

# Trademark Cease and Desist Letter Template (India)

Formal infringement notice demanding cessation of trademark infringement under Indian law

## HOW TO USE THIS TEMPLATE

1. A cease and desist letter is often the first and most cost-effective enforcement step.
2. Send by registered post with acknowledgement due AND email with read receipt.
3. Give a reasonable response period — 14 to 21 days is standard.
4. Do not make threats you cannot or do not intend to follow through on.
5. Have this letter reviewed by your IP advocate before sending.

## SENDER DETAILS

From (Registered IP Owner)	[Company full legal name, CIN, and registered address]
Sent by	[IP Advocate firm name / In-house legal team]
Date	[DD Month YYYY]
Reference Number	[C&D-YYYY-NNN;]
Delivery Method	Registered Post with AD + Email to [recipient email]

## RECIPIENT DETAILS

To — Individual / Company Name	[Full name of infringing party]
To — Designation (if applicable)	[Director / Proprietor / Manager — if known]
To — Address	[Full address of infringing party]
To — Email	[Email address — if known]
Website / Platform with Infringing Content	[URL(s) where infringement is occurring]

## BODY OF LETTER

Dear Sir / Madam,

### Re: Infringement of Registered Trademark — CEASE AND DESIST NOTICE

We write on behalf of and represent [Company Full Legal Name] (the "**Client**"), the registered owner of the trademark(s) described below.

### 1. Our Client's Trademark Rights

Registered Trademark(s)	[Mark name(s) — e.g. 'LOGOMARK' and the associated logo]
Registration Numbers	[TM Registration No. XXXXXXXXXX — Class(es): [X, Y, Z]]

Date of Registration	[DD Month YYYY]
Goods / Services Covered	[Describe the registered goods/services covered by the mark]
Period of Use	[Our Client has used this mark in commerce since [year]]

Our Client's trademark represents significant goodwill and commercial reputation built over [X] years of continuous use in commerce. The trademark is distinctive, well-known in its market, and is an extremely valuable commercial asset.

## 2. Your Infringing Activity

Infringing Mark Being Used	[Describe the infringing mark — e.g. 'LOGOMRK' or 'LOGO MARKS']
Where the Infringement is Occurring	[Website URL / physical location / social media handle / product label]
Nature of Infringing Use	[Website brand name / product name / service name / social media handle / domain name]
Date Infringement First Noticed	[DD Month YYYY]
Evidence of Infringement	[Describe evidence — e.g. screenshot dated DD/MM/YYYY — attached as Exhibit A]

Your use of the above mark constitutes infringement of our Client's registered trademark under Section 29 of the Trade Marks Act 1999 by reason of the mark's identity or similarity to our Client's registered trademark and the identity or similarity of the goods / services in connection with which it is being used, which is likely to cause confusion and deception in the minds of consumers.

## 3. Demand for Immediate Cessation

We hereby demand, on behalf of our Client, that you IMMEDIATELY:

- (1) cease and desist from all use of the infringing mark, including on your website, products, social media profiles, and in any marketing materials;
- (2) take down all online content using the infringing mark, including removing the infringing pages from your website within [7] days;
- (3) transfer to our Client any domain names incorporating the infringing mark;
- (4) provide us with a written undertaking, within [14] days, confirming that you have ceased all infringing activity and will not resume such use in the future; and
- (5) account to our Client for all profits made from the infringing use and agree to pay damages for the losses caused to our Client.

You are required to respond to this notice within **[14] days** of receipt. In the event that you fail to comply with the above demands within the stipulated period, our Client reserves all rights to pursue all available remedies against you without further notice, including: (a) filing an application for injunction under Section 135 of the Trade Marks Act 1999; (b) filing a criminal complaint under Section 103 of the Trade Marks Act 1999 (which provides for imprisonment of up to 3 years and fines); and (c) a suit for damages, account of profits, delivery up of infringing goods and materials, and costs.

Please note that this notice is sent without prejudice to all other rights and remedies available to our Client, all of which are expressly reserved.

Yours faithfully, [Signature of Advocate / Authorised Representative] [Name and Designation] [Firm Name / Company Name] [Contact Details]

## EXHIBITS

Exhibit A	[Screenshot(s) of infringing use — dated DD/MM/YYYY]
Exhibit B	[Copy of Trademark Registration Certificate]
Exhibit C	[Evidence of prior use / brand reputation (if relevant)]

### IMPORTANT NOTE

BEFORE SENDING: Have your IP advocate review this letter. Groundless threats of infringement proceedings may themselves give rise to liability under Section 142 of the Trade Marks Act 1999 — the recipient can apply to court for a declaration of non-infringement and claim damages for the unjustified threat. Only send this letter if you have a genuine, well-founded basis for the infringement claim. Template only — not legal advice.

## POST-NOTICE FOLLOW-UP AND ESCALATION STRATEGY

**5.1 If the Recipient Does Not Respond.** If no response is received within the stipulated period, the next steps are: (a) send a final reminder letter with a shorter deadline (7 days); (b) file a complaint in the appropriate High Court for an ex parte injunction under Section 135 of the Trade Marks Act 1999 — courts can grant temporary injunctions to stop ongoing infringement while the case is heard; (c) file a police complaint for criminal infringement under Section 103 of the Trade Marks Act 1999 (fine up to Rs. 2 lakhs + imprisonment up to 3 years); and (d) report to online platforms (if infringement is online) — most major platforms have rapid takedown procedures for rights holders.

**5.2 If the Recipient Refuses to Cease.** If the recipient acknowledges the notice but refuses to stop, escalate to: (a) filing a suit for permanent injunction and damages — frame the suit as trademark infringement under Section 29 and/or passing off under common law, and include a prayer for interim injunction; (b) seek an Anton Piller order (search and seizure) if there is risk of evidence destruction; (c) seek a Mareva injunction (asset freezing) if the infringing party may dissipate assets before judgment; and (d) consider whether a negotiated settlement (coexistence agreement, acquisition of the infringing mark, or licence) is commercially preferable to litigation.

**5.3 If the Recipient Agrees to Cease.** Obtain a written undertaking confirming: cessation of all infringing use; removal of all infringing online content by a specified date; agreement not to use the mark in the future; optionally — payment of damages or a licence fee; and execution of a formal Coexistence Agreement or Settlement Deed. Do not simply accept a verbal assurance — insist on a signed written undertaking on appropriate stamp paper. Keep the undertaking as evidence and monitor for resumed infringement.

**5.4 Groundless Threats of Infringement.** Under Section 142 of the Trade Marks Act 1999, a person who has received groundless threats of infringement proceedings may apply to court for: a declaration that the threats are unjustifiable; an injunction against the continuance of the threats; and damages for any loss suffered as a result of the threats. The Company should only send this cease and desist letter if it has a genuine and well-founded basis for the infringement claim. Sending this letter on weak grounds could backfire and result in the Company itself facing a damages claim.

## CRIMINAL AND CUSTOMS ENFORCEMENT OPTIONS

**6.1 Criminal Enforcement Under the Trade Marks Act 1999.** Trademark infringement in India is both a civil wrong and a criminal offence. Under Section 103 of the Trade Marks Act 1999, applying a counterfeit trademark to goods or services is punishable with: imprisonment for a term that may extend to 3 years; a fine that may extend to Rs. 2,00,000; or both. For repeat offences, the minimum sentence is 1 year imprisonment and minimum fine of Rs. 1,00,000. Criminal complaints are filed with the Cyber Crime Cell or the economic offences wing of the local police. The Company should file criminal complaints (after civil enforcement attempt) for deliberate, large-scale counterfeiting operations rather than for inadvertent or small-scale infringement.

**6.2 Customs Enforcement — Preventing Infringing Imports.** The Intellectual Property Rights (Imported Goods) Enforcement Rules 2007 (IPRER 2007) provide a powerful tool for trademark owners: (a) Record your trademark with the Customs authorities at the Central Board of Indirect Taxes and Customs (CBIC) by submitting an application with proof of registration, details of the mark, and authorised importers; (b) Once recorded, Customs officers have powers to detain suspected infringing goods at the border for inspection; (c) Rights holders are notified and given an opportunity to inspect detained goods; and (d) If goods are confirmed as infringing, they can be seized and forfeited or destroyed. This is particularly effective for consumer goods, electronics, and branded products where physical counterfeiting is a risk.

**6.3 Online Marketplace Enforcement.** Major e-commerce platforms operating in India have brand protection programmes: (a) Amazon Brand Registry — free for registered trademark owners; allows bulk removal of infringing listings, proactive monitoring, and brand-verified product pages; (b) Flipkart Brand Protection — similar programme requiring trademark registration; (c) Meesho, Myntra, and other platforms — most have a brand protection policy reachable through their seller support portals. File reports directly through each platform's intellectual property complaint form. Platform enforcement is often faster and less expensive than court proceedings for online infringement.