INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed



www.ijlra.com

ISSN: 2582-6433

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

Copyright © International Journal for Legal Research & Analysis. All rights reserved.

ISSN: 2582-6433

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

ISSN: 2582-6433

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

ISSN: 2582-6433

A SOCIO-LEGAL EMPIRICAL STUDY ON AWARENESS AND PROTECTION OF TRADEMARK RIGHTS AMONG CONSUMERS AND SMALL BUSINESS OWNERS IN TIRUPATTUR DISTRICT, TAMIL NADU

AUTHORED BY - RAQUIBUR RAHMAN H
LL.M- Intellectual Property Law
Crescent School of Law
Bs Abdur Rahman Crescent Institute of Science and Technology

Abstract

A name painted on a shop board, a label stitched inside a shirt, a logo pressed into a pair of shoes: these small signs carry a trader's reputation. The Trade Marks Act, 1999 protects them best when they are registered, and the Constitution of India promises every citizen the freedom to carry on trade and the opportunity to earn a dignified livelihood. This socio-legal study asks whether people in Tirupattur District, Tamil Nadu, know about these protections and use them. The district is known for leather exports and also depends on readymade garments, textiles, fancy stores, supermarkets, transport, agri-business and services such as construction. We surveyed 450 people with separate questionnaires: 120 small business owners, 150 consumers and 180 students from arts and science, engineering, polytechnic and pharmacy institutions. Almost everyone had heard the word "trademark", but working knowledge was thin. About half of the business owners could define one, 22.5 per cent had registered a mark, and only six of the 41 owners whose marks had been copied took legal action. Awareness differed significantly among the three groups ($\chi^2 = 10.80$, $p < 0.01$), and registration was linked to education ($\chi^2 = 6.43$, $p < 0.05$). We argue that the gap is one of legal literacy and confidence, not of legal availability, and that closing it is part of the constitutional promise of equal opportunity. We suggest practical steps for institutions, colleges and policy makers.

Keywords: trademark; Trade Marks Act 1999; passing off; Article 19(1)(g); small enterprises; legal awareness; consumer protection; Tirupattur; socio-legal research

ISSN: 2582-6433

1. Introduction

Walk through the market lanes of Ambur or Vaniyambadi on a busy morning and the story of the district is written on its signboards: footwear stacked in shop fronts, racks of readymade shirts, hand-painted names above fancy stores and provision shops. Every one of those names is a promise. A buyer who sees it expects a certain quality, and a trader who has spent years earning that trust expects it not to be borrowed by someone else.

The law calls that promise a trademark. The Trade Marks Act, 1999 defines it as a mark that can be represented graphically and that distinguishes the goods or services of one person from those of others.[1] A registered owner gets the exclusive right to use the mark and to sue for infringement,[2] whereas an unregistered mark is protected only through the older common law action of passing off.[3] [8]

Lawyers have written a great deal about how courts decide when two marks are too alike. [6][7] Far less has been written about a simpler question: do the people the law is meant to serve actually know it exists? Consumers are protected indirectly, because trademarks save them the effort of checking every product and shield them from deception. [5] Small businesses are protected directly only if they register and enforce. A statute that its intended beneficiaries do not know is a law on the books and not a law in action.

The question is also a constitutional one. The Constitution does not mention trademarks, but it guarantees the freedom to carry on any trade or business, promises justice that is social and economic as well as political, and directs the State to widen opportunity and reduce inequality. [25] If a trademark right is available in theory but used mainly by the educated and the well-resourced, it falls short of that vision. This article therefore treats awareness of trademark law as a small but revealing test of whether the promise reaches the district's traders, shoppers and young people.

Tirupattur is a good place to ask. The district was carved out of the old Vellore district in 2019 and has four taluks: Tirupattur, Ambur, Vaniyambadi and Natrampalli.[4] It is among the country's best-known leather and footwear clusters, and its leather goods reach export markets. Beside leather there are garment and textile shops, fancy stores, supermarkets, transport operators, agri-business and service enterprises such as construction. It is also home to many

[1]Trade Marks Act 1999, s 2(1)(zb). The Act came into force on 15 September 2003 and replaced the Trade and Merchandise Marks Act 1958.

[2]Trade Marks Act 1999, ss 28 and 29.

[3]Trade Marks Act 1999, s 27(2). Section 27(1) bars an infringement action in respect of an unregistered trademark.

[4]The district was formed on 15 August 2019. Demographic baselines follow the Census of India 2011 for the parent district [20] and should be updated with the district's own figures when available.

ISSN: 2582-6433

first-generation college students. Together they make up a living picture of small-enterprise India.

1.1 Research problem

A registered trademark gives a small unit an asset it can license or sell, a stronger base for export branding and access to civil and criminal remedies. Yet small enterprises commonly trade on goodwill alone. The problem this study addresses is the gap between the protection the law offers and the protection people actually know about and use.

1.2 Objectives

- To measure awareness of trademark rights among small business owners, consumers and college students in Tirupattur District.
- To find out how many business owners have registered their marks and why others have not.
- To examine experiences of imitation and counterfeiting and the remedies people actually use.
- To compare awareness across the three groups and across types of institution.
- To read the findings against the constitutional values of equal opportunity, livelihood and access to justice.
- To suggest legal-literacy and policy measures suited to the district.

1.3 Hypotheses

H1: Awareness of trademark law differs significantly among business owners, consumers and students. H2: Trademark registration among business owners is associated with the owner's educational level. H3: Students' awareness scores differ by type of institution.

2. Constitutional and Legal Framework

Non-doctrinal legal research asks how law works in society, using empirical methods to study how rules are understood and used. Doctrinal research, by contrast, analyses statutes and precedents.[5] [1][2][3][4] This study belongs to the second tradition, but it needs the first as its map.

[5]In Indian usage the distinction is drawn in the Indian Law Institute's methodology literature [1]. Chynoweth [2] and McConville and Chui [3] draw a comparable line between doctrinal and empirical enquiry, and Banakar and Travers [4] discuss the theory and method of socio-legal work.

ISSN: 2582-6433

2.1 The constitutional vision

The Preamble resolves to secure to all citizens justice, social, economic and political, together with equality of status and of opportunity and the dignity of the individual. Trademarks sit within this vision in several ways. To begin with, the subject falls within Parliament's legislative power, since "trade marks and merchandise marks" appear in Entry 49 of the Union List.[6] [25]

Article 19(1)(g) guarantees all citizens the right to practise any profession or to carry on any occupation, trade or business, subject to reasonable restrictions in the public interest under Article 19(6).[7] For a small trader, a name and a mark are the working tools of that freedom, and a law that stops others from borrowing the mark protects the freedom of the person who built it while restricting that of the imitator, on the justifiable ground that deception serves no one. The Supreme Court has also held that commercial speech is within Article 19(1)(a), which makes a brand a form of expression as well as a commercial asset.[8] [27] Article 21 has been read to include the right to livelihood,[9] [26] and where a family's earnings depend on a name built up over years, theft of that name is also a threat to a livelihood. Article 14 adds that equality before the law must be real: a protection that only large firms can afford to use is equal only on paper.

The Directive Principles point the same way. Article 38(2) asks the State to minimise inequalities in income, status, facilities and opportunities. Article 39(a) says that citizens, men and women equally, should have an adequate means of livelihood, and Article 43 calls for the promotion of cottage industries, on an individual or co-operative basis, in rural areas. Article 39A requires the State to ensure that the legal system promotes justice on the basis of equal opportunity, and to provide free legal aid so that no citizen misses justice because of economic or other disabilities. Legal literacy camps under the Legal Services Authorities Act, 1987 are one expression of that duty. [30] Article 51A(j) adds a duty on citizens to strive towards excellence, and a branded local product that deserves its reputation is one example.

This vision has a human centre. In his closing speech to the Constituent Assembly on 25 November 1949, Dr B R Ambedkar warned that India was entering a life of contradictions: equal in politics, but unequal in social and economic life.[10] [29] The Court later insisted that

[6]Constitution of India, Seventh Schedule, List I, Entry 49, which also covers patents, inventions, designs and copyright [25].
[7]Constitution of India, art 19(6).
[8]*Tata Press Ltd v Mahanagar Telephone Nigam Ltd* (1995) 5 SCC 139 [27].
[9]*Olga Tellis v Bombay Municipal Corporation* (1985) 3 SCC 545 [26].
[10]Constituent Assembly Debates, vol XI, 25 November 1949 (B R Ambedkar) [29].

ISSN: 2582-6433

Fundamental Rights and Directive Principles form a balance and not a contest. [28][11] The awareness gap documented below is a modest example of that old contradiction: a right on the statute book, used mostly by those with schooling and means. Several of the colleges surveyed also grew out of minority community initiatives, the kind of educational effort Article 30(1) protects, and their students will be the next generation of traders, employees and consumers.

2.2 The statutory framework

Four sets of provisions frame the questions we asked. First, a mark can be registered if it satisfies the absolute grounds in section 9 and does not clash with an earlier mark under section 11, on application under section 18.[12] Second, the infringement action under section 29 is open only to registered owners, and the court may grant injunctions, damages or an account of profits.[13] Third, Chapter XII creates offences for falsifying or falsely applying trademarks and for selling goods that bear false marks, with imprisonment of six months to three years and a fine of fifty thousand to two lakh rupees.[14] Fourth, unregistered users rely on passing off, whose elements of goodwill, misrepresentation and damage were applied by the Supreme Court in *Cadila Health Care Ltd v Cadila Pharmaceuticals Ltd*.[15] [10]

The Court has also stressed that trademark protection is territorial and rests on goodwill gained through use, in *Toyota Jidosha Kabushiki Kaisha v Prius Auto Industries Ltd*, [11] a point of real importance to exporters whose marks may be registered at home but not abroad.[16] Consumers are served by the Consumer Protection Act, 2019, which deals with misleading advertisements and unfair trade practices and provides for consumer commissions. [13] Collective marks, certification marks and geographical indications give whole clusters a shared tool, which matters in a district whose reputation is tied to a regional product.[17] [14]

2.3 Research gap

Writing on Indian trademark law is mostly doctrinal, and empirical work on intellectual

[11]*Minerva Mills Ltd v Union of India* (1980) 3 SCC 625 [28].

[12]Trade Marks Act 1999, ss 9, 11 and 18. Registration lasts ten years and is renewable for further periods of ten years: s 25.

[13]Trade Marks Act 1999, s 135. Under s 134 a suit may be filed in the district court where the plaintiff carries on business, a real help to small owners who cannot afford to litigate far from home.

[14]Trade Marks Act 1999, ss 103 and 104, which also allow a lower sentence for adequate and special reasons.

[15](2001) 5 SCC 73 [10]. See also *Durga Dutt Sharma v Navaratna Pharmaceutical Laboratories* AIR 1965 SC 980 [12], on the relation between infringement and passing off, and *Amritdhara Pharmacy v Satya Deo Gupta* AIR 1963 SC 449 [23], on the test of the average consumer of imperfect recollection.

[16]Registration abroad can be sought through the Madrid Protocol, to which India acceded with effect from 8 July 2013.

[17]Trade Marks Act 1999, s 2(1)(e) (certification trade mark) and s 2(1)(g) (collective mark); Geographical Indications of Goods (Registration and Protection) Act 1999 [14].

ISSN: 2582-6433

property awareness tends to look at patents, universities or large firms. There is little district-level evidence about how micro and small enterprises and ordinary consumers in a manufacturing cluster understand trademark rights. This study offers some for Tirupattur.

3. Research Methodology

3.1 Design and universe

The study is empirical and descriptive, with some analytical elements, and uses the survey method. We looked at three populations in Tirupattur District: (a) micro and small enterprise owners, defined by reference to the MSMED Act, 2006 as revised in 2020;[18] [15] (b) adult consumers; and (c) students of higher education institutions.

3.2 Sample and sampling

We surveyed 450 respondents: 120 business owners, 150 consumers and 180 students. Business owners and consumers were chosen by stratified purposive sampling across the four taluks, with owners stratified by trade, and students were chosen by proportional quota sampling across institutions. Sample sizes drew on Krejcie and Morgan's tables and Cochran's approach to sampling, treating each group as its own population. [16][17] Because there is no complete register of small traders, our findings are indicative and should not be statistically generalised to the whole district.

Table 1: Profile of respondents

Group	Category	n	%
Business owners (n = 120)	Leather goods and footwear	32	26.7
	Readymade garments and textiles	28	23.3
	Fancy stores	14	11.7
	Supermarkets and provision stores	16	13.3
	Transport	8	6.7
	Agri-business	10	8.3

[18]Micro and small enterprises are classified by investment in plant and machinery and by turnover. Under the 2020 revision a small enterprise has investment up to ₹10 crore and turnover up to ₹50 crore: Ministry of MSME notification S.O. 2119(E), 26 June 2020 [15].

ISSN: 2582-6433

Group	Category	n	%
	Services (construction and others)	12	10.0
Consumers (n = 150)	Male / Female	78 / 72	52.0 / 48.0
Students (n = 180)	Islamiah College for Men	25	13.9
	Islamiah College for Women	20	11.1
	Mazharul Uloom College	20	11.1
	TAW College for Women	20	11.1
	Sacred Heart College	30	16.7
	Priyadarshini Engineering College	25	13.9
	Polytechnic colleges	20	11.1
	Pharmacy colleges	20	11.1

Source: Primary survey data. Percentages for business owners are of 120; for students of 180.

3.3 Tools, reliability and analysis

We prepared three structured questionnaires, one each for business owners, consumers and students, in English with Tamil translations. They mixed closed questions, multiple-response items and five-point Likert statements. [18] Legal knowledge questions were scored as correct or incorrect. A pilot with 30 respondents led us to reword several questions, and the Likert scales showed acceptable internal consistency (Cronbach's $\alpha = 0.78$). [19] We analysed the data with frequencies, percentages, means, the chi-square test of independence and one-way analysis of variance, at the 5 per cent level of significance. Participation was voluntary, consent was taken and responses were anonymised. [Insert survey period, mode of administration, ethics approval or exemption, and number of forms discarded.]

3.4 Limitations

The sample is purposive and drawn from selected institutions and trades. Self-reported answers can overstate awareness, and we did not review court records of trademark disputes. We also treat awareness as a stand-in for access to protection, although cost and enforcement capacity matter too.

ISSN: 2582-6433

4. Findings: Small Business Owners

4.1 Awareness of trademark law

Most owners had heard the word "trademark" (81.7 per cent), but the familiarity was shallow. Only 50.8 per cent could describe a trademark as a sign that distinguishes one trader's goods or services from another's, and fewer still knew the legal machinery behind it.

Table 2: Awareness of trademark law among business owners (n = 120)

Item	Aware	%
Has heard of the term "trademark"	98	81.7
Can correctly define a trademark	61	50.8
Knows a mark can be registered	72	60.0
Knows of online filing with the Trade Marks Registry	34	28.3
Knows of the Trade Marks Act, 1999 by name	29	24.2
Knows infringement can be a criminal offence	38	31.7
Knows of "passing off"	21	17.5

Source: Primary survey data (n as indicated).

4.2 Registration

Twenty-seven owners (22.5 per cent) held a registered trademark, 11 (9.2 per cent) had applied and were waiting, and 82 (68.3 per cent) had not applied at all. Registration was highest in leather goods and footwear, where 12 of 32 units (37.5 per cent) were registered. Eleven leather units reported exporting directly or through merchant exporters, and eight of those held registrations. That suggests that export buyers' expectations push owners towards registration harder than domestic trade does.

Education made a visible difference. Among owners with only school-level education, 4 of 38 (10.5 per cent) had registered. The figure was 7 of 34 (20.6 per cent) for those with higher secondary or diploma education and 16 of 48 (33.3 per cent) for graduates. The association is statistically significant ($\chi^2 = 6.43$, $df = 2$, $p = 0.04$), so H2 is accepted. In plain terms, the owners who most need a simple route to protection are the ones least likely to have found it.

[Insert one or two verbatim remarks from owners' open-ended answers about why they did or did not register.]

ISSN: 2582-6433

4.3 Why owners do not register

Table 3: Reasons for non-registration (n = 82; multiple responses)

Reason	n	%
Felt registration unnecessary for local trade	44	53.7
Did not know the procedure	51	62.2
Cost of professional fees and filing	38	46.3
Documentation seen as complicated	33	40.2
Relied on customer trust and personal relationships	29	35.4
Time taken for registration	24	29.3

Source: Primary survey data. Percentages are of the 82 unregistered owners and add to more than 100 because of multiple responses.

The two leading reasons are not knowing the procedure and believing that a locally known business does not need registration. Cost matters, but it is not the main obstacle, so fee concessions alone will not close the gap.[19] [9] The owners' reasoning is understandable, because reputation in a close-knit market does give some protection through passing off. But it is a comfort that fades as a business grows beyond the lanes where everyone knows it.

4.4 Imitation and remedies

Forty-one owners (34.2 per cent) said their mark, name, packaging or design had been imitated. What they did next is the most telling finding of the study. Eighteen (43.9 per cent) did nothing, 17 (41.5 per cent) settled the matter informally through talks or community elders, and only 6 (14.6 per cent) took formal action such as a legal notice, a complaint or a suit. Owners without registration said they feared they could not prove the mark was theirs, and many worried about cost and delay. Their caution is easy to understand, because an unregistered owner cannot sue for infringement under section 27(1) and must instead prove goodwill in a passing off action, which is a heavier task than producing a certificate.

5. Findings: Consumers

Consumers pay attention to brands: 112 of 150 (74.7 per cent) said they check the brand or logo when buying clothing, footwear or packaged goods. But confidence was lower than

[19]The Trade Marks Rules 2017 [9] prescribe lower filing fees for individuals, start-ups and small enterprises. The fee schedule has been revised since, so current figures must be checked on the IP India website before finalising this article.

ISSN: 2582-6433

interest. Only 38 (25.3 per cent) said they could usually tell genuine goods from fakes, 64 (42.7 per cent) recognised the ® symbol as meaning a registered mark, and 44 (29.3 per cent) could explain the difference between ™ and ®.

Table 4: Consumer awareness and behaviour (n = 150)

Item	n	%
Checks brand or logo before buying	112	74.7
Correctly defines a trademark	58	38.7
Knows that a mark can be registered	63	42.0
Knows of the Trade Marks Act, 1999 by name	18	12.0
Knows of the consumer commission route (Consumer Protection Act, 2019)	52	34.7
Knows counterfeiting can be reported to police	31	20.7
Has knowingly bought an imitation or “first copy”	57	38.0
Later discovered that a purchased item was fake	69	46.0

Source: Primary survey data (n as indicated).

Of the 57 consumers who knowingly bought imitations, 41 (71.9 per cent) said price was the reason and 22 (38.6 per cent) saw no difference in quality. Among the 69 who later found they had bought a fake, only 7 (10.1 per cent) complained to the seller, a consumer forum or any authority. On the Likert scale, consumers agreed most strongly that local brands from Tirupattur deserve legal protection (mean 4.05) and that trademarks protect consumers (3.92). They agreed less strongly that counterfeits should be strictly punished (3.78) and that buying imitations harms genuine local makers (3.41). The lowest score is the telling one: shoppers want local brands protected, but do not readily see their own purchases as part of the problem.

6. Findings: College Students

Students were the best informed group on definitions: 151 of 180 (83.9 per cent) had heard of trademarks and 102 (56.7 per cent) defined them correctly. Even so, only 47 (26.1 per cent) knew the Trade Marks Act, 1999, and 33 (18.3 per cent) knew how registration works. Social media was their main source of knowledge (98 students, 54.4 per cent), followed by news (31) and family businesses (24), and only 38 (21.1 per cent) had studied intellectual property in a course. Some 112 (62.2 per cent) had knowingly bought “first copy” clothes, footwear or

ISSN: 2582-6433

accessories. Seventy-eight (43.3 per cent) said they would like to start a business one day, but only 19 of them (24.4 per cent) knew that a business name or logo can be registered. An overwhelming 164 (91.1 per cent) wanted awareness programmes in their colleges.

Table 5: Mean trademark-awareness score (out of 10) by institution type

Institution type	n	Mean	SD
Arts and science (Islamiah Men and Women, Mazharul Uloom, TAW, Sacred Heart)	115	4.6	1.9
Engineering and polytechnic (Priyadarshini Engineering, polytechnics)	45	5.3	1.8
Pharmacy colleges	20	6.2	1.7
All students	180	4.95	1.9

Source: Primary survey data. One-way ANOVA: $F(2, 177) = 7.39$, $p < 0.01$.

Pharmacy students scored highest and arts and science students lowest. The difference is statistically significant ($F = 7.39$, $p < 0.01$), so H3 is accepted. The likely reason is the curriculum: professional programmes in pharmacy and engineering usually include some intellectual property content, while arts and science programmes generally do not, even though their graduates will go on to be traders, employees and shoppers in the district's everyday economy.

[Insert one or two verbatim remarks from students' open-ended answers.]

7. Comparative Analysis

Table 6: Comparison of awareness across groups

Indicator	Business owners (n = 120)	Consumers (n = 150)	Students (n = 180)
Correctly defines a trademark	50.8%	38.7%	56.7%
Aware that registration is possible	60.0%	42.0%	55.0%
Aware that infringement can be a crime	31.7%	18.0%	33.9%
Knows "passing off"	17.5%	10.0%	16.1%

Source: Primary survey data.

A chi-square test on correct definition of a trademark across the three groups gave $\chi^2 = 10.80$

ISSN: 2582-6433

(df = 2, $p < 0.01$), so H1 is accepted. Consumers were the least informed group on every indicator, students led on definitions, and owners led on registration. Knowledge of passing off, the only remedy open to most small unregistered businesses, was low everywhere: no group went above 17.5 per cent.

Put together, the picture is one of recognition without comprehension. People know the word and the brands, but few know the rules and fewer still act on them. This is a gap in legal literacy that cuts across occupation and age, and it is not only a small trader's problem.

8. Discussion

Three themes stand out. The first is the gap between knowing and doing. Even among owners who knew a mark could be registered (60 per cent), only 22.5 per cent had registered, and few of those whose marks were copied went to law. Access-to-justice research has long found that knowing about a right is necessary but not enough to use it. [4] The second is informality as a strategy. Relying on trust and community mediation makes sense in a tightly knit local market, but it leaves a business exposed once it reaches wider markets, online platforms or export buyers. The third is the consumer's uncertain role. Buying fakes for the sake of a lower price weakens the market for honest local makers, yet consumers rarely see themselves as part of the trademark system, even though the economic case for trademarks rests on protecting them. [5]

For a district known for leather the stakes are high. Export buyers expect branded and traceable goods, and where brands are weak, units compete on price instead of reputation. *Toyota v Prius* [11] reminds us that a mark registered at home does not automatically protect a brand abroad. The shared reputation of Ambur and Vaniyambadi is also a collective asset that individual registrations do not capture, which is why collective or certification marks and geographical indications deserve serious study.

Seen through the Constitution, the findings are a reminder that rights need roads leading to them. Article 19(1)(g) gives every trader the freedom to do business, but the trader who cannot name or defend his or her mark enjoys that freedom with one hand tied. Article 39A makes legal literacy and access to justice a duty of the State, not a favour, and Article 38(2) asks that opportunities be levelled. A small leather unit in Ambur and a national brand have the same right to protect their name. The task is to make sure that they also have the same chance to do so. [25]

ISSN: 2582-6433

9. Suggestions

- **Trademark facilitation camps.** The District Industries Centre, chambers of commerce, leather and garment associations and the District Legal Services Authority should hold regular camps in Tirupattur, Ambur, Vaniyambadi and Natrampalli, in Tamil, helping owners search, file and renew marks and linking this with Udyam registration. This would give practical shape to Article 39A.
- **Cluster-level marks.** Associations in the leather sector should explore a collective or certification mark and the feasibility of a geographical indication for district products, with registered individual marks as the base.
- **Curricular reform.** Colleges should introduce a short module on intellectual property and consumer law in arts and science programmes, starting with the institutions in this study, and set up intellectual property clubs and awareness drives run by students.
- **Consumer education.** Consumer clubs and the consumer protection machinery should run campaigns on spotting genuine goods, reporting counterfeits and using consumer commissions, stressing that imitation costs local people their jobs.
- **Enforcement support.** The police, trade bodies and legal services authorities should be linked to district awareness efforts, and small owners should be told about pre-institution mediation under the Commercial Courts Act, 2015 as a cheaper route.[20] [24]
- **Further research.** A larger probability-based survey, combined with a review of court and registry records, would show whether these patterns hold in other industrial districts of Tamil Nadu.

10. Conclusion

Trademark law in India offers registration, civil and criminal remedies and the safety net of passing off. In Tirupattur District it is largely unknown in detail and underused in practice. Just over one in five business owners holds a registration, a minority of those whose marks were copied sought legal relief, and consumers and students have only partial knowledge, though they strongly want local brands protected. The legal framework does not need a radical overhaul to serve this district. What it needs is legal literacy, local facilitation and institutions that turn a right into a habit. The Constitution's promise of equal opportunity and a dignified livelihood will mean most to the small trader when the name above the shop door is not only

[20]Commercial Courts Act 2015, s 12A [24]. The Madras High Court has a dedicated Intellectual Property Rights Division, established in 2021.

ISSN: 2582-6433

the owner's pride but also the owner's property in law. A district that exports leather can also export brands, if its small producers know that they own, can register and can defend the marks they have built.

Endnotes

[1] S K Verma and M Afzal Wani (eds), *Legal Research and Methodology* (2nd edn, Indian Law Institute 2001).

[2] Chynoweth P, 'Legal Research' in A Knight and L Ruddock (eds), *Advanced Research Methods in the Built Environment* (Wiley-Blackwell 2008).

[3] Mike McConville and Wing Hong Chui (eds), *Research Methods for Law* (Edinburgh University Press 2007).

[4] Reza Banakar and Max Travers (eds), *Theory and Method in Socio-Legal Research* (Hart Publishing 2005).

[5] William M Landes and Richard A Posner, 'Trademark Law: An Economic Perspective' (1987) 30 *Journal of Law and Economics* 265.

[6] P Narayanan, *Law of Trade Marks and Passing Off* (6th edn, Eastern Law House 2004).

[7] V K Ahuja, *Law Relating to Intellectual Property Rights* (3rd edn, LexisNexis 2017).

[8] Trade Marks Act 1999 (Act 47 of 1999) (India).

[9] Trade Marks Rules 2017 (India), as amended.

[10] *Cadila Health Care Ltd v Cadila Pharmaceuticals Ltd* (2001) 5 SCC 73.

[11] *Toyota Jidosha Kabushiki Kaisha v Prius Auto Industries Ltd* (2018) 2 SCC 1.

[12] *Durga Dutt Sharma v Navaratna Pharmaceutical Laboratories* AIR 1965 SC 980.

[13] Consumer Protection Act 2019 (Act 35 of 2019) (India).

[14] Geographical Indications of Goods (Registration and Protection) Act 1999 (Act 48 of 1999) (India).

[15] Micro, Small and Medium Enterprises Development Act 2006; Ministry of MSME, Notification S.O. 2119(E) (26 June 2020).

[16] William G Cochran, *Sampling Techniques* (3rd edn, Wiley 1977).

[17] Robert V Krejcie and Earyl W Morgan, 'Determining Sample Size for Research Activities' (1970) 30 *Educational and Psychological Measurement* 607.

[18] Rensis Likert, 'A Technique for the Measurement of Attitudes' (1932) 140 *Archives of Psychology* 1.

[19] Lee J Cronbach, 'Coefficient Alpha and the Internal Structure of Tests' (1951) 16 *Psychometrika* 297.

ISSN: 2582-6433

[20] Directorate of Census Operations, Tamil Nadu, *Census of India 2011: District Census Handbook, Vellore* (Government of India).

[21] *Satyam Infoway Ltd v Sifynet Solutions Pvt Ltd* (2004) 6 SCC 145.

[22] *Ramdev Food Products Pvt Ltd v Arvindbhai Rambhai Patel* (2006) 8 SCC 726.

[23] *Amritdhara Pharmacy v Satya Deo Gupta* AIR 1963 SC 449.

[24] Commercial Courts Act 2015 (Act 4 of 2016) (India).

[25] Constitution of India 1950: Preamble; arts 14, 19(1)(a), 19(1)(g), 19(6), 21, 30(1), 38(2), 39(a), 39A, 43 and 51A(j); Seventh Schedule, List I, Entry 49.

[26] *Olga Tellis v Bombay Municipal Corporation* (1985) 3 SCC 545.

[27] *Tata Press Ltd v Mahanagar Telephone Nigam Ltd* (1995) 5 SCC 139.

[28] *Minerva Mills Ltd v Union of India* (1980) 3 SCC 625.

[29] Constituent Assembly of India, *Constituent Assembly Debates*, vol XI (25 November 1949) (speech of Dr B R Ambedkar).

[30] Legal Services Authorities Act 1987 (Act 39 of 1987) (India).

IJLRA