



Department of Industrial Policy & Promotion
Government of India
Ministry of Commerce & Industry



Madrid System Market Research in India

**“MARKETING CAMPAIGN IN INDIA FOR
INTERNATIONAL REGISTRATION OF
TRADE MARKS”**

by

Prof. A. Damodaran

with

Mariappan Sundaram

31st March 2016 (Revised)



भारतीय प्रबंध संस्थान बेंगलूर
INDIAN INSTITUTE OF MANAGEMENT
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Indian Institute of Management Bangalore (IIMB) was commissioned by the World Intellectual Property Organization (WIPO) and the Department of Industrial Policy & Promotion (DIPP), Ministry of Commerce & Industry, Government of India to undertake this project. This project was announced by WIPO in the presence of the Honorable Smt. Nirmala Sitharaman, Minister of State (Independent Charge) for Commerce & Industry, Government of India, in New Delhi on 20th July 2015. The goal of the project is to provide information and insights on the Indian trade mark market to enable design and implementation of a marketing campaign to encourage greater use of the Madrid System for the International Registration of Marks by Indian applicants and their representatives, in particular amongst companies that form part of the sectors identified under the “Make in India” program.

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Bangalore

31st March 2016 (Revised)

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Executive Summary

This report has been prepared by the IIMB study team based on a pilot survey of 30 firms in India, the majority of which fall in sectors under the 'Make in India' Program. The Small and Medium-Sized Enterprise (SME) sector accounted for 53% of the pilot sample. Our pilot sample had five companies that had used the Madrid System, of which one company fell in the SME Category.

1. Findings

The principal findings yielded by the pilot survey are as follows:

- More than 73% of the sampled companies/SMEs indicated awareness about the Madrid System for the International Registration of Marks.
- Nearly 59% of the sampled companies have decisions on Trade Mark Registration taken by the top Management *i.e.* the Board and the CEOs.
- However when it comes to decision making on Madrid System related registrations, it is seen that 57% of the companies indicated that decision making vests with Directors (Legal Services).
- Amongst those companies who have gone for international registrations (11 in number), seven went for the Madrid Route and the remaining took to the direct filing route. The majority of the Companies (including those that have not gone for international registrations) attributed non awareness of procedure (33%), costs (27%) and non interest in overseas operations (16%) as the reasons for their indifference to the Madrid System.
- Nearly 65% of the sampled companies rated 'Product Visibility' to be a critical factor influencing trade mark registrations, while 65% of the sample considered 'Brand Loyalty' to be the important factor driving registration of trade marks. Interestingly, nearly 73% of the surveyed companies considered 'infringement' to be main reason for trade mark protection. Only 53% of the sampled companies considered 'Corporate Value impacts' to be an important factor driving registration of trade marks. Indeed few of the sampled companies considered trade mark protection as contributing to 'sales revenues' or increased 'Willingness to Pay' for their Products. The surveyed companies also rated 'Recall Value' or 'Goodwill' to be major factors governing their decisions on trade mark registration.
- It is obvious from the above pilot findings that there is an information asymmetry problem for Indian Companies when it comes to the benefits of trade marks in general and the Madrid Protocol in particular. This is a critical constraint that needs to be addressed by any National level Marketing Campaign in India that is designed to promote Madrid Protocol based registrations. The accent of the Madrid Protocol marketing campaign should not just be to promote general awareness about the Madrid Protocol amongst target industries but also to facilitate greater awareness of the branding prospects entailed by Madrid registrations. Indeed it is even more critical to bring to the attention of the target groups, the deeper strategic economic benefits that the Madrid Process can offer them. Apart from the early brand building advantage offered on new and innovative products, we argue that the Protocol has the potential to offer Indian companies (including SMEs) deeper and more fundamental economic advantages. The deeper strategic economic benefits of the Madrid Protocol mentioned in this Report, include the access of companies and firms, holding international registrations, to transnational incubation systems, their smoother integration to the global supply chain of international companies

functioning in India and abroad, increased contribution to domestic content by India's SMEs that have gone for Madrid registrations and lastly increased franchising opportunities afforded by Madrid registrations. All the four trade mark attorneys interviewed by us as part of the pilot survey considered centralized filling of applications, centralized management of trade mark rights, cost savings, speedier process to be the superior strengths of the Madrid System. They were of the view that the Madrid System helped Export Oriented Indian companies to optimize their brand value both within India and abroad. One of them felt that registering marks through the Madrid Protocol entailed higher costs than registering marks directly in each market of interest.

2. Recommendations

The report argues that the marketing campaign for the Madrid System in India should be integrated to the national branding exercise initiated by the Government of India through the 'Make in India' program.

To derive economies of scope from Indian national branding efforts, it is vital that the Madrid System Marketing Campaign be nested within the national branding campaign under way through the 'Make in India' program. This is because the advantages of 'scale', 'customer longing' and 'customer intimacy' generated by national branding efforts can embellish the key economic messages we have been trying to convey through other specialized forums. Thus the marketing campaign components for the Madrid System in India should be an integrated part of India's 'Make in India' road shows organized by DIPP and not be done independently. The report accordingly proposes the contours and content of a 'three phase' intense marketing campaign on the Madrid Protocol targeting 'Make in India' and 'Start-up India' Companies. The Report also proposes a Public Education and Awareness Campaign in the medium term to support the Madrid System Marketing Campaign, and a few enabling policy measures that can make these campaigns effective.

Backdrop

India joined the Madrid System in 2013. The strategic significance of India's accession to the Madrid Protocol needs to be gauged against the backdrop of the 'Make in India' Program ushered in by the Government of India in September 2014. The 'Make in India' program will enable promising enterprises from India to attract capital investments, develop innovative technologies and create quality job opportunities for the country's young and dynamic human resources. It is our argument here that the ambitious economic operations planned by 'Make in India' companies cannot translate into sustained market competitiveness unless these operations are enabled by strong brand building measures. Hence it is the policy accent of the 'Make in India' program to ensure that there is a rapid growth in the international registration of trade marks from India's SMEs and large corporates connected to the program. The inauguration of the 'Start-up India' program during January 2016 with focus on innovation based new enterprises, has further raised the urgency for accelerating international registration of trade marks by start-ups in India with innovative products and services.

A comparison of the data on trade marks (TM) registrations in India with the United States of America (USA) during the period from 2005-06 to 2013-14 do not indicate major disparities in registration numbers between the two countries. Indeed India is one of the leading countries in registrations. Nevertheless, available data on trade mark registrations indicate an interesting trend. While India had registered more TM applications in 2005-06, the situation has changed since then. The 'filing' to 'registration' ratio was high for India until 2008-09 when compared to USA. However registrations crossed the 200,000 mark in the US since 2008-09 despite the fact that the US economy was hit by a major economic crisis during the mentioned period.

India's TM registrations (as against 'applications' filed) rarely crossed the 200,000 mark at any stage during the eight year period. Rather, during the period 2009-10 to 2013-14, India's TM registrations fell below the 100,000 level. Though these observations are based on bare descriptive statistics, one can safely infer that the Indian TM 'market' {as reckoned in terms of applications filed and registration provided} needs to be insulated from the cyclical swings of the economy. It is obvious that for this to be achieved, the profile of products and services created by Indian companies and enterprises are not only qualitatively superior but are also perceived to be so. The Madrid System for the International Registration of Marks which became operational for India in July 2013 affords a window of opportunity for Indian firms, as the System will create a facilitating environment for Indian brands to discover their intrinsic value in the global market. Such a situation would, in turn, synergize well with the 'Make in India' and 'Start-Up India' programs of the Government of India.

Accordingly, the IIMB study entailed exploration of the following aspects:

- The current level of awareness about the Madrid System in India
- The decision making points on international brand protection in Indian Corporates/SMEs
- Current options in use for international registration
- Factors governing decision on international registration in organizations
- Planning and product development cycles relevant to decision making
- Trusted source of information
- Type and depth of information required for decision making
- The trusted agent that conducts filing and management of TM Portfolio (e.g. in-house counsel, marketing or other operational units, TM agents and law firms)

- Characteristics of ideal users
- Channels of communication to best reach ideal users Best way to compile contact lists of ideal users

Based on the findings of the survey, we have made recommendations regarding the design of a Madrid system marketing campaign to promote the Madrid Protocol filings from India by reaching out to target audiences and promotional channels with key messages.

Methodology

The study entailed a pilot survey involving a small sample of corporates and SMEs largely drawn from the 'Make in India' sectors.

A questionnaire was devised for the purpose of the study and distributed in online format via email to a pilot sample company contacts.

The sample companies that have responded to the survey are drawn from different geographic regions and sectors in India. The pilot sample units are non-overlapping in nature. The final sample of 30 has been drawn from the cities of Mumbai, Bangalore and Chennai.

Following the pilot survey, the questionnaire has been revised. It is proposed to take up a larger cross section of sectors for a detailed survey in future, based on a revised version of the questionnaire. The pilot survey questionnaire and the revised questionnaire are provided in Annexures 2 and 3 of this Report.

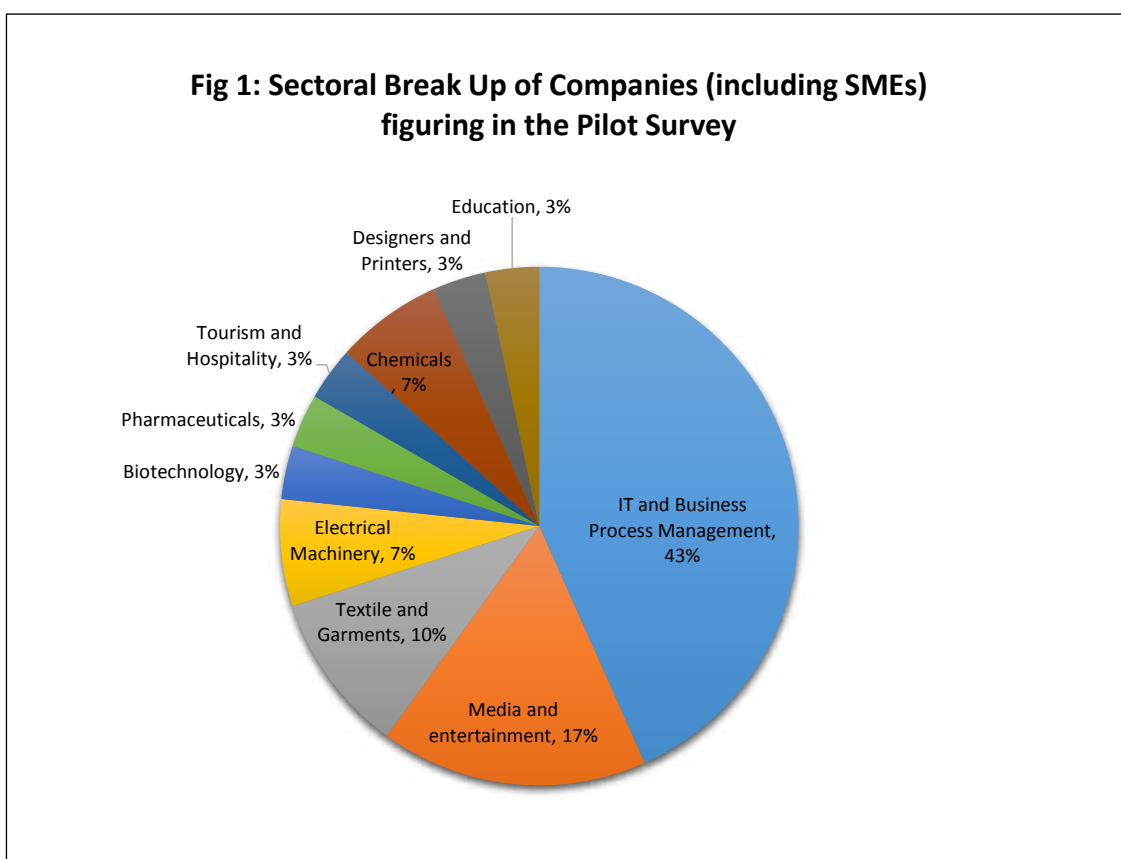
Responses to the Madrid System: Findings from the Pilot Survey

The Madrid System makes it possible for a trade mark holder to apply for trade mark registration in multiple countries by filing a single international application in one language, paying a single set of fees in one currency via a national or regional intellectual property office. It simplifies the process of trade mark registration abroad by eliminating the need to file a separate application in each jurisdiction in which protection is sought. The System also facilitates managing the mark after registration, as it is possible to centrally request and record further changes or to renew the registration through a single procedural step.

Findings from the Pilot Survey

A pilot survey was conducted by us during January - February 2016. This involved a cross-section of 30 firms in India drawn from different industries. The majority of the respondents were from the 'Make in India' sectors. The SME sector accounted for 54% of the sample - with the remaining 46% comprising of large enterprises. Our sample had five companies that had used the Madrid System, of which one company was in the SME sector. Four companies in the sample had gone for registration abroad through direct filing, non-Madrid Protocol route.

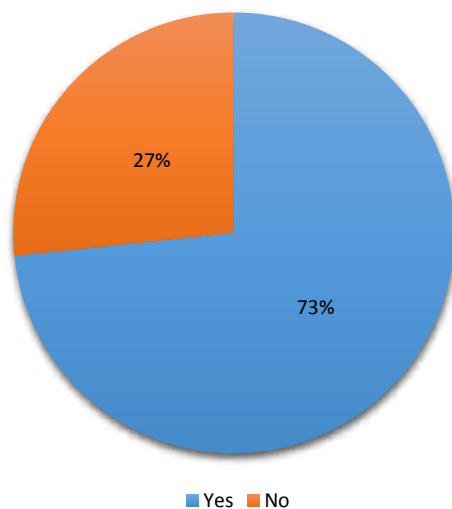
Fig 1 sums up the sectoral break-up of the companies (including SMEs) that figured in the pilot survey.



As Fig 1 brings out, 93% of the pilot sample included companies/ firms that fell within the 'Make in India' sectors. The 'Make in India' sectors of defence, avionics and automobiles did not figure in the sample.

Fig 2 brings out the awareness level about the Madrid Protocol amongst companies figuring in the pilot sample.

Fig 2 : Awareness of the Madrid Protocol



As may be seen from Fig 2, 73% of the firms in the pilot sample stated that they were aware of the Madrid System for the International Registration of Marks. However the level of awareness was low as it did not extend to knowledge about the Madrid Process.

Fig 3 brings out decision making entities on trade mark registration in the sampled companies.

Fig 3: Decision makers of Companies having Trade Mark

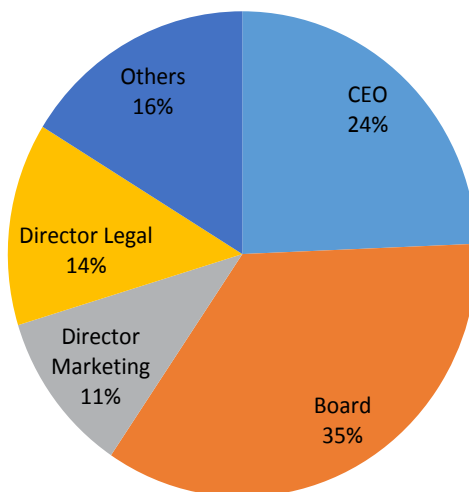
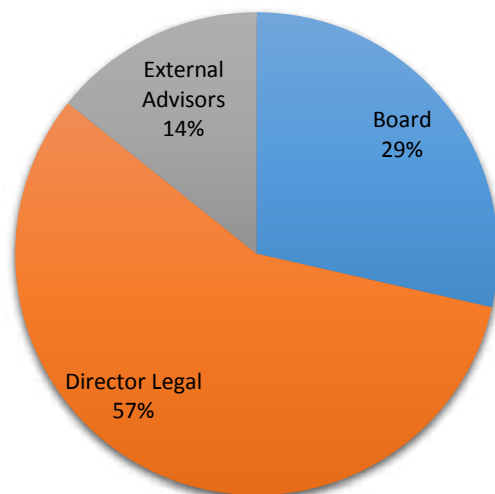


Fig 3 indicates that in the majority of the cases, decisions on trade mark registration are predominantly taken by the top Management tiers of Companies (Company Boards and CEOs).

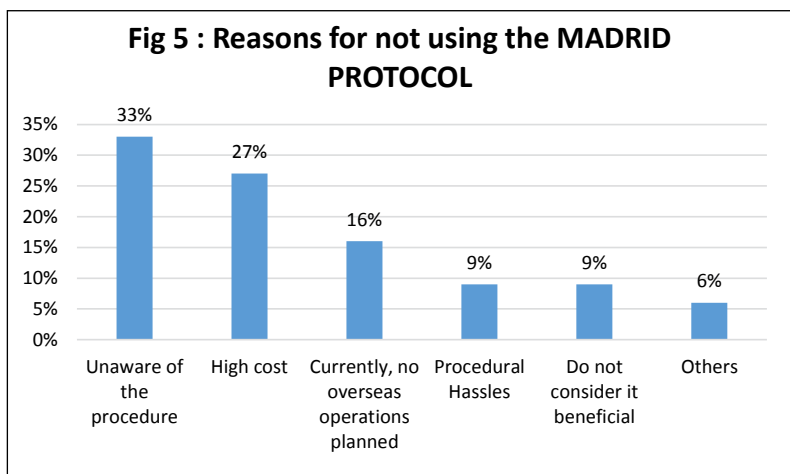
However as Fig 4 paradoxically brings out, when it came Madrid System registrations, decision making was done by lower level functionaries.

Fig 4: Decision makers on Registration of TMs through the Madrid Protocol



In terms of Fig 4, nearly 57% of the companies indicated that decision making on Madrid Process was/would be taken by the Director (Legal Services) of the companies concerned.

Fig 5 brings out the reasons for the surveyed companies not being interested in the Madrid Process:

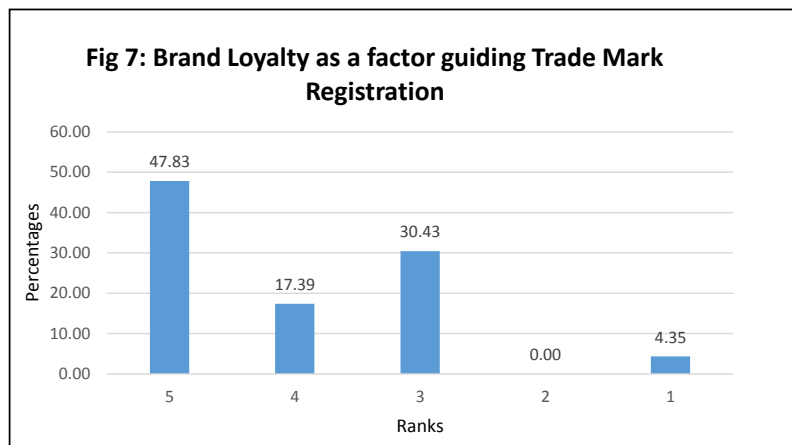
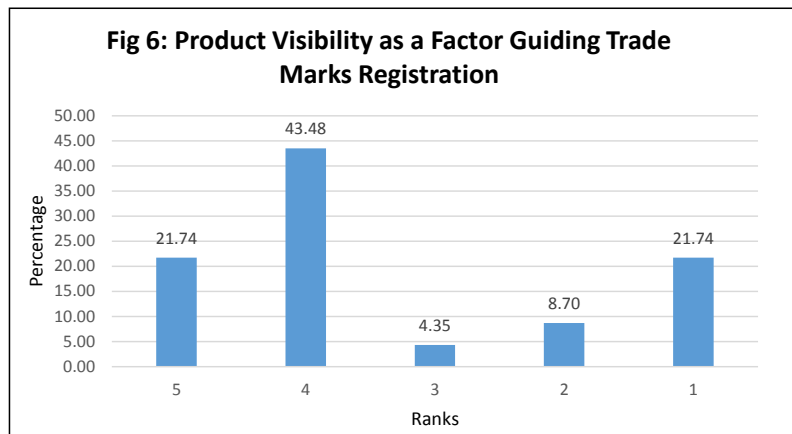


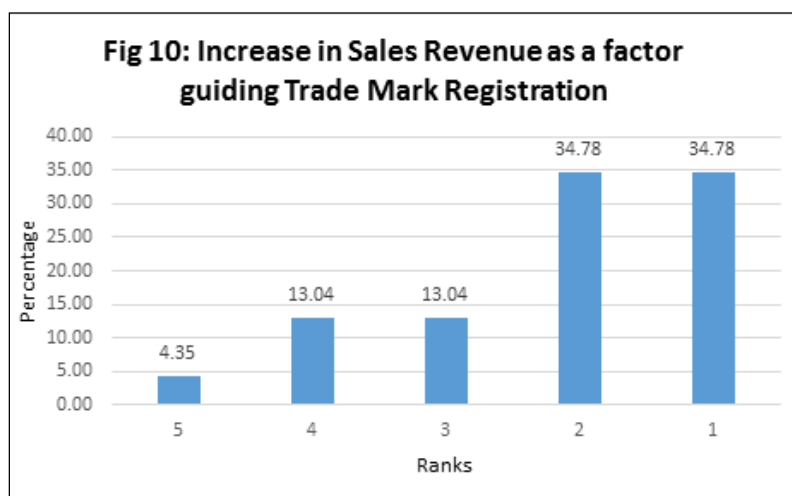
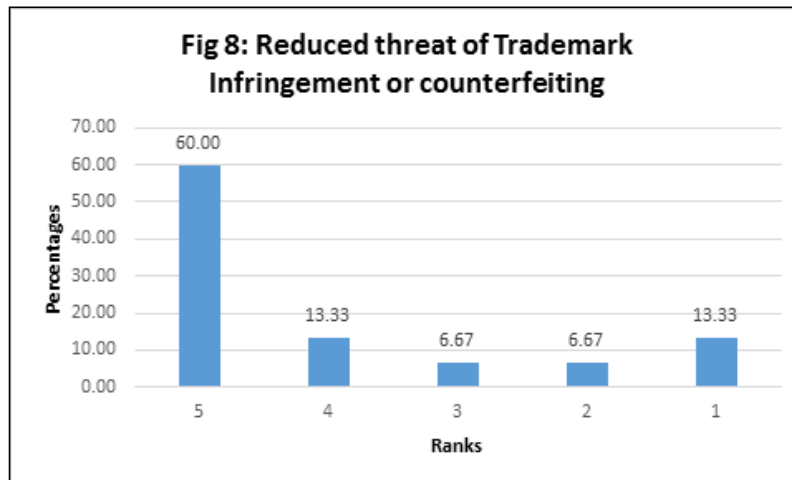
As may be seen from the Fig 5, Companies (including those that had not gone for any international registrations) attributed their indifference to the Madrid Protocol to ‘non-awareness of Madrid procedures’ (33%), ‘cost disadvantages’ (27%) and ‘non interest in overseas operations’ (16%).

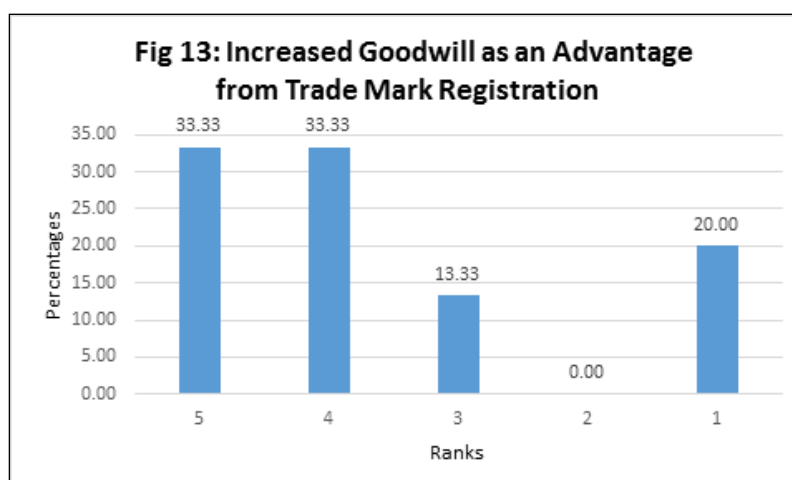
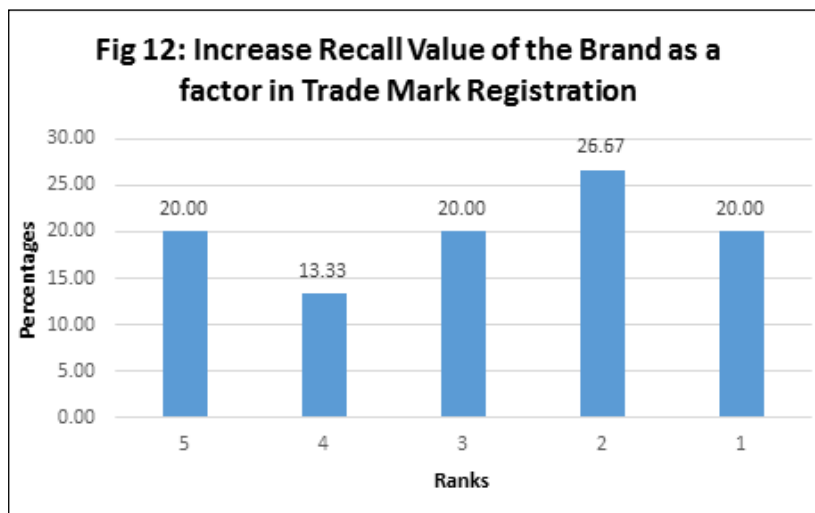
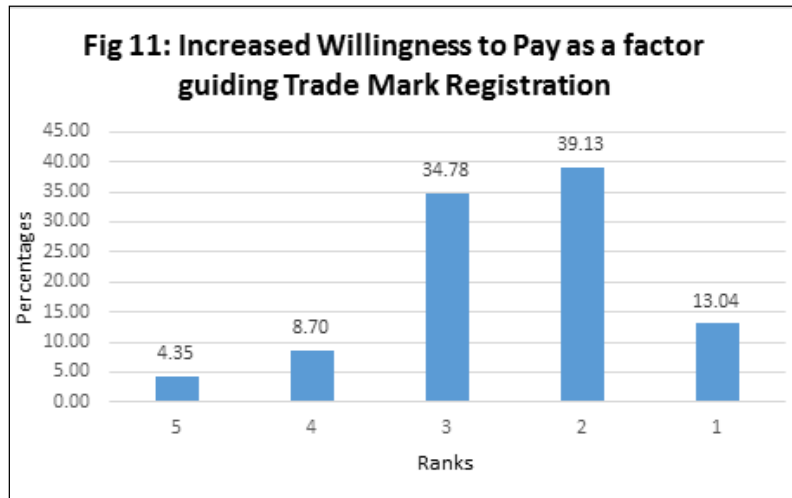
We requested the sampled companies to rank the various positive attributes of trade marks in a scale of one to five (with the highest rank being five). The responses threw up interesting results which are discussed below as under:

- Nearly 65% of the sampled companies rated ‘Product Visibility’ to be a critical factor in trade mark registration (Fig 6) while 65% of the sample considered ‘Brand Loyalty’ to be important factor driving registration of Trade Marks (Fig 7).

- Nearly 60% of the surveyed companies considered trade mark Infringement to be the main reason for registration of trade marks (Fig 8).
- By contrast, only 53% of the sampled companies felt that trade marktrade marks brought in positive 'Corporate Value' to them(Fig 9).
- Majority of the sampled companies did not consider trade mark registrations as contributing to sales revenue (Fig 10) or to increased Willingness to Pay for the Product (Fig 11)
- Majority of the surveyed companies considered 'Recall / Goodwill of a Brand to be important factors guiding their decisions on trade mark registration (Figs 12 & 13).







Broad Inferences

The pilot survey results reveal the following facts

- **Current level of awareness:** nearly early 73% of the sampled companies were aware of the Madrid Protocol. However the awareness is largely superficial since there are glaring misperceptions about the 'processes' and 'procedures' associated with the System.
- **Locus of decision making on trade marks in Indian Corporates/SMEs:** a skewed pattern is revealed. Going by the pilot sample, it appears that while decision making on 'trade marks' is top heavy, the same does not appear to be the case with decisions on international registrations through the Madrid System route. The latter appears to be taken at the level of the Directors (Legal) in most of the companies concerned. This would perhaps mean that the Madrid Protocol is a lower priority for most companies in the sample or is seen as a subsequent procedural action for managing TM rights.
- **Current options in use for international registration:** Majority of the companies in the sample have opted to go for the direct route of International registration on a 'case to case' basis. Only seven of them have gone for the Madrid Route to file their marks. In all fairness the low numbers on this score could also be due to recent entry of India to the Madrid Protocol.
- **Factors governing decision on international registration:** Companies in our pilot sample do not appear to have sound information on the process and procedural simplicity of the Madrid Process as afforded by its centralized processing systems. On the contrary, the majority of the companies had the view that the Madrid System was complex in procedures and entailed high transaction costs. To this may be added the largely prevalent mis-conception that the Madrid Process was relevant only to companies that were planning overseas operations. As we subsequently argue Madrid registrations help a start-up in India to avoid perverse import competition, avail unanticipated early bird advantages in overseas markets and facilitate location of partners overseas who can take an infant product through its life cycle or provide franchizing opportunities to Indian Startups.
- **Planning and product development cycles relevant to decision making:** The pilot survey results did not throw much light on this issue. However the principal author's experience with the 'clean' and 'renewable energy' sectors (notably with solar, wind and clean coal combustion technologies) indicate that innovative technologies could migrate from one country to the other in the course of their life cycle. The cradle of innovative renewable technologies could be in one country while their adaptation and commercialization phases could be developed in overseas stations. Such segmentation of the evolution process of certain innovative technologies call for 'joint roosting' by both domestic and international firms. The constraint with joint roosting is the difficulty of locating and tying up with appropriate partners in other countries who could help in developing technologies through their life cycle. The Madrid System for the International Registration of Marks could facilitate 'joint roosting' (or 'co-cubation' as we would refer to). This is because Indian start-ups and SMEs that have gone for Madrid process have a higher probability of locating and tying up with qualified overseas counterparts on account of the 'image symmetry' they obtain through an international registration with the Madrid System. By going for a Madrid registration Indian startups convey their international ambitions

and their credibility as companies that can potentially produce products that can generate goodwill in international markets.

- **Trusted source of information:** Trade mark Attorneys and in-house Legal Departments form trusted sources of information on Trade Mark Registration decisions and processes. Attorneys interviewed by us were supportive of the Madrid Process including its centralized processing benefits though one of them felt that the Madrid process was costly for individual registrants.
- **Type and depth of information required for decision making:** Company decisions on Madrid System related mark registrations are hamstrung for want of detailed information on 'costs' and 'benefits' of registration. Companies that are able to obtain critical data on costs and benefits are able to conduct informed cost-benefit analysis and arrive at objective decisions on trade mark filings in general and on Madrid System registrations in particular.
- **Trusted agent that conducts filing and management of TM Portfolio:** Trusted agents include in-house legal Departments which trigger company filings and TM attorneys and law firms that undertake filings on behalf of Companies. Our pilot survey indicates that the responsibility for managing a company's Trade Mark Portfolio rests with its senior management.
- **Characteristics of ideal users:** Ideal users of the Madrid process are firms that come under the 25 sectors covered by the 'Make in India' program. India's 'Make in India' sectors being the dynamos of the future growth strategy of India's economic growth in the coming decade have much to gain by the Madrid process.
- **Channels of communication to best reach ideal users:** Our surveys and studies indicate that business associations in India such as the Confederation of Indian Industry (CII), the Federation of Indian Chambers of Commerce and Industry (FICCI), the Associated Chambers of Commerce and Industry of India (ASSOCHAM) and the Federation of Indian SMEs (FISME) form some of the most promising channels to reach out to potential Madrid System users. These agencies need to request their members to participate in the awareness workshops, filing clinics and partnership summits that will be undertaken by the DIPP to kick start the Marketing Campaign on the Madrid System.
- **Best way to compile contact lists of ideal users:** We feel that the best way to get the co-ordinates of ideal users is to reach-out to national level federations of business houses such as CII, FICCI, ASSOCHAM, All India Micro, Small and Medium Enterprises (MSME) Association, FISME and Federation of Indian Export Organization (FIEO).

Other Observations from the Pilot Survey Results

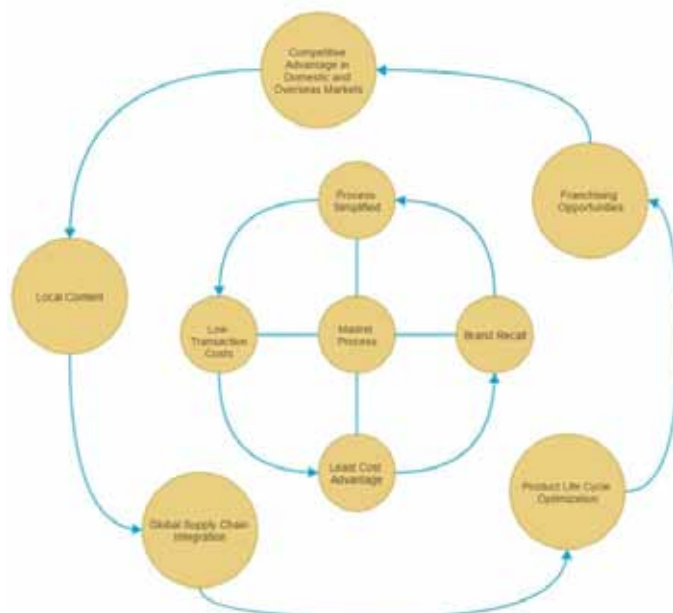
As mentioned earlier, the pilot survey results indicate that majority of the companies tended to devalue the invisible benefits of trade marks. Factors such as increased 'recall value' and 'Willingness to Pay' were not considered by the surveyed companies/SMEs to be important factors guiding consumer behaviour. The majority of the surveyed companies viewed trade marks as mainly an instrument to protect their products from counterfeits.

The absence of a clear understanding about the utility of trade marks in general and the Madrid Process in particular, necessitates the launch of a major marketing campaign on the Madrid System amongst Indian firms associated with the 'Make in India' and 'Start-Up India' Programs. A well designed marketing campaign can serve to correct the serious information asymmetries that are prevalent about the Madrid Process, besides bringing home to companies concerned, the substantial and strategic economic goodwill benefits that the Madrid System could offer

them. Indeed, these campaigns can draw valuable lessons from the positive ‘image dividend’ accruing to companies that have gone for the international registration of their marks through the Madrid Route.

Fig 14 illustrates the strategic economic benefits that arise to India’s firms from the Madrid Protocol.

Figure 14 : Strategic Economic Benefits to ‘Make in India’ and ‘Start-Up India’ Enterprises Through the Madrid Process



As Fig 14 brings out the direct benefits of the Madrid Process (namely simplified Process, Low Transaction Costs, least Cost advantage, Brand Recall and Goodwill) while being conceptually logical do not attract the attention of firms unless these benefits are situated within the overall matrix of strategic economic benefits. Strategic economic benefits accruing to a firm include ‘sustainable competitive advantage’, ‘contribution to local content’, ‘integration with Global Supply Chain’, ‘development of product life cycle’ and ‘optimization of franchising potential’. The latter factors serve to dispel the myth that the Madrid System is only relevant companies that export their products overseas. Contribution to local content enhances the economic activities of Indian start-ups coming under the ‘Make in India’ Program. This serves to boost the employment potential of Indian start-ups. Further, integration of Indian start-ups to the global supply chain offers them possibilities of faster integration to global markets and adds to their reputation as producers of quality components. Similarly by tying up with co-entrepreneurs in developed countries it becomes possible for Indian start-ups to develop or commercialize early stage products besides availing franchising opportunities for their products which would otherwise have commanded only a narrow market within their country.

In terms of the configuration in **Fig 14**, SMEs or large corporate start-ups that come under the sectors identified under the ‘Make in India’ program can be classified into two: those that produce ‘components’ and those which produce ‘finished products’. Both segments could leverage substantial benefits from the Madrid Process in the following manner:

Overcoming Perverse Import Competition

Startup ventures with quality, innovative products could immensely benefit by going for international registration of their product marks through the Madrid route as this

move prevents similar or closely aligned products from being developed in overseas markets by competitors. The latter would not only manage to get patent and related IP rights over these similar products but also succeed in acquiring trade marks that are deceptively similar to the brand name of the firm producing the original product in India. It is likely that these 'similar products' are exported by these mimicking overseas agencies to the Indian market at prices that under-cut the original Indian product. The advantage of Madrid route registrations is that it obviates such possibilities of perverse import competition.

Early Brand Presence for Start-Ups

The early brand presence of the original Indian product mark in overseas markets reduces the chance of competing trade marks being registered in such markets. India's traditional medicines and pharmaceutical sectors would particularly benefit from such early bird international registrations. Prior to India's accession to the Madrid Protocol, many start-ups in India had to swiftly move to overseas markets and use the cumbersome 'one- country-one filing route' of the past. A case in point is the Chennai based drug company 'Caplin Point Labs' which commenced as a start up in India and then branched off to Africa and Latin America to evolve into a million dollar enterprise. Today start-ups from India like 'Caplin Point Labs' will not have to wait for cumbersome trade mark registration procedures thanks to the Madrid Route available to them.

Integration to Global Supply Chains

Startup ventures that produce 'state of art' components enhance their chance to contribute to 'local content' of overseas production facilities in India. Indian component manufacturers who go for the Madrid route enhance their international image as an innovative company. Similarly startups that go for international registration of their marks through the Madrid System also get integrated to the global supply chains of Multinational Companies (MNCs) that function from India and abroad. Currently SMEs and large corporates in the defence and avionics sectors in India are not able to develop products that are integrated to the global supply chain or meet the domestic content or off-set requirements due to their perceived image as low cost manufacturers who are not able to withstand the rigorous testing and quality standards expected of them by overseas principals.

Early Bird Opportunities

Generating 'early bird' opportunities for Franchising in those overseas markets where they have registered their mark through the Madrid System. Franchising entails licensing of their protected trade marks overseas and transfer of know how while obviating the need for setting up production/vending facilities in overseas markets that call for large capital investments. Such opportunities are particularly useful for Indian companies/SMEs that operate in the garments, wellness and hospitality sectors.

Co-Cubation for Optimizing Life Cycle Development

Generating possibilities of partnering with international entrepreneurs located in the countries to take 'early stage developed products' from India to their commercial scale up stage. This optimizes the life cycle development of innovative products from India's incubation labs through a process of co-cubation. The 'Make in India' sectors that can profit from life cycle optimization include Indian Systems of Medicine, renewable energy, biotechnology and Information Technology.

Strategic Direction of the Marketing Campaign to promote the Madrid System in India

Multi – Phase, Segmented Marketing Campaigns

The marketing campaign for the Madrid System could proceed in three phases: All the three phases may be organized under the auspices of the DIPP. The first phase will comprise ‘Awareness Generation’ Workshops, the second phase will involve ‘Madrid Filing Clinics’ and the third phase will involve ‘Partnership Summits’. The focus of the first phase is to create awareness about the strategic economic benefits of the Madrid System, the application filing procedures and Madrid processes. This should be held in tandem with the ‘Make in India’ campaigns being organized in different regions of India. Speakers may be drawn from academia, existing industrial users of Madrid Process and Trade Mark Attorneys who have filed Madrid applications on behalf of their clients. These workshops may be undertaken over two days.

The focus of the second phase will be to have ‘Madrid Filing Clinics’ in various parts of the country, where the participants of the awareness workshops come with requisite papers / documents and prepare files for registration. This process could be facilitated by qualified Trade Mark Attorneys, Agents and CPTD officials. These campaigns, which may be held in the different regions of India, could be held over two days.

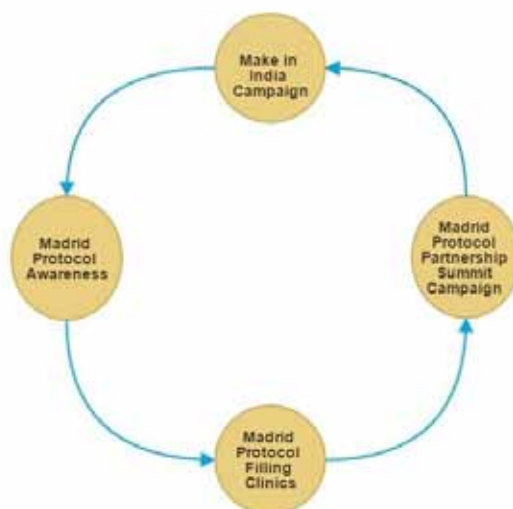
The third campaign is to facilitate partnering of Indian entrepreneurs and companies which have gone for international registrations under the Madrid System of their marks with potential co-entrepreneurs (working in the same product line) and Venture Capitalists from India and overseas. This is to facilitate co- development, co-cubation, franchising tie ups and life cycle optimization of products for Indian companies and SMEs that have used the Madrid System. ‘Partnering Summits’ could be held in New Delhi, Mumbai, Chennai, Bangalore, Kolkata and other major cities in India relevant to the ‘Make in India’ sectors. The duration of Partnering Summits may be kept at two days.

Ideally all the three workshops ought to be geared to key target audience. The Awareness Generation workshops and Partnering Summits should target CEOs and Director Level functionaries since these functionaries are the key decision making entities on trade mark registrations (including international registrations) in companies. The ‘Madrid System Filing Clinics’ should target Directors (Legal) of Companies and patent attorneys who are involved with trade mark registrations. Special breakout sessions may be held for companies that are focussed on finished products as distinct from those that focus on components and ingredients, since the nature of use of trade marks are different for the former as compared to the latter category of companies.

The best way to get the co-ordinates of campaign participants is to reach-out to Controller General of Patents, Trade Marks and Designs, apart from the national level federations of business houses such as CII, FICCI, ASSOCHAM, All India MSME Association, FISME and FIEO. Actual attendance at these campaigns can be optimized by relying on communication means that convey effectively to the ideal users on the desirability of participating in the three campaigns. Apart from providing co-ordinates of their members, business associations in India such as the CII, FICCI, ASSOCHAM and FISME can form very good channels to ensure that ideal users participate in these campaigns to the maximum extent.

Fig 15 illustrates the structure and trajectory of the three Madrid System Campaigns as described in the preceding section.

Figure 15: Structure of Road Shows Connected to Madrid System Marketing Campaign in India



Tapping the ‘National Branding’ Advantage: Integrating Madrid System Marketing Campaign as part of Make in India Campaigns

The Madrid System for the International Registration of Marks is especially important to India in the current juncture where we have attempted a high pitch country profiling campaign in the global and national forums through the ‘Make in India’ program. The Madrid Protocol assumes critical importance to Indian companies covered by the ‘Make in India’ program as it emphasizes upon on the primacy of protecting Intellectual Property Rights (IPRs).

The ‘Make in India’ program along with ‘Incredible India’ campaign is an ambitious national branding campaign. With these national branding exercises, India has joined a select group of countries like the United Kingdom, Spain, Singapore and Switzerland which have attempted ambitious programs to project their country’s changing profile to the world (Woo, 2009, Anholt, 2004 and Gilmour, 2002).

To derive economies of scope from our national branding efforts, it is vital that the marketing Campaign for the Madrid System companies be nested within the national branding campaign under way through the ‘Make in India’ program. This is because the advantages of ‘scale’, ‘customer longing’ and ‘customer intimacy’ generated by national branding efforts can embellish the key economic messages we have been trying to convey through other specialized forums. Thus the awareness campaigns for the Madrid System in India should be an integrated part of India’s ‘Make in India’ road shows organized by DIPP and not be done independently.

The Strategic Advantage of Trade Marks Preceding other IPRs in Overseas Markets

Conventional approaches that announce the manufacturing process of a company highlight the impressive array of patents, protected designs and copyrighted materials that a company possesses. These assets while useful in conveying the potential knowledge assets of a company, do not convey anything about the ability of a company to translate the innovation based assets into a business proposition. The Madrid route for the international registration of trade marks sends a positive signal about a company’s credibility as a potentially successful business entity. Therefore the Marketing Campaign on the Madrid Protocol should emphasize on how the Protocol has the potential to confer a company (blessed with substantial know-how and inventive IP assets) with a ‘market standing’.

Content of Madrid System Awareness Workshop

The curricula of the Madrid Protocol awareness campaigns should include the following aspects:

- Why the Madrid System Marketing Campaign is part and parcel of the nation's brand building process.
- A primer on the features of the trade marks in general and the Madrid Protocol in particular.
- The cost advantages (arising from single application, single fee, simple renewal procedures, zero translation costs and centralized system advantages) associated with Madrid Protocol as compared to country by country filing systems (WIPO,2012, Corby Anderson et al,2014).
- Detailed discussion of the Madrid Process
- Single filing systems and simplified processes associated with the Madrid Protocol
- Strategic Economic Benefits of availing the Madrid System (Local content, integration with the global supply chain, life cycle advantage, franchising) and how international registration of makes may ensure greater resource mobilization capabilities for companies concerned. The success story of Indian start-ups like Redbus, Rotimac and Maku Textiles can be adduced to highlight how promising start-ups with robust brand power can bring in new partnerships and sources of financing that enable them to develop innovative technologies. Thus the dimension of exports or products is not the only rationale for Indian Companies and SMEs to go for the Madrid route of trade mark registration.
- Direct benefits of trade mark protection including those brought in by the Madrid route
- Sectoral assessment of the advantages accruing from the Madrid Process
- Removing fears that the Madrid System carries hidden costs, or is vulnerable to 'central attack' and not suitable to non-exporting firms.
- Highlight the 'early mover' advantage afforded by international registration under the Madrid System.

Content of Madrid Filing Clinics

- Instructions on how to file applications and instructions on entering data on online forms, where applicable
- On spot filings of Marks under the Madrid Protocol by users firms

Content of the Partnership Summit

- Plenary Session on modalities of working out partnership arrangements , including instructions on the code of conduct governing negotiations
- Facilitating dialogue between potential Indian and Overseas partners for securing franchising deals, 'co-development' agreements or other arrangements for optimizing a product's life cycle from 'bench scale' stage to the 'commercial' scale stage

- Facilitating dialogues between venture capitalist and new partners for funding co-development of early stage products with trade marks registered under the Madrid System, or assistance for customization of established products developed abroad for completing the life cycle development for technologies/products.

The Way Forward

The Madrid System Marketing Campaign and its components can be anchored by the DIPP as part of its 'Make in India' campaign. Madrid Awareness Workshops, Filing Clinics and Partnership Summits can be organized by the DIPP through business associations like the Confederation of Indian Industry (CII), Federation of Indian Chambers of Commerce and Industry (FICCI), The Associated Chambers of Commerce of India (ASSOCHAM), the Federation of Indian SMEs (FISME) and the Federation of Indian Export Organization (FIEO). Since these three components have to be undertaken sequentially, they need to be taken up and implemented in repeated cycles. Ideally a cycle of three campaigns relating to the Madrid System could be completed in three months, with repeat cycles happening two months after the first cycle is over.

While the Awareness Workshops can cater to a group of 100-150, a Madrid Filing Clinic cannot have participation of more than 50 members as the accent of these workshops is 'task based' to secure 'on the spot' filings.

The Partnership Summits can have a threshold limit of 200 participants since they would involve not only the Indian entrepreneurs who figured in the Madrid Filing Clinics, but also overseas participants (including entrepreneurs from abroad) seeking partnerships with their Indian counterparts.

It will be desirable if the following policy initiatives are taken up in the larger interest of ensuring the success of the three phased Madrid Marketing Campaign:

- Co-cubation structures that link incubation centres from India with other national and overseas incubation centers that have entrepreneurs working on products or technologies that are aligned to the 'Make in India' sectors. Co-cubation helps faster scale up and speeds up early customization in overseas markets for innovative Indian products besides facilitating integration of the products concerned with the global supply chain of multinational companies operating in India and abroad.
- Under the auspices of the DIPP, establishing a real time data portal that registers new products under development in India's leading public and private incubators. The portal could draw in co-development interest from entrepreneurs from India and abroad, who desire to develop the product further and facilitate 'co-cubation'.

To sum up, India needs to undertake a 'three phase' intense marketing campaign on the Madrid System immediately, targeting 'Make in India' and 'Start-up India' Companies. If these campaigns are complemented by a few enabling policy measures, of the type described, it can go a long way in ensuring that innovative firms from India acquire international reputation as sustainable enterprises that produce globally recognized 'quality' products.

It will also be important to develop a Public Education and Awareness (PE&A) Campaign in the medium term to support the Madrid System Marketing Campaign detailed in the previous section.

The following measures could be considered by DIPP and partner organizations:

- Communicating on the Madrid System and Process to members of business associations and bodies through newsletters and/or direct mass mails
- Undertaking a social media campaign on the Protocol with the support of partnering organizations including business associations

- Disseminating information on the Madrid Protocol at shows and exhibitions connected with the 'Make in India', 'Start-up India' and 'Digital India' programs
- Publish tailored contents about the Madrid System on the websites of the Controller General of Patents, Trade Marks and Designs, India and other partner organizations
- Developing case studies on and video interviews with Madrid users and displaying them on the websites of partnering organizations including Business Associations
- Providing information kits for trade mark applicants, representatives, and exporting businesses in India
- Providing web/smartphone based applications on the Madrid System for the benefit of trade mark applicants in India

The detailed survey based on the revised questionnaire, will provide the opportunity to gather further information on Indian target groups for the Madrid System PE&A Campaign in India.

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Annexure 1

Glossary

This glossary provides definitions of key technical terms and concepts used in this report.

Brand Loyalty:

Expresses the faithfulness of consumers to a given product or brand and is manifested in repeated purchase of the brand irrespective of variations in price or aggressive marketing campaigns by competing brands.

Corporate value:

The financial and non-financial value corporates derive from their brands. Corporate value is best expressed by the recognition that consumers accord to a product's intrinsic and extrinsic qualities.

Counterfeit:

A false imitation/mimic of a real product that deceives a consumer by its uncanny resemblance to the original product or brand

Direct route:

The direct route enables individual IP applications to be filed directly with an IP office that is a signatory of the Paris Convention.

Goodwill:

The goodwill of a trade mark is the regard consumers have for a brand or a product on account of its reputation or association to a business entity.

Image dividend:

The premium that a company or firm derives from its positive image. Image dividend translates to brand loyalty and attachment and increased value realization.

Madrid or International registration:

An application for international registration of a mark leads to its recording in the International Register, and the publication of the international registration in the WIPO Gazette of International Marks. If the international registration is not refused protection by a designated Madrid member, it will have the same effect as a national or regional trade mark registration made under the law applicable in that Madrid member's jurisdiction.

Madrid route:

The Madrid route (the Madrid System) is an alternative to the direct national or regional route.

Madrid System:

An abbreviation describing two procedural treaties for the international registration of trade marks, namely the Madrid Agreement for the International Registration of Marks and the Protocol relating to that Agreement. The Madrid System is administered by WIPO.

Paris Convention:

The Paris Convention for the Protection of Industrial Property is one of the most important IP treaties, as it establishes general principles applicable for all IP rights. For example, the "right of priority" enables an applicant, when filing an application for an IP right in countries other than the original country of filing, to claim priority of an earlier application filed up to six months previously.

Product Visibility:

The visibility that a brand or product derives by virtue of its easy discoverability in the virtual or real market place.

Recall Value of the Brand:

Provides an indication of the association of a company's brand to a given type of products. A brand with a high recall value is quickly recalled by consumers when they provide their views on the product line with which the brand is associated.

Registration:

An exclusive right for marks, issued to a holder by an IP office. Registrations are issued to holders so that they may exclusively exploit their marks for a limited period of time.

Sales Revenue:

The amount realized by a company from the sales of its products or services.

Trade mark infringement:

Occurs when a firm finds that the rights and privileges associated with its trade mark is violated by a rival entity through deceptive imitation or pass off measures.

Willingness to Pay:

The maximum amount a consumer is ready to pay for a product.

World Intellectual Property Organization (WIPO):

A United Nations specialized agency dedicated to the promotion of innovation and creativity for the economic, social and cultural development of all countries through a balanced and effective international IP system. Established in 1967, WIPO's mandate is to promote the protection of IP throughout the world through cooperation among states and in collaboration with other international organizations.

Annexure 2

Make in India & International Registration of Trade marks Pilot Survey Questionnaire

1. Name of Respondent:
2. Name of The Company:
3. Type of Ownership:
 1. **Sole Proprietorship**
 2. **Partnership**
 3. **Limited partnership**
 4. **Limited Liability Company (LLC)**
 5. **Corporation (for-profit)**
4. Does your company have a trade mark? _____
(Yes) _____
(No)
5. Is it a registered Trade mark? _____
(Yes) _____
(No)
6. **If Yes**, when did you get it registered? _____
(dd/mm/yyyy)
7. Who takes decisions in your company regarding trade mark registration, renewal?
 1. **CEO**
 2. **Board**
 3. **Director Marketing**
 4. **Director Legal**
 5. **Other (Please Specify)**.....
8. When the trade mark was last renewed? _____
(dd/mm/yyyy)
9. Has the trade mark resulted in any recognizable benefits for your company? (Please select Not Applicable, if you do not have a Trade mark)

(Yes) _____ _____
(No) (Not Applicable)

10. If Yes, Please rank the following from 1 to 6, where 1 is the lowest.

- | | |
|-------------------------------------------------------------------------------------|--------------------------|
| 1. Product Visibility | <input type="checkbox"/> |
| 2. Brand Loyalty | <input type="checkbox"/> |
| 3. Increased Willingness to Pay for the Product (Higher Bargaining Power)... | <input type="checkbox"/> |
| 4. Increase in Sales Revenue | <input type="checkbox"/> |
| 5. Increased Goodwill | <input type="checkbox"/> |
| 6. Other (Please Specify) | <input type="checkbox"/> |

11. Has formal registration of Trade mark resulted in any recognizable benefits for the company? (Please select Not Applicable, if you do not have a **registered** Trade mark)

(Yes) (No) (Not Applicable)

12. If Yes, Please rank the following from 1 to 7, 1 where 1 is the lowest.

- | | |
|-----------------------------------------------------------------------------|--------------------------|
| 1. Reduced threat of Trade mark Infringement or counterfeiting | <input type="checkbox"/> |
| 2. Greater visibility and consumer base | <input type="checkbox"/> |
| 3. Increase Recall Value of the Brand | <input type="checkbox"/> |
| 4. Increase in corporate value | <input type="checkbox"/> |
| 5. Better Command on Prices (Higher Bargaining Power) | <input type="checkbox"/> |
| 6. Increased Goodwill | <input type="checkbox"/> |
| 7. Other (Please Specify) | <input type="checkbox"/> |

13. Has your product/brand ever suffered adverse effects of Counterfeiting or Trade mark Infringement?

(Yes) (No)

14. Does your company also export its products?

(Yes) (No)

15. Do you have a Trade mark registered with any international Office or in any other country?

(Yes) (No)

16. **If yes**, who took the decision to join the Madrid Protocol /international registration of your Trade mark?

1. **CEO**
2. **Board**
3. **Director Marketing**
4. **Director Legal**
5. **Other (Please Specify)**.....

17. Has the Trade mark benefitted your business abroad? _____
(Yes) (No)

18. **If answer for Q15 is no**, in case your company considers joining the Madrid Protocol who would have to take a decision on the same?

1. **CEO**
2. **Board**
3. **Director Marketing**
4. **Director Legal**
5. **Other (Please Specify)**

19. Have you heard of Madrid Protocol? _____
(Yes) (No)

20. Are you aware of the single filing facility for International Registration of Trade marks?
_____ (Yes) (No)

21. Do you think International registration of your Trade mark will be beneficial?
_____ (Yes) (No)

22. **If No**, Please tick the reasons that apply:

1. **Strong Brand Loyalty in existing market**.....
2. **Incumbent firm advantage**.....
3. **No overseas operations planned**
4. **Procedural Hassles**
5. **Other (Please Specify)**

23. **If Yes**, why have you not applied for the same through the Madrid Protocol route:

1. **Unaware of the procedure**
2. **Do not consider it beneficial**
3. **Currently, no overseas operations planned**
4. **Procedural Hassles**
5. **Other (Please Specify)**

Brief on Madrid Protocol

The system of international registration of marks is governed by two treaties: the Madrid Agreement Concerning the International Registration of Marks, which dates from 1891, and the Protocol Relating to the Madrid Agreement, which was adopted in 1989, and came into operation on April 1, 1996. Common Regulations under the Agreement and Protocol also came into force on that date. The system is administered by the International Bureau of WIPO, which maintains the International Register and publishes the WIPO Gazette of International Marks.

An application for international registration may be filed only by a natural person or a legal entity which has a real and effective industrial or commercial establishment in, or is domiciled in, or is a national of, a country which is party to the Madrid Agreement or the Madrid Protocol, or who has such an establishment in, or is domiciled in, the territory of an intergovernmental organization which is a party to the Protocol, or is a national of a Member State of such an organization. *There are, therefore, three kinds of International applications: an international application governed exclusively by the Agreement or by the Protocol; OR an international application governed by both the Agreement and the Protocol.*

Madrid Protocol has greater number of members (97 countries), allowing for wider protection area for the Trade mark. Also India is a member of the Madrid Protocol and not the agreement. Hence, we can file international applications under the Madrid Protocol.

The Madrid System is a one stop solution for registering and managing marks worldwide. File one application, in one language, and pay one set of fees to protect your mark in the territories of up to 97 members. Manage your portfolio of marks through one centralized system. The system offers simultaneous protection in the territories of its members, including the countries of the European Union EU), the majority of developed countries and many developing and transition economies.

With the Madrid system: File one international application instead of multiple national applications; File in one language (English, French or Spanish); Pay one set of fees in one currency (Swiss francs); Obtain an international registration covering multiple territories; Expand your protection in new territories; Renew every 10 years with one simple procedure; Manage your portfolio of marks through one centralized system. Obtaining an international mark registration through the Madrid system is simple and cost-effective.

Why should one go for International Registration of Trade marks?

- Protects the brand for Export oriented companies and improves visibility of product.
- Also promotes visibility for companies that 'Make in India' for India or for the rest of the world.
- Insulates product against similar brands by MNC's or imported brands – expands awareness of close enough brands beyond the National Directory.

Source: WIPO, Accessed from: http://www.wipo.int/edocs/pubdocs/en/marks/1039/wipo_pub_1039.pdf

24. Will you be interested in registering your Trade mark through Madrid Protocol route?

(Yes) (No)

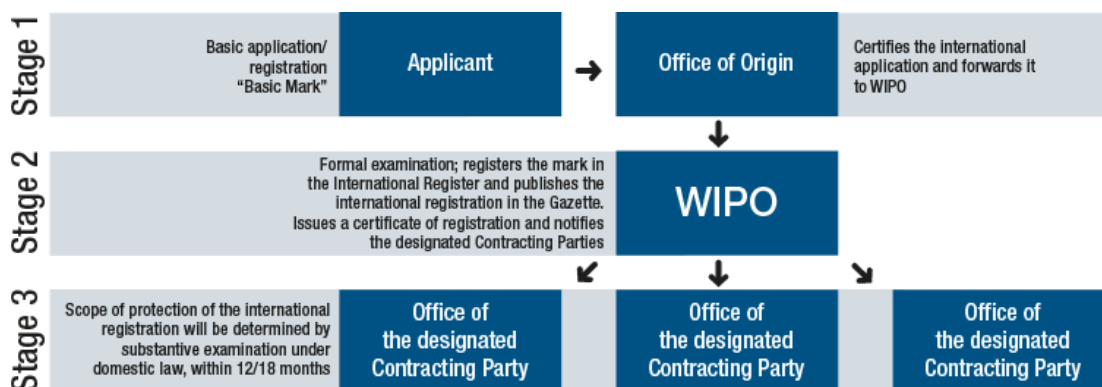
25. If No, Please tick the reasons that apply.

1. **Unaware of Filing Procedures under Madrid Protocol route**.....
2. **See no benefit in filing for International registration of Trade mark**.....
3. **Not Applicable**
(in case you do not wish to have an Internationally Registered Trade mark)
4. **Other (Please Specify)**.....

Brief on Procedure

A Contracting Party in which you apply for or register your basic mark is referred to as the Office of Origin (in this case India). In your international application, you can select Contracting Parties in which you'd like to protect your mark, or you can expand the geographical scope of your international registration under the Madrid System at a later time.

To obtain such protection, all that is required is a single application ("international application") indicating goods and services and designating territories of interest ("designated Contracting Parties"). Once you have applied for or registered a mark before your local Office, it can be used as the basic mark when filing an international application through the Madrid System.



The fees to be paid to obtain an international registration consist of : – A basic fee (653 Swiss francs where reproduction of the mark is in black/white or 903 Swiss francs where reproduction of the mark is in color); – A supplementary fee depending on the number of classes of goods and services to be protected (100 Swiss francs for each class of goods and services beyond three classes); and – Complementary (100 Swiss francs per Contracting Party) or individual fees depending on the designated Contracting Parties.

The simpler and less time-consuming nature of the Madrid system, and the financial savings that can be achieved (no translation or legalization expenses, and no local representatives' fees as there is no mandatory requirement to appoint a local representative), make the Madrid system very attractive, as confirmed by the increase in international applications filed as well as feedback on user satisfaction.

Source: WIPO, Accessed from: <http://www.wipo.int/export/sites>

26. Will you now be interested in filing through Madrid Protocol Route?

(Yes)

(No)

27. In which of the following scenarios would International filing through the Madrid Protocol route be most beneficial? (tick all that apply)

- | | |
|-----------------------------------------------------------------------------------------------------------------------|--------------------------|
| 1. For Export Oriented Companies | <input type="checkbox"/> |
| 2. Indian Companies competing with MNC's in India | <input type="checkbox"/> |
| 3. Indian Companies wanting to secure their brand value anticipating future competition within or outside India | <input type="checkbox"/> |
| 4. Other (Please Specify) | <input type="checkbox"/> |
| 5. No significant benefits..... | <input type="checkbox"/> |

Make in India:

The Make in India program was launched by Prime Minister Modi in September 2014 as part of a wider set of nation-building initiatives, devised to transform India into a global design and manufacturing hub. Make in India is an initiative of the Government of India to encourage multinational, as well as domestic, companies to manufacture their products in India.

Make in India focuses on the following 25 sectors of the economy- Automobiles, Automobile Components, Aviation, Biotechnology, Chemicals, Construction, Defence manufacturing, Electrical Machinery, Electronic systems, Food Processing, Information Technology and Business process management, Leather, Media and Entertainment, Mining, Oil and Gas, Pharmaceuticals, Ports and Shipping, Railways, Renewable Energy, Roads and Highways, Space, Textiles and Garments and Thermal.

100% FDI is permitted in all the above sectors, except for space, defence, News-media, Power, Tourism and Hospitality, Wellness.

The major objective behind the initiative is to focus on job creation and skill enhancement in twenty-five sectors of the economy. The initiative also aims at high quality standards and minimising the impact on the environment. The initiative hopes to attract capital and technological investment in India.

Make in India is an initiative focused on shifting the fulcrum and drawing the manufacturing hub to India – for Indian manufacturing companies and foreign companies to build in India, for India and the world.

Source: Wikipedia: "Make in India", Accessed December 16, 2015. https://en.wikipedia.org/wiki/Make_in_India#cite_note-Focus-6

28. Is your company part of the 25 sectors identified under Make in Indian Campaign?

(Yes)

(No)

29. **If yes**, do you find that international registration will build credibility for your brand and benefit your business as competition increases?

(Yes)

(No)

30. Will an International Registered Trade mark help you take advantage of the 'Make in India' opportunity?

(Yes)

(No)

**Make in India & International Registration of Trade marks
Revised Questionnaire**

ABOUT YOU

1. Name of Respondent: _____
2. Name of The Company: _____
3. Type of Company:
 1. **Private Limited Company**
 2. **Public Limited Company**
 3. **One Person Company**
 4. **Public Sector Undertaking**
4. Type of Ownership:
 1. **Sole Proprietorship**.....
 2. **Partnership**
 3. **Limited partnership**
 4. **Limited Liability Company (LLC)**
 5. **Corporation (for profit)**.....
5. Which of the following options best describes your business/enterprise? (please select only one option)
 1. **Large company (250 or more employees) or a subsidiary thereof**.....
 2. **Small to Medium-Sized Enterprise (less than 250 employees)**.....
 3. **Individual**.....
 4. **Public Sector Organization/Enterprise**

ABOUT YOUR TRADE MARKS IN INDIA

6. Does your company have registered trade mark/s in India? _____
(Yes) (No)
7. **If Yes**, roughly speaking, how many registered trade marks does your company have in India? _____
(Mention Number)
8. When was your last trade mark registered? _____
Registration (dd/mm/yyyy)
9. How many of your registered trade marks do you consider as **Core** Trade marks for your company? _____
(Mention Number)
10. Who advises you on trade mark matters?
- | | |
|----------------------------------------|--------------------------|
| 1. In-House IP counsel | <input type="checkbox"/> |
| 2. Trade mark Attorney | <input type="checkbox"/> |
| 3. Legal practionner | <input type="checkbox"/> |
| 4. Other (Please specify) | <input type="checkbox"/> |
11. Who takes decisions in your company regarding trade mark registration?
- | | |
|-------------------------------------------|--------------------------|
| 1. CEO | <input type="checkbox"/> |
| 2. Board | <input type="checkbox"/> |
| 3. Director Marketing | <input type="checkbox"/> |
| 4. Director Legal/IP Counsel | <input type="checkbox"/> |
| 5. Other (Please Specify) | <input type="checkbox"/> |
12. Has trade mark registration resulted in any recognizable benefits for your company?
(Please select Not Applicable, if you do not have a trade mark registration in India)
- _____ (Yes) _____ (No) _____ (Not Applicable)

13. If Yes, Please rank the following from 1 to 8, where 1 is the lowest.

- | | |
|--------------------------------------------------------------------------------------|--------------------------|
| 1. Product Visibility | <input type="checkbox"/> |
| 2. Brand Loyalty | <input type="checkbox"/> |
| 3. Reduced threat of Trade mark Infringement or counterfeiting | <input type="checkbox"/> |
| 4. Increased Willingness to Pay for the Product (Higher Bargaining Power) ... | <input type="checkbox"/> |
| 5. Increase in Sales Revenue | <input type="checkbox"/> |
| 6. Increased Goodwill | <input type="checkbox"/> |
| 7. Increase in corporate value | <input type="checkbox"/> |
| 8. Increase Recall Value of the Brand | <input type="checkbox"/> |
| 9. Other (Please Specify) | <input type="checkbox"/> |

14. Has your product/brand ever suffered adverse effects of Counterfeiting or Trade mark Infringement?

_____	_____
(Yes)	(No)

ABOUT YOUR TRADE MARK PROTECTION ABROAD

15. Does your company also export its products/services?

_____	_____
(Yes)	(No)

16. Do you have trade marks registered abroad?

_____	_____
(Yes)	(No)

17. If Yes, please indicate in which countries you have trade marks registered?

18. If Yes, who took the decision to register your trade marks abroad?

- | | |
|-------------------------------------------|--------------------------|
| 1. CEO | <input type="checkbox"/> |
| 2. Board | <input type="checkbox"/> |
| 3. Director Marketing | <input type="checkbox"/> |
| 4. Director Legal/IP counsel | <input type="checkbox"/> |
| 5. Other (Please Specify) | <input type="checkbox"/> |

19. **If No**, Please tick the reasons that apply:

1. **Lack of awareness of protection options overseas**
2. **Strong Brand Loyalty in existing market**.....
3. **Incumbent firm advantage**.....
4. **No overseas operations planned**
5. **Procedural Hassles**
6. **High Cost**
7. **Other (Please Specify)**

ABOUT YOUR TRADE MARK PROTECTION ABROAD USING THE MADRID SYSTEM

20. Have you heard of the Madrid System for the International Registration of Marks?

 (Yes)

 (No)

Please refer to Annexes and the [Madrid System homepage](#) for a brief overview of the Madrid System and its procedures.

21. Would of the following benefits influence your decision regarding use of the Madrid System for trade mark protection abroad? (More than one option may be selected)

1. **Centralized filing of applications**.....
2. **Centralized management of trade mark rights**
3. **One language for many designated countries**.....
4. **Cost savings**.....
5. **Speedier process**.....
6. **Other (Please specify)**.....

22. In which of the following scenarios would international filing through the Madrid System be most beneficial (More than one option may be selected)

1. **For Export Oriented Companies**
2. **Indian Companies competing with Multinational Companies (MNC's) in India**.....
3. **Indian Companies wanting to secure their brand value anticipating future competition within or outside India**
4. **Other (Please Specify)**
5. **No significant benefits**.....

ANNXES

Brief on the Madrid System for the International Registration of Marks

For more information, please visit the [Madrid System homepage](#), including [benefits](#), [how the System works](#) and [FAQs](#) pages.

The Madrid System is a one stop solution for registering and managing marks worldwide. File one application, in one language, and pay one set of fees to protect your mark in the territories of up to 97 members. Manage your portfolio of marks through one centralized system. The system offers simultaneous protection in the territories of its members, including the countries of the European Union (EU), the majority of developed countries and many developing and transition economies.

With the Madrid System: File one international application instead of multiple national applications; File in one language (English, French or Spanish); Pay one set of fees in one currency (Swiss francs); Obtain an international registration covering multiple territories; Expand your protection in new territories; Renew every 10 years with one simple procedure; Manage your portfolio of marks through one centralized system. Obtaining an international mark registration through the Madrid system is simple and cost-effective.

Source: WIPO, Accessed from: http://www.wipo.int/edocs/pubdocs/en/marks/1039/wipo_pub_1039.pdf

http://www.wipo.int/madrid/en/how_madrid_works.html

Brief on Procedure

For more information, please visit the [Madrid System home page](#), including [how the System Works](#), [how to file an application for international registration of marks](#) and [FAQs](#) pages.

A Contracting Party in which you apply for or register your basic mark is referred to as the Office of Origin (in this case India). In your international application, you can select Contracting Parties in which you'd like to protect your mark, or you can expand the geographical scope of your international registration under the Madrid System at a later time.

To obtain such protection, all that is required is a single application ("international application") indicating goods and services and designating territories of interest ("designated Contracting Parties"). Once you have applied for or registered a mark before your local Office, it can be used as the basic mark when filing an international application through the Madrid System.



The fees to be paid to obtain an international registration consist of : – A basic fee (653 Swiss francs where reproduction of the mark is in black/white or 903 Swiss francs where reproduction of the mark is in color); – A supplementary fee depending on the number of classes of goods and services to be protected (100 Swiss francs for each class of goods and services beyond three classes); and – Complementary (100 Swiss francs per Contracting Party) or individual fees depending on the designated Contracting Parties.

The simpler and less time-consuming nature of the Madrid system, and the financial savings that can be achieved (no translation or legalization expenses, one currency, no mandatory requirement to appoint a local representative), make the Madrid System very attractive, as confirmed by the increase in international applications filed as well as feedback on user satisfaction.

Source: WIPO, Accessed from: http://www.wipo.int/export/sites/www/madrid/en/forms/docs/making_the_most_of_the_madrid_system_mm_forms.pdf

http://www.wipo.int/madrid/en/how_madrid_works.html

Make in India:

The Make in India program was launched by Prime Minister Modi in September 2014 as part of a wider set of nation-building initiatives, devised to transform India into a global design and manufacturing hub. Make in India is an initiative of the Government of India to encourage multinational, as well as domestic, companies to manufacture their products in India.

Make in India focuses on the following 25 sectors of the economy- Automobiles, Automobile Components, Aviation, Biotechnology, Chemicals, Construction, Defence manufacturing, Electrical Machinery, Electronic systems, Food Processing, Information Technology and Business process management, Leather, Media and Entertainment, Mining, Oil and Gas, Pharmaceuticals, Ports and Shipping, Railways, Renewable Energy, Roads and Highways, Space, Textiles and Garments and Thermal.

100% FDI is permitted in all the above sectors, except for space, defence, News-media, Power, Tourism and Hospitality, Wellness.

The major objective behind the initiative is to focus on job creation and skill enhancement in twenty-five sectors of the economy. The initiative also aims at high quality standards and minimising the impact on the environment. The initiative hopes to attract capital and technological investment in India.

Make in India is an initiative focused on shifting the fulcrum and drawing the manufacturing hub to India – for Indian manufacturing companies and foreign companies to build in India, for India and the world.

Source: Wikipedia: “Make in India”, Accessed December 16, 2015. https://en.wikipedia.org/wiki/Make_in_India#cite_note-Focus-6

