

Trademark Watch and Monitoring Policy (India)

Systematic policy for monitoring the Trademark Registry and online channels for conflicting marks

HOW TO USE THIS TEMPLATE

1.	A trademark watch service alerts you when confusingly similar marks are filed.
2.	The opposition window is 4 months from publication — if you miss it, the mark may be registered.
3.	Set up automated monitoring on ipindiaonline.gov.in and consider a commercial watch service.
4.	Respond to every potential conflict — even if you choose not to oppose, document your analysis.
5.	Vigilance is a legal requirement for maintaining the strength of your mark.

1. PURPOSE AND SCOPE

1.1 This Trademark Watch and Monitoring Policy establishes the Company's systematic approach to monitoring the Trademark Registry for conflicting mark applications, detecting unauthorised use of the Company's marks online and in commerce, and responding promptly to any conflict or infringement detected.

2. MARKS UNDER WATCH

Mark	Registration No.	Classes	Watch Type	Watch Service
[Mark 1]	[TM Reg. No.]	[Classes]	[Identical / Phonetic / Visual / Combined]	[Manual IPO / Commercial service name]
[Mark 2]	[TM Reg. No.]	[Classes]	[Identical / Phonetic / Visual / Combined]	[Manual IPO / Commercial service name]
[Mark 3]	[TM Reg. No.]	[Classes]	[Identical / Phonetic / Visual / Combined]	[Manual IPO / Commercial service name]

3. MONITORING SOURCES AND FREQUENCY

<pre>Paragraph('caseSensitive': 1 "encoding': 'utf8' text: 'Source' 'frags': [ParaFrag(__tag__='b', bold=1, fontName='Helvetica-Bold', fontSize=8, greek=0, italic=0, link=[], rise=0, text='Source', text Color=Color(.266667, .266667, .2 66667, 1), us_lines=[])]) 'style': 'bulletText': None 'debug': 0) #Paragraph</pre>	<pre>Paragraph('caseSensitive': 1 'encoding': 'utf8' text: 'What to Monitor' 'frags': [ParaFrag(__tag__='b', bold=1, fontName='Helvetica-Bold', fontSize=8, greek=0, italic=0, link=[], rise=0, text='What to Monitor', textColor=Color(.266667, .266667, .266667, 1), us_lines=[])]) 'style': 'bulletText': None 'debug': 0) #Paragraph</pre>	<pre>Paragraph('caseSensitive': 1 "encoding': 'utf8' text: 'Frequency' 'frags': [ParaFrag(__tag__='b', bold=1, fontName='Helvetic a-Bold', fontSize=8, greek=0, italic=0, link=[], rise=0, text='Fr equency', text Color=Color(.2 66667, .26666 7, .266667, 1), us_lines=[])]) 'style': 'bulletText': None 'debug': 0) #Paragraph</pre>	<pre>Paragraph('caseSensitive': 1 "encoding': 'utf8' text: 'Responsible' 'frags': [ParaFrag(__tag__='b', bold=1, fontName='Helvetica-Bold', fontSize=8, greek=0, italic=0, link=[], rise=0, text='Responsible', textColor= Color(.266667, .266667, .2666 67, 1), us_lines=[])]) 'style': 'bulletText': None 'debug': 0) #Paragraph</pre>
Indian Trademark Journal (ipindiaonline.gov.in)	Newly published marks in relevant classes	Weekly	IP Manager / TM Agent
IPO e-filing portal alerts	New applications in watched classes	On notification	IP Manager
Commercial TM watch service (if contracted)	Automated identical + phonetic + visual watch	As per service agreement	TM Agent
Google / Internet search	Unauthorised use of mark in domain names, websites	Monthly	Marketing / IP Manager
Social media monitoring	Unauthorised use of mark on Instagram, LinkedIn, Twitter	Weekly	Marketing team
E-commerce platforms	Unauthorised use on Amazon, Flipkart, Meesho	Monthly	Marketing / IP Manager
App stores	Infringing apps using similar name or logo	Quarterly	Product / IP Manager
Domain name monitoring	Domain registrations similar to Company marks	Monthly	IT / IP Manager

4. RESPONSE DECISION FRAMEWORK

4.1 On Detecting a Potentially Conflicting Application:

Step 1 — Assess similarity	Is the mark identical / phonetically similar / visually similar to the Company's mark? Does it cover overlapping goods/services?
Step 2 — Assess harm	Would a consumer be confused between the marks? Does the new application dilute the Company's brand?
Step 3 — Opposition deadline	When was the mark published? The 4-month opposition window runs from the publication date in the TM Journal.
Step 4 — Decision	File opposition (Form TM-O) / Send watch notice to filer / Monitor without action / No action required

Step 5 — Document decision	Record the analysis and decision in the watch register regardless of outcome
-----------------------------------	------------------------------------------------------------------------------

5. WATCH INCIDENT LOG

Date	Conflicting Mark	Application No.	Applicant	Classes	Similarity Assessment	Action Taken	Outcome
[Date]	[Mark]	[No.]	[Applicant]	[Classes]	[Low/Med/High]	[Action]	[Result]
[Date]	[Mark]	[No.]	[Applicant]	[Classes]	[Low/Med/High]	[Action]	[Result]
[Date]	[Mark]	[No.]	[Applicant]	[Classes]	[Low/Med/High]	[Action]	[Result]
[Date]	[Mark]	[No.]	[Applicant]	[Classes]	[Low/Med/High]	[Action]	[Result]

IMPORTANT NOTE

THE OPPOSITION WINDOW IS 4 MONTHS — IT CANNOT BE EXTENDED. After a trademark is published in the Indian Trademark Journal, any person has 4 months to file an opposition (Form TM-O). If you miss this window, the mark will be registered and challenging it later is far more expensive and uncertain. Do not wait for the monthly review — check weekly for newly published conflicting marks.

ONLINE BRAND PROTECTION AND ENFORCEMENT

6.1 Domain Name Disputes — INDRP and UDRP. When a third party registers a domain name that incorporates or is confusingly similar to the Company's trademark, the Company can: (a) file a complaint under the .IN Domain Dispute Resolution Policy (INDRP) administered by NIXI — for .in domains, faster and cheaper than litigation; (b) file a complaint under the Uniform Domain Name Dispute Resolution Policy (UDRP) administered by WIPO or ICANN-accredited providers — for .com and global TLDs; or (c) file a suit for passing off and trademark infringement in the relevant High Court. INDRP proceedings typically resolve in 3–6 months. Document the infringing domain registration details immediately on discovery.

6.2 Social Media Brand Protection. Major social media platforms provide brand protection mechanisms: (a) Facebook/Instagram — file a report through the Facebook Brand Rights Protection portal; (b) Twitter/X — file a trademark complaint at help.twitter.com/forms/trademark; (c) LinkedIn — report trademark infringement via the Help Center; (d) YouTube — use the Copyright Management Tools or Trademark Complaint form; (e) Amazon India — use Amazon's Brand Registry to protect against counterfeit listings (requires a registered trademark). Pre-emptively register your brand on all major platforms even if not actively using them, to prevent cybersquatting.

6.3 Dealing With Counterfeits and Grey Market Goods. Physical counterfeiting and grey market imports require different enforcement tools: (a) Custom Recordal — record your trademark with the Customs authorities under the Intellectual Property Rights (Imported Goods) Enforcement Rules 2007, which empowers Customs to seize infringing imports; (b) Police Complaint — trademark infringement is a criminal offence under Section 103 of the Trade Marks Act 1999; file an FIR with the Cyber Crime Cell or the Anti-Counterfeit Cell of the local police; (c) Anton Piller Orders — a High Court may grant an ex parte search and seizure order where there is risk of evidence being destroyed; (d) Market Raid — engage a private investigator to document counterfeit activity and coordinate with police for a market raid.

6.4 Building a Brand Protection Budget. Brand protection is an ongoing investment, not a one-time cost. A basic annual brand protection budget for a startup should include: TM watch service subscription (Rs. 15,000–50,000/year depending on provider and scope); monitoring software for e-commerce platforms (optional — Rs. 20,000–1,00,000/year); trademark renewal fees (Rs. 4,500/class/10 years, budgeted annually); opposition and prosecution costs (Rs. 15,000–50,000 per opposition handled by attorney); enforcement actions (budgeted as a contingency — Rs. 50,000–5,00,000 depending on severity). Strong brands require sustained investment in protection — the cost of enforcement is always lower than the cost of losing the brand.

BUILDING A COMPREHENSIVE BRAND INTELLIGENCE PROGRAMME

7.1 Competitive Intelligence Through Trademark Monitoring. Trademark filings are a rich source of competitive intelligence. New trademark applications reveal: competitors entering new product categories; companies planning to launch in India for the first time; corporate restructurings and rebrandings; and early signals of new product launches (before public announcement). Assign the IP Manager or a Business Analyst to quarterly review trademark filings by key competitors in relevant classes. This intelligence can inform product roadmap, market entry timing, and fundraising narratives.

7.2 Digital Brand Protection Tools. Modern digital brand protection goes beyond the Trademark Registry: (a) MarkMonitor, BrandShield, and Corsearch offer automated monitoring across domain registrations, social media, e-commerce platforms, app stores, and the dark web for trademark infringement; (b) Google Alerts set for the Company's marks and common misspellings provide free basic monitoring; (c) App store keyword monitoring identifies apps that are using the Company's trademark as a keyword to redirect potential customers; and (d) Image search tools (Google Reverse Image Search, TinEye) can identify unauthorised use of logo and brand imagery. The cost of digital brand protection tools ranges from Rs. 50,000 to Rs. 5,00,000 per year depending on the level of sophistication required.

7.3 Trademark Policing vs Trademark Bullying. There is an important distinction between legitimate trademark policing (protecting genuine consumer confusion and dilution risks) and trademark bullying (aggressive enforcement against non-competing, non-confusing uses). Indian courts have occasionally penalised companies for groundless threats of trademark infringement proceedings under Section 142 of the Trade Marks Act 1999. Maintain a proportionate enforcement posture: focus on uses that could genuinely confuse consumers or damage brand value; respond to all potential infringements but calibrate the response to the severity; avoid sending cease and desist letters for uses that pose no realistic consumer confusion risk; and document the commercial rationale for all enforcement decisions.