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GREEN TRADEMARKS AND GREENWASHING IN INDIA: LIMITS OF THE TRADE MARKS ACT, 1999

AUTHORED BY - ANSHUMAN SINGH

Research Scholar

Faculty of Law, University of Lucknow

Abstract

The rapid commercial appeal of sustainability has changed the language of branding. Firms increasingly deploy words, colors, symbols, and narrative cues associated with ecology, carbon reduction, recyclability, naturalness, and ethical production in order to attract environmentally conscious consumers. A central legal problem emerges when such environmental messaging is built not only into advertising campaigns but into the trademark itself. A sign such as “eco,” “green,” “planet-safe,” or “nature pure” may operate simultaneously as a badge of origin and as a claim about environmental virtue. This article argues that Indian trademark law, though relevant to the problem, is structurally incapable of addressing greenwashing in a complete manner. The Trade Marks Act, 1999 contains doctrinal tools against deception and confusion, especially through absolute grounds for refusal, opposition, rectification, and action against misleading advertising uses of a registered mark. Yet those tools are episodic, source-oriented, and registry-centered. They are not designed to evaluate life-cycle environmental assertions, post-registration truthfulness, or the consumer-protection consequences of broad sustainability branding. The article therefore examines the limits of the Trade Marks Act, 1999 and situates it alongside the Consumer Protection Act, 2019 and the 2024 Central Consumer Protection Authority guidelines on greenwashing and misleading environmental claims. It further argues that Indian law should adopt a coordinated model under which trademark examination, consumer law enforcement, substantiation standards, and certification-based environmental assurance operate in tandem. Such a model would better reconcile brand protection, market competition, and environmental honesty.

Keywords: *green trademarks; greenwashing; trade marks; misleading environmental claims; consumer protection; sustainability branding; India.*

I. Introduction

Environmental language has become one of the most valuable currencies of modern branding. In markets ranging from food and cosmetics to textiles, automobiles, packaging, finance, and digital services, firms increasingly present themselves as “green,” “eco-friendly,” “natural,” “conscious,” “responsible,” “planet positive,” or “carbon neutral.”¹ These expressions do not merely appear in promotional copy. They frequently migrate into trademarks, sub-brands, logos, and product names, thereby giving environmental messaging a durable legal form protected by intellectual property law.² The trademark thus becomes more than a source identifier; it can function as a compressed environmental representation.

This development has generated a difficult doctrinal question. When an environmental message is embedded within a trademark, can trademark law effectively police the risk that the sign misleads consumers? The question is especially significant in India, where sustainability markets are expanding but legal scrutiny of environmental brand claims has only recently gained sharper regulatory form.³ The Central Consumer Protection Authority (“CCPA”) issued the *Guidelines for Prevention and Regulation of Greenwashing or Misleading Environmental Claims, 2024* to combat vague, exaggerated, false, or unsubstantiated environmental claims.⁴ The Guidelines reflect a policy recognition that conventional advertising law must confront a new generation of claims that are often subtle, image-based, and difficult for ordinary consumers to verify.

The Trade Marks Act, 1999 offers some entry points. Section 9 bars registration of marks that are of such nature as to deceive the public or cause confusion, and also bars marks containing matter likely to hurt susceptibilities or scandalize, though the key relevance here is the anti-deception rationale.⁵ The Act also defines deceptive similarity, permits opposition and

¹ See *Green trademarks and the risk of greenwashing*, WORLD INTELL. PROP. ORG. MAG., <https://www.wipo.int/en/web/wipo-magazine/articles/green-trademarks-and-the-risk-of-greenwashing-42943> (last visited Apr. 12, 2026).

² Id.

³ Press Release, Press Information Bureau, Gov’t of India, *Central Consumer Protection Authority Issues Guidelines for ‘Prevention and Regulation of Greenwashing and Misleading Environmental Claims’* (Oct. 15, 2024), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2064963>.

⁴ *Guidelines for Prevention and Regulation of Greenwashing or Misleading Environmental Claims, 2024*, Dep’t of Consumer Affairs, Gov’t of India, <https://doca.gov.in/ccpa/guidelins.php> (follow “Guidelines for Prevention and Regulation of Greenwashing or Misleading Environmental Claims, 2024” download link) (last visited Apr. 12, 2026).

⁵ Trade Marks Act, 1999, No. 47 of 1999, § 9(2)(a), INDIA CODE, <https://www.indiacode.nic.in/handle/123456789/1993> (last visited Apr. 12, 2026).

rectification, and recognizes infringement through advertising where the use of a registered mark takes unfair advantage of, or is contrary to, honest practices in industrial or commercial matters.⁶ At first glance, these provisions appear adaptable to greenwashing. Yet a closer examination reveals doctrinal and institutional limits.

Trademark law is primarily concerned with distinctiveness, origin, confusion, proprietary rights, and marketplace association. It is not designed to conduct a deep scientific assessment of environmental performance, supply-chain sustainability, recyclability, biodegradability, or carbon accounting. Nor is the registry institutionally equipped to verify complex ecological claims at filing stage. A mark may therefore clear trademark examination while still operating as a misleading environmental message in the hands of consumers. Conversely, a broad green brand may acquire distinctiveness and goodwill despite weak factual foundations, thereby allowing private trademark rights to amplify public deception.

This paper advances four propositions. First, green trademarks occupy a dual legal character: they are source identifiers under trademark law and environmental representations under consumer law. Second, the Trade Marks Act, 1999 contains useful but incomplete mechanisms for addressing greenwashing. Third, the Consumer Protection Act, 2019 and the 2024 CCPA Guidelines provide a more direct framework for evaluating environmental claims, but their integration with trademark administration remains underdeveloped. Fourth, Indian law should move toward a coordinated model involving trademark examination guidance, evidentiary substantiation norms, targeted rectification principles, and a stronger role for certification marks and verified environmental labeling.

Methodologically, this article is doctrinal and analytical. It examines statutory text, classic principles of deceptive similarity and consumer confusion in Indian trademark law, emerging regulatory material on greenwashing, and comparative insights from international developments. The argument is not that trademark law is irrelevant. Rather, it is that trademark law alone cannot solve the problem of greenwashing where the alleged deception concerns environmental performance rather than source identity.

⁶ Id. §§ 2(1)(h), 21, 29(8), 57.

II. Green Trademarks and the Legal Problem of Greenwashing

A “green trademark” may be described as a trademark that, by its verbal, visual, color, symbolic, or conceptual content, communicates or suggests environmental friendliness, sustainability, natural purity, reduced ecological harm, ethical sourcing, recyclability, or climate consciousness. Such a mark may be explicitly verbal—such as “ECO PURE,” “GREENEARTH,” or “PLANET SAFE”—or may be conveyed through leaf motifs, earthy palettes, recycling imagery, references to nature, or other cues that signal environmental virtue. Greenwashing, by contrast, refers to deceptive or misleading environmental messaging. In India, the 2024 CCPA Guidelines define “greenwashing” in broad terms to include concealment, omission, exaggeration, vague or false statements, use of misleading words, symbols, or imagery, and unsubstantiated environmental claims.⁷ This definition is significant for trademark analysis because many green trademarks rely precisely on short, evocative, and difficult-to-verify claims.

The legal tension stems from the nature of trademarks themselves. A trademark is brief by design. It functions most effectively when it is memorable, compressed, and suggestive. Yet environmental honesty often requires nuance, qualification, and context. A product may be recyclable only in limited infrastructure settings; packaging may be partially recycled but not fully sustainable; a service may reduce some emissions while creating others; a company may use renewable electricity in one segment but not across its operations. Trademark language cannot easily communicate such complexity. WIPO has therefore warned that unqualified green trademarks are especially vulnerable to greenwashing concerns because the brevity of trademarks makes adequate qualification inherently difficult.⁸

The problem becomes sharper because consumers often interpret environmental words holistically. Terms such as “green,” “eco,” “natural,” or “clean” may create a general impression of overall environmental superiority, even where the business intended only a narrow and technically true claim. Modern consumer law rightly focuses on net impression, not semantic defensibility. A trademark that does not literally state a falsehood may still mislead by implication, context, or omission.

⁷ *Guidelines for Prevention and Regulation of Greenwashing or Misleading Environmental Claims, 2024*, supra note 4.

⁸ WORLD INTELL. PROP. ORG. MAG., supra note 1.

Indian trademark doctrine has long recognized that deception is judged from the standpoint of ordinary consumer perception. In *Corn Products Refining Co. v. Shangrila Food Products Ltd.*, the Supreme Court emphasized that likelihood of deception must be assessed from the perspective of consumers with imperfect recollection.⁹ In *Parle Products (P) Ltd. v. J.P. & Co.*, the Court stressed the overall similarity and impression produced on the average purchaser.¹⁰ In *Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd.*, the Court reiterated that deceptive similarity is not a mechanical visual comparison but a contextual inquiry sensitive to consumer confusion.¹¹ Although these cases arose in classic source-confusion settings, their logic is relevant to environmental messaging because greenwashing likewise turns on overall commercial impression.

At the same time, there is an important distinction. In ordinary trademark disputes, the question is whether consumers may mistake one trader's goods for another's, or assume a connection that does not exist. In greenwashing disputes, the concern is often whether consumers are misled about the environmental attributes of the goods themselves. The object of deception shifts from source to sustainability. This difference explains why trademark law, though helpful, cannot be the sole legal framework.

III. Statutory Architecture of the Trade Marks Act, 1999

The Trade Marks Act, 1999 defines a trademark broadly as a mark capable of being represented graphically and capable of distinguishing the goods or services of one person from those of others.¹² The statutory emphasis is therefore on distinctiveness and source indication. The Act is not framed as a truth-in-claims statute. Nevertheless, several provisions matter for green trademarks.

A. Section 9 and Absolute Grounds for Refusal

Section 9(1) bars marks devoid of distinctive character or consisting exclusively of descriptive indications. Section 9(2)(a) further bars marks of such nature as to deceive the public or cause confusion.¹³ This is the strongest trademark-law basis for resisting misleading environmental

⁹ *Corn Prods. Ref. Co. v. Shangrila Food Prods. Ltd.*, AIR 1960 SC 142.

¹⁰ *Parle Prods. (P) Ltd. v. J.P. & Co., Mysore*, (1972) 1 SCC 618.

¹¹ *Cadila Health Care Ltd. v. Cadila Pharms. Ltd.*, (2001) 5 SCC 73.

¹² Trade Marks Act, 1999, No. 47 of 1999, § 2(1)(zb), INDIA CODE, <https://www.indiacode.nic.in/handle/123456789/1993> (last visited Apr. 12, 2026).

¹³ *Id.* § 9.

marks at the registration stage. If a mark inherently communicates a false or deceptive ecological message, the Registrar may refuse registration.

In principle, section 9(2)(a) can capture a mark such as “100% ECO SAFE,” “ZERO CARBON,” or “FULLY BIODEGRADABLE,” where the environmental promise is objectively untrue or unsubstantiated. The provision is also potentially relevant where the overall sign misleadingly implies a legally significant environmental certification or a superior ecological profile that the goods do not possess.

Yet the practical difficulty lies in proof and institutional competence. Trademark examination is document-driven and classification-based. Registrars are trained primarily to assess distinctiveness, descriptiveness, conflict with prior marks, and formal compliance. They do not ordinarily conduct technical environmental verification. Unless the deceptiveness is facially obvious, many green marks may pass examination because the registry has limited means to test whether the claim is scientifically valid, qualified, or contextually misleading.

B. Section 11 and Relative Grounds

Section 11 concerns conflict with earlier marks and confusion as to origin or association.¹⁴ Its principal concern is inter-brand confusion rather than greenwashing as such. Still, it can matter where multiple firms use overlapping environmental brand language and one seeks exclusivity over generic or suggestive green terms. If traders are allowed broad monopolies over commonplace ecological vocabulary, trademark law may indirectly distort competition and exaggerate proprietary control over environmental narratives.

C. Opposition, Rectification, and Removal

Even if a green mark is registered, the Act allows challenge through opposition and rectification. Section 21 enables opposition after advertisement of the application, and section 57 allows cancellation or variation of the register where an entry was made without sufficient cause or wrongly remains on the register.¹⁵ These mechanisms are important because deceptive environmental marks may not be fully scrutinized at filing stage but can later be attacked by competitors, consumer groups, or affected parties.

However, these remedies are reactive and litigation-dependent. They require monitoring, evidence, expense, and initiative by private actors. They also focus on the legal status of the mark on the register rather than on the broader consumer-harm consequences of environmental

¹⁴ Id. § 11.

¹⁵ Id. §§ 21, 57.

misrepresentation. In practice, many misleading green marks may remain unchallenged unless they trigger commercial conflict.

D. Advertising Use and Section 29(8)

Section 29(8) recognizes infringement by advertising where use of the registered mark takes unfair advantage of and is contrary to honest practices, or is detrimental to distinctiveness or reputation.¹⁶ Although the provision is classically used to protect trademark proprietors against dishonest promotional use by others, it underscores a wider statutory insight: advertising conduct involving marks can independently raise issues of fairness and commercial honesty. This insight supports a broader reading that green trademark deployment in advertising cannot be viewed in isolation from consumer law.

E. Certification Trademarks

The Act separately recognizes certification trademarks, which indicate that goods or services are certified by the proprietor in respect of origin, material, mode of manufacture, quality, accuracy, or other characteristics.¹⁷ This category is underutilized in the Indian debate on sustainability branding. A well-administered certification trademark system could provide a more credible route for environmental signaling than self-awarded green brand language. Instead of relying on broad proprietary words such as “eco” or “green,” businesses could use certification frameworks tied to verifiable standards.

IV. Why the Trade Marks Act Is Inadequate as a Complete Response to Greenwashing

The central thesis of this paper is not that the Trade Marks Act is irrelevant, but that its structure produces at least five important limitations when greenwashing is embedded in a trademark.

A. Trademark Law Is Source-Oriented, Not Sustainability-Oriented

Trademark law asks whether a sign distinguishes commercial origin and whether its use creates confusion, deception, or conflict in relation to marks. Greenwashing, however, often concerns a different inquiry: whether the product or service truly has the environmental qualities suggested. That question may require life-cycle evidence, supply-chain auditing, scientific

¹⁶ Id. § 29(8).

¹⁷ Id. §§ 69–78.

substantiation, measurable baselines, and context-specific qualification. These are not the ordinary tools of trademark adjudication.

A trader may honestly be the source of the goods and still mislead consumers about environmental attributes. In such a case the deception is not about *who made the product*, but about *what the product does to the environment*. Trademark law can address this only indirectly. A mark may therefore survive a classic trademark challenge while remaining vulnerable to consumer-protection scrutiny. This distinction is doctrinally important because it prevents courts from collapsing all misleading commercial communication into source confusion. Indian law should instead recognize a layered model: trademark validity, trademark use, and consumer deception are related but analytically distinct inquiries. That layered approach would better explain why section 9 can refuse some green marks, while consumer law can still intervene even where registration exists.

B. Registry Examination Cannot Verify Complex Environmental Claims

The Registrar can refuse obviously deceptive marks, but most greenwashing is not facially crude. It may involve suggestive words, soft imagery, generalized eco-language, or truthfully partial claims that create a misleading whole. A registry cannot realistically examine carbon-neutrality methodologies, biodegradability conditions, recycled-content percentages, offset credibility, or the legal status of environmental certifications across industries. The result is a structural mismatch between examination capacity and the evidentiary demands of environmental truthfulness.

C. Descriptive Green Vocabulary Creates Overclaiming Risks

Many green marks are partly descriptive. Section 9 seeks to prevent monopolization of descriptive matter unless distinctiveness is shown. Yet environmental language frequently occupies a grey zone between description and suggestion. Marks such as “EcoWear,” “GreenNest,” or “Pure Planet” may be considered registrable when taken as composites, especially if stylized. Once registered, however, they may project a stronger environmental promise than the evidence justifies. The law’s willingness to tolerate suggestive branding may unintentionally facilitate sustainability overclaiming.

D. Post-Registration Reality Can Diverge from Filing-Stage Assumptions

Environmental performance is dynamic. Manufacturing inputs, sourcing practices, energy usage, packaging, and waste management can change over time. A green mark that was

arguably supportable at filing stage may become misleading later. Trademark law does not continuously audit factual truthfulness after registration. By contrast, consumer law can respond to ongoing false or misleading commercial practices. This temporal gap is one of the clearest reasons the Trade Marks Act cannot operate as a self-sufficient anti-greenwashing regime.

E. Litigation Incentives Are Misaligned

Trademark litigation is usually driven by competitors and proprietors, not by diffuse environmental concerns. A misleading green mark may cause widespread consumer harm without provoking a trademark suit, particularly if no rival mark is threatened. Consumer regulators are better placed to address such harms because they can act in the public interest without requiring a proprietary conflict.

V. Consumer Protection Law as the More Direct Regulatory Framework

The Consumer Protection Act, 2019 provides a far more direct legal route against greenwashing. The Act empowers the Central Consumer Protection Authority to prevent unfair trade practices and ensure that no false or misleading advertisement is made of goods or services.¹⁸ It authorizes investigation, discontinuation, modification of misleading advertisements, and related remedial measures.¹⁹ This public-law architecture is better suited than trademark law to addressing environmental misrepresentation that affects consumers as a class.

The 2024 CCPA Greenwashing Guidelines build on this framework. According to the official press release and the Department of Consumer Affairs publication page, the Guidelines define environmental claims and greenwashing, prohibit misleading environmental claims, and require substantiation, adequate disclosure, and credible certification or reliable scientific evidence.²⁰ The press release specifically notes that vague terms such as “eco-friendly,” “green,” and “sustainable” should not be used without proper substantiation and accessible qualification.²¹ This policy direction is highly relevant to green trademarks because those very words commonly appear in brand names and product marks.

¹⁸ Consumer Protection Act, 2019, No. 35 of 2019, §§ 17–18, INDIA CODE, <https://www.indiacode.nic.in/bitstream/123456789/16939/1/a2019-35.pdf> (last visited Apr. 12, 2026).

¹⁹ Id. §§ 19–21.

²⁰ Press Release, supra note 3; Dep’t of Consumer Affairs, supra note 4.

²¹ Press Release, supra note 3.

The consumer-law approach offers several advantages. First, it focuses on net consumer impression. Second, it evaluates substantiation rather than mere semantic possibility. Third, it addresses omissions and hidden qualifiers. Fourth, it can intervene after market launch. Fifth, it is explicitly aimed at public protection rather than private exclusivity.

Still, consumer law also leaves questions open. The 2024 Guidelines are not trademark-specific. They do not clearly explain how CCPA findings should interact with the Trade Marks Registry, opposition proceedings, or rectification of registered marks. Nor do they settle whether a brand name itself, apart from surrounding advertising copy, constitutes an environmental claim in every case. Comparative developments suggest that the answer should often be yes. The European Commission's 2025 FAQ on new rules concerning environmental claims states that brand names and product names, even when protected by intellectual property law, may still be assessed as environmental claims if they convey an environmental message, explicitly or implicitly.²² That insight is persuasive for India.

VI. Comparative Insight: Why Brand Names Cannot Be Immunized

Comparative developments are useful because they expose a misconception that sometimes appears in trademark discourse: namely, that once a term functions as a trademark, it should be treated primarily as property rather than as a claim. The better view is that legal characterization depends on communicative effect, not merely registration status.

WIPO has highlighted that unqualified green trademarks are especially susceptible to greenwashing because trademarks rarely allow the space needed for precise qualification.²³ The European consumer-law approach goes further by expressly recognizing that brand names and product names may constitute environmental claims if they create an environmental association in the consumer's mind.²⁴ This is a principled position. Intellectual property protection cannot convert a misleading message into a lawful one.

Indian law has not yet articulated this proposition in a fully integrated manner. But the logic of the Consumer Protection Act, the 2024 Guidelines, and section 9 of the Trade Marks Act

²² Eur. Comm'n, *FAQ: Empowering Consumers for the Green Transition Directive* 6 (Nov. 27, 2025), https://commission.europa.eu/document/download/3c257883-bb2a-4dd9-a6dc-501d587bb34f_en?filename=faq-empowering-consumers-gtd.pdf.

²³ WORLD INTELL. PROP. ORG. MAG., *supra* note 1.

²⁴ Eur. Comm'n, *supra* note 22, at 6.

strongly supports it. If a sign communicates environmental superiority, then the law should assess that communication on its effects, regardless of whether the trader frames it as a trademark, a slogan, a sub-brand, or product packaging element.

VII. A Proposed Framework for India

India should adopt a coordinated framework that preserves legitimate trademark protection while preventing the privatization of misleading environmental vocabulary. The following reforms are especially important.

A. Trademark Examination Guidance on Environmental Claims

The Trade Marks Registry should issue an examination practice note dealing specifically with green marks. The note should identify high-risk terms—such as “green,” “eco,” “sustainable,” “planet-safe,” “carbon neutral,” “net zero,” “natural,” and similar expressions—and require applicants, where appropriate, to provide disclaimers, explanatory statements, or evidence showing that the mark is not inherently deceptive. The purpose would not be to convert trademark examination into a full environmental audit, but to increase early scrutiny where deception risk is obvious.

B. Formal Coordination Between CCPA and the Registry

Where the CCPA finds that a brand name or mark constitutes misleading environmental representation, that finding should trigger notice to the Trade Marks Registry. Such notice could support opposition, re-examination where permissible, or rectification proceedings under section 57. Public regulators and IP authorities should not function in silos when the same sign operates as both a trademark and an environmental claim.

C. Stronger Use of Certification Trademarks

India should encourage sector-specific environmental certification marks based on independently verifiable standards. Certification marks are structurally superior to self-bestowed green branding because they are linked to certified characteristics rather than unilateral marketing language. A credible certification ecosystem would reduce the pressure to rely on vague private eco-claims.

D. Net Impression Standard for Brand Names

Adjudicators should expressly adopt a “net impression” test for environmentally suggestive

marks. The question should not be whether each word in the mark can be defended in isolation, but whether the average consumer is likely to perceive a general environmental benefit or superiority. This approach is consistent with consumer law and with the classic trademark emphasis on overall impression.

E. Periodic Review of Marks Tied to Dynamic Environmental Claims

Where registration depends on a time-sensitive environmental claim, the law should permit more robust post-registration challenge if the underlying claim materially changes or becomes unsupported. Environmental truth is not static. The law should therefore remain open to rectification where a mark's continuing presence on the register materially contributes to deception.

F. Competition-Sensitive Limits on Exclusive Rights Over Green Vocabulary

Courts and the Registry should remain cautious about granting broad exclusivity over common green terms, especially where such terms are commercially necessary for truthful description by other traders. Overbroad protection may both restrict competition and intensify misleading impression by allowing one trader to appropriate the symbolic authority of environmental virtue.

G. Judicial Use of Existing Doctrine

Even without legislative amendment, Indian courts can adapt existing doctrine in a principled way. First, they can treat environmentally suggestive trademarks as capable of deception under section 9 where the environmental message forms a material part of the sign. Second, in rectification proceedings they can ask whether the continuing presence of the mark on the register has become misleading in light of changed facts. Third, when adjudicating passing off or infringement disputes involving green vocabulary, courts can resist giving proprietary breadth to terms that ordinary traders may need for descriptive environmental communication. This is consistent with the Supreme Court's long-standing caution that deceptive similarity must be evaluated in light of consumer perception rather than formal dissection.

H. Passing Off and Market Signaling

The law of passing off also offers a supplementary perspective. Passing off is conventionally directed to misrepresentation as to trade source, association, or endorsement. Yet its broader concern with commercial misrepresentation is useful in disputes where a trader adopts green

indicia in a manner calculated to exploit public trust in environmental responsibility. Even where a claimant cannot show confusion in the narrow registered-mark sense, a court examining deceptive market conduct may take a stricter view of sustainability-themed get-up, packaging, and brand architecture. This is especially true where environmental trust has become a material purchasing factor. In future Indian litigation, passing off doctrine may therefore evolve into a bridge concept linking brand misrepresentation and consumer deception, particularly when green vocabulary is combined with visual eco-symbolism, certification-like seals, or nature-based packaging that suggests a level of environmental compliance not actually established.²⁵

I. Need for Evidentiary Discipline

One of the most important consequences of the 2024 CCPA framework is the insistence on substantiation. This principle should influence trademark-related disputes as well. Where a trader relies on a green trademark to build brand reputation, courts and regulators should be willing to ask a simple prior question: what evidence supports the environmental message reasonably conveyed by the sign? The answer need not require impossible scientific perfection. But it should at least require objective basis, internal consistency, and compatibility between the message of the mark and the demonstrable characteristics of the goods or services. Such an approach would align Indian law with a broader anti-greenwashing consensus: the more a trader seeks to monetize ecological virtue, the heavier should be the burden of substantiation.²⁶

VIII. Ready-to-Apply Legal Position in India

On the present state of Indian law, the most defensible legal position may be summarized as follows. A green trademark can be refused or challenged under the Trade Marks Act, 1999 where it is inherently deceptive or likely to mislead the public. However, the statute is not a complete anti-greenwashing code because it is not designed to test complex environmental substantiation. Therefore, where environmental language embedded in a mark misleads consumers, the stronger and more direct remedy will often lie under the Consumer Protection Act, 2019 and the 2024 CCPA Guidelines. The two regimes should be read cumulatively, not in isolation.

²⁵ See generally *Nandhini Deluxe v. Karnataka Coop. Milk Producers Fed'n Ltd.*, (2018) 9 SCC 183 (reaffirming that trademark rights must be assessed in their statutory and commercial context rather than as abstract monopolies).

²⁶ Press Release, supra note 3; Consumer Protection Act, 2019, No. 35 of 2019, §§ 18–21, INDIA CODE, <https://www.indiacode.nic.in/bitstream/123456789/16939/1/a2019-35.pdf> (last visited Apr. 12, 2026).

This position respects the architecture of Indian law. It does not force trademark law to do what it cannot realistically do, but it also prevents trademark registration from being used as a shield against consumer-protection scrutiny. A trademark is a form of private right, but it is not a license to communicate misleading ecological virtue.

IX. Conclusion

Green branding is no longer a peripheral marketing trend; it is a central feature of contemporary competition. As businesses increasingly convert environmental language into trademarks, the risk of greenwashing migrates from ordinary advertising into the core domain of intellectual property. The Trade Marks Act, 1999 has some doctrinal capacity to respond, especially through section 9, opposition, rectification, and the broader anti-deception logic of trademark law. But that capacity is partial, reactive, and institutionally limited.

The deeper problem is structural. Trademark law protects source-indicating signs; greenwashing law evaluates the truthfulness of environmental representations. When one sign performs both functions, Indian law must coordinate rather than choose between the two domains. The Consumer Protection Act, 2019 and the 2024 CCPA Greenwashing Guidelines provide the more direct public-law response, while trademark law should operate as a supporting filter against facially deceptive green marks and as a corrective mechanism where misleading marks enter or remain on the register.

Accordingly, the limits of the Trade Marks Act, 1999 should be acknowledged candidly. It can assist in curbing greenwashing, but it cannot serve as the sole legal answer. India needs an integrated framework in which trademark examination, consumer protection enforcement, certification systems, and substantiation-based review work together. Only such an approach can ensure that sustainability branding remains both commercially legitimate and legally honest.