improve user enjoyment. When looking at the business models and strategies of Glass Egg Digital Media and Gameloft Inc., it is clear that their ways of working are very different, which affects how they stand in the market and their competitive strengths. Glass Egg, as a specific 3D art studio, concentrates on making high-quality digital assets¹⁴ for the gaming world, showing off its special skills and creativity. This focus helps Glass Egg build strong relationships with big game developers, boosting its reputation and customer loyalty. On the other hand, Gameloft Inc. takes on a wider strategy by creating and publishing many mobile games, which attracts a wide range of consumers and taps into mass-market trends. This varied approach allows Gameloft to use economies of scale, increasing profits. Overall, the different models show not just the specific operational focuses of each company but also their different levels of sensitivity to market changes and competitive challenges.¹⁵ To wrap up, the legal conflict between

¹³ Supra8

¹⁴ ULRICH GÖTZ & ANDRI GERBER, ARCHITECTONICS OF GAME SPACES: THE SPATIAL LOGIC OF THE VIRTUAL AND ITS MEANING FOR THE REAL (Transcript) (2019)

¹⁵ Supra12

Glass Egg Digital Media and Gameloft Inc. highlights the complications of copyright law and business responsibility in the gaming field. Glass Egg's claims of copyright violation and trade secret theft spotlights the risks digital studios can face and the potential for misuse that can arise from intricate corporate ties. The court did acknowledge certain responsibilities about copyright infringement but also emphasized the need for clearer explanations and links between the parties involved, especially relating to agency roles and conspiratorial behaviors. This case is a key reminder of how vital it is to safeguard intellectual property rights in a time when creating digital content is more cooperative and competitive. In the end, the result is likely to affect future methods and legal standards in the industry, influencing how similar issues are approached and settled.

4.2.MAYA DIGITAL STUDIOS VS. ABC GAMES

This case study looks at the details of their disagreement, highlighting important effects for the two companies and the industry as a whole. The main issue involves claims of copyright infringement, which not only put artistic expression to the test but also bring up important concerns about who owns and protects original content. By analyzing the factors that led to this legal situation, we aim to offer analysis into how such conflicts influence corporate strategies and change competitive behaviors in the gaming industry. The importance of the case study of these two companies is not just about its possible effects on intellectual property rights and fair competition, but also about how it shows wider trends in the industry. As studios create new ideas to grab audience interest, the changing nature of digital storytelling and interactive experiences becomes very important¹⁶. In the fast-changing world of gaming and digital media, Maya Digital Studios shows how to be innovative with its advanced digital production system¹⁷, which is very different from the old methods used by ABC Games. Maya Digital Studios uses a flexible system that combines teamwork with modern digital tools, creating a creative space that can adapt to what projects need and what the market wants (Bettis et al., 2005). This method not only makes production easier but also improves creative results, enabling quicker reactions to what consumers want. On the other hand, ABC Games sticks to traditional methods that often divide processes, making it less flexible and stifling new ideas. By sticking to strict structures, ABC Games risks lagging behind in an industry that rapidly changes with new

¹⁶ SHOMA MUNSHI, *PRIME TIME SOAP OPERAS ON INDIAN TELEVISION* (Routledge India 2) (2020)

¹⁷ Beata Zawadka, *Theamatic Session with focus on American Cinema*, POLISH JOURNAL FOR AMERICAN STUDIES , <https://paas.org.pl/wp-content/uploads/2022/12/PJAS-16-scalone.pdf> (Last accessed Dec 14, 2024)

technologies and changing audience expectations. Therefore, this comparison shows that Maya's innovative strategies could give it a competitive edge that may change industry norms, leading to more success in a more competitive market. The case of Maya Digital Studios against ABC Games shows the complicated mix of art and technology in the digital entertainment world. The results show that while new methods in computer graphics have significantly improved, they also require a serious reconsideration of how digital images stick to or stray from old standards of realism. As mentioned, "...the remarkable technical progress in algorithmically generated human figures is matched by a striking lack of awareness of visual culture history"¹⁸. The case study of Maya Digital Studios and ABC Games shows important points about the changing gaming industry, especially regarding intellectual property rights and competition. The main findings indicate that if protections for original content are not strictly applied, innovation and creativity may suffer, which could lead to monopolies that limit variety in game development. Also, the disputes highlighted the need for clearer legal rules that can keep up with fast technological changes and new platforms in the field. As the industry grows, it also affects what consumers expect, with players wanting unique experiences rather than the same gameplay over and over. This situation emphasizes the importance of both small studios and big companies needing to build collaborative environments that support innovation while safeguarding creators' rights, which will help create a more inclusive and diverse future for the gaming industry.

5. REGULATORY CHALLENGES AND COMPLIANCE

The online gaming industry in India is growing, but it faces many complex rules that affect compliance and how it operates. The mix of different game types—console, mobile, and pay-to-play—makes trademark law more complicated, especially in a fast-changing digital world¹⁹. Various game formats bring different legal rules, forcing companies to deal with a confusing set of regulations that may not be enforced consistently. Additionally, gray markets make things harder because unauthorized sales of gaming products threaten brand reputation and profits, showing the need for a clear regulatory framework (Bicen et al., 2011). It is important for everyone in the online gaming sector to work with government bodies to create clear rules

¹⁸ WU, Jie. 2011. "THE REALISM OF ALGORITHMIC HUMAN FIGURES A Study of Selected Examples 1964 to 2001". <https://core.ac.uk/download/46919283.pdf> (Last accessed Dec 25, 2024.)

¹⁹ Pelin Bicen & Naveen Gudigantala, Gray Market for Information Technology (IT) Products: Status, Implications, and Strategies to Address the IT Gray Market Threat, 29 COMMUNICATIONS OF THE ASSOCIATION FOR INFORMATION SYSTEMS (2011), <https://aisel.aisnet.org/cais/vol29/iss1/10> (Last accessed Dec 25, 2024)

that protect trademarks while encouraging innovation and market growth, keeping pace with global digital commerce²⁰. The mixing of technology and legal rules brings special problems for the online gaming industry in India, especially with trademark protection. The online gaming world—involving consoles, mobile, and pay-to-play games—changes quickly, but current laws often fall behind, causing confusion for both developers and players. The lack of clear laws on intellectual property leads to frequent trademark violations, hurting local gaming businesses. Different rules across states lead to varied enforcement practices and inconsistent views on trademark rights. Also, the nature of online platforms makes it harder to follow and enforce these rules. Studies show the need for a unified legal approach that brings different types of gaming under one system, promoting innovation and safeguarding intellectual property.²¹

To support strong growth, a reformed legal framework should be a key focus in discussions about online gaming in India. In dealing with the difficult issues of trademarks in India's online gaming market, the rules set by the Ministry of Electronics and Information Technology (MeitY) are very important. As digital platforms grow in the console, mobile, and pay-to-play (pg) gaming areas, MeitY's role in creating policies to protect intellectual property becomes more important. By encouraging efforts to create a safe and clear digital space, MeitY is trying to tackle the increasing problems related to online piracy and trademark violations. Additionally, the Ministry works with industry partners to build a strong environment where innovation can grow along with strong legal protections. This proactive strategy matches with findings from recent reports that stress the need for better rules to protect intellectual property rights, especially given the unique challenges of the fast-changing gaming sector in India²².

Looking at the complicated Indian gaming industry shows that there are big compliance issues that slow down its growth and sustainability. The mix of different gaming areas such as console, mobile, and online skill-based games—makes following the law more complicated

²⁰ Michael Geist, *Cyberlaw 2.0*, 44 RESEARCHGATE 37 (2024), <https://core.ac.uk/download/7145663.pdf> (Last accessed Dec 25, 2024)

²¹ HAILEY J. AUSTIN ET AL., *INGAME INTERNATIONAL PATHWAY TO COLLABORATION: COLLABORATION IN GAMES UK-CHINA* (Abertay University) (2024), <https://www.youtube.com/watch?v=1POu8cVRWXE> (Last accessed Dec 25, 2024)

²² ASWIN PUNATHAMBEKAR & SRIRAM MOHAN, *GLOBAL DIGITAL CULTURES: PERSPECTIVES FROM SOUTH ASIA* (University of Michigan Press) (2019)

because each area has its own set of rules²³. Problems like unclear definitions of gaming and gambling add to compliance issues; for example, different state laws about what a legal game is can confuse both operators and players. Additionally, strict rules about data protection, intellectual property rights, and consumer rights require gaming companies to pay careful attention²⁴. These companies must ensure they follow changing regulations and also take steps to reduce risks connected to trademark violations, which happen often due to the lack of a unified policy²⁵. As a result, having a comprehensive compliance plan that tackles these issues is crucial for a successful gaming industry in India.

Challenges	Percentage Impacted (%)	Comments
Adherence to Local Regulations	68	Many companies struggle to comply with various state regulations.
Licensing Requirements	54	Obtaining the necessary licenses proves to be cumbersome.
Tax Compliance	62	Diverse tax laws across states complicate compliance.
Consumer Protection Laws	45	Ensuring compliance with consumer rights regulations poses challenges.
Data Privacy Regulations	70	Companies find it difficult to meet stringent data protection requirements.
Advertising Restrictions	53	Restrictions on advertising lead to reduced market visibility.

6. CONCLUSION

The change of trademark law in India's growing online gaming industry brings both problems and chances for change. With console gaming, mobile gaming, and the poker gaming sector growing, issues related to intellectual property rights become clearer. The mix of creativity, innovation, and legal protection requires a careful plan for trademark enforcement, where companies manage the need to encourage new ideas while also protecting their brand names.

²³ (PDF) LEARNING OUTCOMES OF CLASSROOM RESEARCH RESEARCHGATE, https://www.researchgate.net/publication/358050961_Learning_Outcomes_of_Classroom_Research (Last accessed Dec 31, 2024)

²⁴ Supra21

²⁵ Supra21

Recent talks highlight the importance of a legal system that recognizes the special features of digital gaming and uses user-driven innovation as a key part of development²⁶. With new technologies coming up, it is important to find a balance between protecting intellectual property and keeping the industry lively and open, encouraging teamwork that boosts creativity without limiting it²⁷. So, smart regulations could lead to a stronger gaming environment.

The gaming industry in India has many problems with trademark protection, especially in console gaming, mobile gaming, and the growing skill-based gaming area. Important findings show that the fast growth of these markets, along with the online nature of play, has made it easier for trademark violations to happen. Also, the absence of strong regulatory laws makes it harder for developers and publishers to protect their trademark rights. Furthermore, recent studies highlight the big gaps in consumer knowledge of intellectual property rights, which makes it tougher to protect trademarks in gaming²¹. To deal with these issues, it is important to look at new legal options and teamwork strategies to strengthen the legal system for trademarks in the Indian online gaming sector²¹. The growing online gaming industry in India has many trademark protection problems that need active steps for betterment. To create a better legal setting, involved parties should think about using a strong system like the Gross Gaming Revenue (GGR) tax model that has worked well in other nations, improving rule-following and industry development. Using this model could create a more official atmosphere, cutting down on domain farming, which harms brand reputation and trust among consumers. Also, setting up a central database for trademark registrations focused on the gaming industry would make things clearer and help resolve disputes over infringements quickly. As mentioned, “most countries with successful online gaming sectors use the Gross Gaming Revenue (GGR) tax model, with rates between 15-20 percent,” showing a clear direction for improving rules that not only protect trademarks but also support sustainable practices in the industry.

Technological advances are changing how entertainment works, and the online gaming industry in India is set for big growth. This growth is driven by more people using smartphones, cheaper internet, and a growing young population that wants to use interactive media. Mobile gaming is becoming very popular because of local content and new game designs, making it

²⁶ Christopher B Seaman & Thuan Tran, Intellectual Property and Tabletop Games, <https://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1734&context=wlufac>

²⁷ Andrew W Torrance & Bill Tomlinson, Patents and The Regress of Useful Arts, , <https://core.ac.uk/reader/161434390> (Last accessed Dec 31, 2024)

the easiest and most loved way for Indian users. Also, competitive gaming and esports are becoming more common, showing a trend toward more advanced interactions, which brings up new issues regarding licensing and trademarks. However, the industry faces a tough legal environment, with intellectual property rights being looked at more closely²⁸. Tackling these trademark issues through strong legal systems and working together in the industry will be key to promoting ongoing growth, protecting creators, and keeping the gaming ecosystem safe in India's fast-changing digital market.



²⁸ Anupam Chander, The Electronic Silk Road: How the Web Binds the World in Commerce, GEORGETOWN LAW FACULTY PUBLICATIONS AND OTHER WORKS (2013), <https://scholarship.law.georgetown.edu/facpub/2297>