

**MANUPATRA INTELLECTUAL PROPERTY REPORTS**

- Existence of actual confusion or a risk of confusion is necessary for the protection of a well-known trade mark, as a result of infringement. [Tata Sons Ltd. v. Manoj Dodia and Ors.] 0341
- An unregistered partnership firm can maintain a suit for permanent injunction and damages and seek relief against infringement of a registered trade mark and for passing off and Section 69(2) of the Partnership Act, 1932 does not bar such a suit. [Bade Miya and Ors. v. Mubin Ahmed Zahurislam] 0356
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- If the Special Act provides for specific time, manner and fees for filing of the plaint, it has to be done in compliance and the requirements cannot be relaxed. [WD-40 Manufacturing Company v. Pavan Kumar Magniram Shah Trading as Mahalaxmi Oil Centre and Anr.] SNC 13
- A copyright in the recording and in the song are separate and distinct and by statute are treated differently. [Saregama India Ltd. v. Timothy Mosley] E-29

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# Ticker Symbols and Trade Marks

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*Ticker symbols and trade marks are two different tools, which influence consumers in their economic decision making. Both provide set of relevant information about the field with which they are connected. Trade Mark help to differentiate goods and services of one manufacturer from the other and ticker symbol helps an investor to identify the stocks/shares of various company on which he is planning to invest. This article tries to bring out the correlation between trade marks and ticker symbols and the need for a proper legislation.*

## 1. Introduction

To "trade" means to buy and sell in the jargon of the financial markets. Trading could include goods or services or it may be shares or securities. May it be a trade market or a share market,<sup>1</sup> competition is the common element involved in the market features. To create a market potential, the traders have to cope with the competition. It is a constant endeavour for companies to focus their attention on increasing market share in comparison to their competitors. Competitors duplicating the marketing ideas of other companies to enhance their business performance are not uncommon. Strategies which are hard to duplicate by competitors are those which rely on the intangible assets of the company such as corporate culture and brand image. Trade Mark is one of such intangible assets by which competition is enhanced in the product market.

Similarly, in stock market, to identify the shares of one company from other unique characters are used, namely ticker symbols. Ticker symbols are an important distinguishing element for issuers and exchanges.

## 2. Trade Mark

### 2.1 History and Meaning

Trade mark is a form of the intellectual property protection. It is the property of the proprietor, who has acquired a value in the mark by its continuous use. The intellectual content of trade mark is entirely different from other categories of intellectual properties, since its creation has nothing to do with the intellectual labour of human being.<sup>2</sup> The property rights in the marks are obtained purely by continuous and open use. The purpose of marking is not only to indicate the origin or quality but also to indicate

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1 A stock market is a public market for the trading of company stock and derivatives at an agreed price; these are securities listed on a stock exchange as well as those only traded privately.

2 N.S.Gopalakrishnan, Intellectual Property And Criminal Law, National Law School of India University, Bangalore (1994) p.214.

