FROM VISUAL MARKS TO HOLOGRAPHIC IDENTITY: THE EMERGING ROLE AND LEGAL PROTECTION OF HOLOGRAM TRADEMARKS IN INDIA

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ABSTRACT

With the development in technology, protection of trademarks has gone past traditional trademarks to include non-traditional trademarks like holograms. This paper will discuss the importance and the protection of hologram trademarks in India based on the Trade Marks Act, 1999 and the Trade Marks Rules, 2017. The main challenges faced regarding distinctiveness, representation graphically, registration and infringement of holograms as trademarks especially the difference between the usage of holograms for product authentication purposes and for branding purposes. Using the comparative approach to other countries' approaches to hologram trademarks for instance the Singapore Treaty and EU framework, the paper will try to find out possible ways of improving India's trademark system.

1. INTRODUCTION

Traditionally, trademark law has dealt with conventional signs like words, names, logos, and symbols that help the consumer differentiate goods or services of one company from that of another. However, innovation in the branding industry and consumer markets has widened the ranges of ways in which businesses create unique brands. Consequently, non-conventional trademarks such as sound, colour, shape, movement, and holograms have emerged. The World Intellectual Property Organization (WIPO) has referred to holograms as one category of non-conventional marks important for today's trademark systems[1].

Hologram marks denote a sophisticated method of brand identification whereby a holographic image or holographic effect serves the purpose of distinguishing the source of goods or

[1] World Intellectual Property Organization, 'SCT to Focus Work on Non-Traditional Types of Marks, Trademark Opposition Procedures and Industrial Designs', WIPO Press Release, (19 November 2007).

services. Although the significance of holograms is not limited to just identifying products, it may also have applications in product verification and anti-counterfeiting. At the same time, the presence of a hologram alone does not suffice for classifying the object as a trademark. The hologram must be able to serve as the source identifier.

Under the Indian legal system, there is a solid statutory base for acknowledging diverse kinds of marks. The Trade Marks Act of 1999 gives the definition of "mark" in general terms and encompasses, inter alia, devices, packaging and colour combinations. According to the Trade Marks Rules, 2017 additional details on what representations of trade marks should be like are provided, including regulations that cover three-dimensional and other unconventional kinds of marks. Nevertheless, holograms are different as they can change their visual appearance with the angle of vision, movement and the way how the holographic effect is created.

Thus, this study will explore the developing role of hologram trademarks in India, taking into account both their distinctive features as well as their representation, registration and legal status. Also, it analyzes how the foreign regulatory environment may influence the efficacy of the Indian legal system in regulation of this new type of trademark.

2. CONCEPT AND EVOLUTION OF NON-CONVENTIONAL TRADEMARKS

2.1 From Conventional to Non-Conventional Trademarks

Trademark protection has been commonly related to the traditional signs like terms, names, alphabet, numbers, symbols and markings. These marks usually assist customers in determining and differentiating the products or services provided by one company. Nonetheless, the evolution of marketing methods and technological advancement has gradually increased the forms of business communications regarding their commercial identity. Nowadays, brand promotion is based upon the combination of visually manifested symbols (symbols) together with other elements: sounds, colours, forms, movement, and hologram effects. As a result, the non-conventional or non-traditional trademarks were created as a new concept. WIPO, the acronym of World Intellectual Property Organization has highlighted the following types of labels: hologram, motion, colour, sound, position, and 3D trademarks in modern trademark law[2].

[2] World Intellectual Property Organization, 'Moving Images, Holograms and Gestures', *WIPO Magazine*

The emergence of non-traditional trademarks illustrates an evolving trend of branding. More consumers are connecting an individual sensory or visual aspect with a business even without using a standard logo or word mark. Thus, trademark law has been confronted with the issue of determining if signs differing from conventional forms can still fulfill the primary purpose of trademarks.

2.2 Hologram Trademarks as a Non-Conventional Mark

A hologram trademark refers to an image or theme in the shape of a hologram which can distinguish the goods or the services of a particular party from those of others. Unlike a simple conventional logo represented in two dimensions, a hologram may achieve several different impressions due to the angle from which it is viewed or how it is displayed. WIPO finally acknowledged holograms as one of non-conventional marks.

It should be noted, however, that there is an important difference between a hologram that serves as a security or anti-counterfeit feature and one that serves as a mark. A holographic feature does not automatically acquire trademark significance simply because it appears on goods. The crucial point is whether consumers actually perceive the holographic feature as revealing the commercial source of the goods or services. This distinction is of great importance because, historically, holograms have been used predominantly as authentication and anti-counterfeiting devices. WIPO documents[3], which touch upon US situations, emphasize that in order for a hologram to serve as a trademark, consumer perception may be required.

2.3 Development of Hologram Marks in International Trademark Practice

The acknowledgment of the legal implications of hologram trademarks emerged as the general acceptance of unconventional trademarks developed. The Singapore Treaty on the Law of Trademarks explicitly mentions the necessity of establishing regulations regarding the usage of hologram, motion, color and other nontraditional trademarks, although it does not obligate the parties involved in the agreement to provide access to registration of each of them.

The challenge, according to worldwide practices, lies not only in establishing the fact that

(2009).

[3]World Intellectual Property Organization, *Non-Traditional Marks at the USPTO*, SCT/17 (2006).

holograms can be trademarks, but also in defining how to position the object of protection clearly and accurately. For instance, the experience of the EU demonstrates that representing a hologram in any static form may be problematic, since the overall image can be different in its dynamic condition[4]. However, earlier guidelines still recommend its representation by means of making several different representations and giving descriptive explanations of the protected holographic material.

2.4 Position under Indian Trademark Law

Under Indian law, the concept of a "hologram trademark" does not appear in any formal capacity. Instead, the Trade Marks Act, 1999 provides broad definitions of "mark" and "trade mark," thus allowing consideration of forms of trademarks in addition to classical types such as word and logo marks. Therefore, the key question that arises is whether a hologram fits the definition of trademark in the light of distinctiveness, representation and identification of sources of commercial offerings.

In today's marketplace, it is worth noting that a growing number of companies have adopted technologically advanced visualization modes. Therefore, it becomes obvious that the legal issue has changed its nature from whether a hologram can be a trademark to what the Indian trademark system should say on the above matter.

3.HOLOGRAM TRADEMARKS AND THE CONTEMPORARY MARKETPLACE

The importance of holograms in contemporary commerce goes well beyond their modern technological marvels. Holography is increasingly being utilized as an identification tool and an authentication or anti-counterfeit measure since many companies find a need to differentiate between real and imitation goods. WIPO positions holograms among visible authentication technologies available to consumers and companies involved in supply chain systems[5]. However, it is vital to determine if the hologram has a legal significance of a trademark or if it simply serves the purpose of a technology tool.

[4] European Union Intellectual Property Office, *EU Trade Mark Guidelines*, Part B, Section 2, para. 9.3.10, 'Hologram Marks'.
[5] Ian M Lancaster, 'The Role of Authentication Technologies in Combating Counterfeiting', *WIPO Magazine*, April 2006.

3.1 Holograms as Modern Brand Identifiers

Branding today has developed in a way that it transcends static logos and traditional word marks. Businesses use various visual elements in order to brand their products and come out with brand recognition. A hologram can be an important part of branding as its appearance can be different based upon its different angles of view.

The Trade Marks Work Manual published by the Indian Trade Marks Registry clearly states that nothing prevents the holographic logo from being used as a trademark if it can help in distinguishing the products or services of one business from those of other businesses. The manual also says that in case the holograms feature various views or images, the images of different views may be needed for a better understanding and recognition of the holographic trademark.

This reflects the difference between holographic branding and the use of holograms in general. Just having a hologram on a product packaging does not guarantee the business receives a trademark protection for that packaging. The hologram must represent the source of the product and be considered by the buyers as an identifying mark of a particular firm.

3.2 Holograms and Anti-Counterfeiting

One of the most important uses of holographic technology today is combating counterfeiting. Holograms can serve as visible security measures by being added to packaging and labels, while higher-grade holographic technologies feature hidden elements now available for inspection with professional equipment. WIPO treats holograms as one of the well-known techniques used for product authentication and fraud protection.

These issues are critical for the pharmaceutical industry, since counterfeits pose serious risks to the safety of consumers[6]. WIPO recently carried out work in the area of pharmaceutical counterfeiting and has concluded that holograms, color-changing ink, and other overt/covert markers can be used for authentication and traceability throughout the supply chain.

However, the application of holograms as security features for authentication gives rise to a legal problem related to the fact that consumers may not see or understand specific holograms

[6]World Intellectual Property Organization, 'The Role of Authentication Technologies in Combating Counterfeiting', *WIPO Magazine*, April 2006.

as indicators of commercial source. The issue was raised in the practice of US trademark law when the Trademark Trial and Appeal Board had to investigate consumer perception of a hologram and treat it as a trademark rather than just an anti-counterfeiting technology.

3.3 Holographic Branding and the Digital Marketplace

The concept of holographic identity is associated with a wider trend that is towards technologically advanced branding. Modern companies strive to provide their customers with the experience of being part of the brand by making this experience interactive, dynamic, and visually special. Holographic presentations can work together with such interactive technologies as augmented reality (AR), virtual reality (VR), digital packaging, and immersive advertising.

This technological evolution brings a serious question for the field of trademark: can trademark laws still be based on static representations while consumers get exposed to the brands through dynamic and mediated experiences? The dilemma is acute in the case where the moving character of the mark is crucial for the interpretation of the sign.

The international trademark practice is well aware of the challenges arisen by non-traditional trademarks. The WIPO confirmed that the existing trademark systems should develop new approaches to the representation and description of hologram, kinetic, positional, multimedia, and other non-traditional trademarks.

3.4 The Distinction Between Authentication and Trademark Function

Employing holograms, a conceptually significant distinction has been established today. The presence of a hologram may function to prove the authenticity of a product without it functioning as a trademark. On the other hand, the hologram may provide a trademark function in cases where consumers recognize it as a symbol of a particular company.

This distinction is significant for determining the degree to which it requires protection in accordance with the law. If every hologram employed on a product gets trademark protection in the framework of the law. Thus, if trademark law protects each hologram used as a product, the law would give rights to technological devices widely used for safety making it inappropriate and unreasonable to have a right. Therefore, the protection should be based on the hologram’s capability to serve as a distinct sign of origin. While the technical or anti-

counterfeiting ability may be protected by other means of law.

Modern conditions stipulate a dual role played by holograms: they serve both as technical devices confirming product authenticity as well as being trademarks in particular instances. Identifying when the latter stop being a simple technical device and become trademarks is an urgent issue in India.

4.LEGAL FRAMEWORK GOVERNING HOLOGRAM TRADEMARKS IN INDIA

India's legal system needs to analyze the protection of hologram trademarks in the context of the general statutory provisions of other trademarks rather than forming an independent statutory body specifically dealing with holograms. The Trade Marks Act of 1999 gives a rather broad definition of the terms "mark" and "trade mark," while the Trade Marks Rules of 2017 provide rules governing how marks must be represented. As a result, these provisions make the basis for assessing whether holographic identification can be protected as a trademark.

4.1 The Trade Marks Act, 1999

Section 2(1)(m) of the Trade Marks Act, 1999 defines the term "mark" widely, which includes devices, brands, head, label, ticket, name, signature, word, number, shape of goods, and their packing or colors[7]. In Section 2(1)(zb), the Act defines a trade mark as being represented graphically and is capable of distinguishing the goods/services of one person from others[8]. The definition clearly includes the shape of goods, their packing, and the colors.

Furthermore, it is evident that the definition does not refer to holograms. However, this does not mean that a holographic mark is excluded from the legal definition of a trade mark. What is more important is whether a holographic mark is fulfilling the necessary criteria for representation or distinctiveness and whether it can be recognized as a symbol of commercial origin.

Distinctiveness is a crucial requirement under Section 9(1)(a)[9]. A mark that lacks distinctiveness i.e., which cannot distinguish the goods or services of one entity from another, is usually denied registration. Nevertheless, the provision acknowledges the possibility of

[7] The Trade Marks Act, 1999, No. 47 of 1999, § 2(1)(m) (India).
[8]The Trade Marks Act, 1999, No. 47 of 1999, § 2(1)(zb) (India).
[9]The Trade Marks Act, 1999, No. 47 of 1999, § 9(1)(a) (India).

registration for a mark that has acquired distinctiveness through use.

In the case of hologram marks, this means that there is an important distinction between a hologram that only serves a technological/security purpose and a hologram that is recognizably associated with a certain enterprise by consumers. Consequently, the focus of the legal analysis should not only be on the existence of the holographic feature but on its function as a trademark.

4.2 Representation under the Trade Marks Rules, 2017

Trade Marks Rules, 2017 is important as the representation is one of the main problems concerning hologram marks. Rule 23 states that the application must include a description of the trademark with appropriate details when required and that the trademark is capable of graphical presentation[10].

Rule 26 also states that an application must contain a representation of the trademark that is clear and easy to read[11]. The Rules gave separate requirements for representation of various non-conventional trademarks. For example, it is possible to register a three-dimensional trademark only if it has a graphic representation or a photographic image showing the mark from three different angles. The Register can also request to submit more views, its description, and in certain cases even a sample.

Unfortunately, the Rules do not create a specific procedure for hologram marks, which leads to a serious legal and practical question about how to represent a hologram trademark with a dynamic character and appearance that can change depending on the angle of vision and presentation.

This issue is particularly significant because trademark registration should provide sufficient certainty to both the proprietor and third parties regarding the scope of the exclusive right.

4.3 Distinctiveness as a Requirement

The uniqueness of a hologram may be one of the major original components when it comes to its ability to be protected by the trademark law. A hologram may look amazing or be equipped with advanced technology but not fulfill the role of a trademark. The ability of a hologram to

[10]Trade Marks Rules, 2017, r. 23 (India). .
[11] Trade Marks Rules, 2017, r. 26 (India).

show the origin of certain goods or services is quite essential.

According to the provision of Section 9(1)(a), it is necessary to determine whether a holographic feature can be perceived as an indicator of the source. In case a trademark does not possess the characteristics of an inherent distinctiveness, the evidence of the wide and consistent use will be important since it proves the acquisition of distinctiveness.

The issue becomes complicated in case holographic representations are mostly used in a particular area for verification or prevention of counterfeiting. A consumer may know that a given product is legit just because of the fact that he/she has seen a hologram but does not link this hologram with a specific company. The first instance is slightly about authentication while the latter concerns the function of trademarks.

4.4 Relative Grounds and Scope of Protection

Despite the distinctiveness of a hologram, its trademark registration might be compromised by the relative grounds on which Section 11 of the trademark law has been built. This provision describes the cases when an old or a similar mark exists and when there is a risk of confusion[12].

When it comes to holograms, it might be harder to evaluate similarities than with standard marks. There could be various methods of perception involved, including different types of imagery, movement, and other factors influencing the overall impression produced by the hologram.

4.5 The Emerging Indian Regulatory Approach

One of the recent significant events is the issuance of the draft Manual of Trade Marks Practice and Procedure in the year 2026 by the Office of Controller General of Patents, Designs and Trade Marks (CGPDTM). The draft clearly mentions holograms and acknowledges that a hologram can be regarded as a trademark provided it is capable of distinguishing goods and/or services supplied by one person from those of the others.

Such development is highly significant for the present research study as it signifies the growing effort on the part of the Indian trademark regulatory body to regulate the so-called non-

[12]The Trade Marks Act, 1999, No. 47 of 1999, § 11 (India).

conventional types of trademarks including holographic marks and symbols. However, given the fact of being a draft/manual and not being formulated as a separate statute, it gives rise to the issue of whether the rules are sufficient or workable with respect to holographic branding and using such types of trademarks and logos.

5. INTERNATIONAL LEGAL POSITION AND COMPARATIVE ANALYSIS

How trademarks are treated around the world is slowly but surely evolving to point away from the usual view of trademarks as being static two-dimensional markers. The changes that are taking place on the international level have particular relevance for India as they could potentially offer ways to approach the questions regarding representation, distinctiveness, and registration of holographic trademarks. For the purposes of this discussion, the Singapore Treaty on the Law of Trademarks is important as it recognizes non-traditional marks, currying favour of bringing in holograms into the category, but permitting a country to do its own marking of the register on the basis of its domestic legislation.

5.1 International Framework: Singapore Treaty

The Singapore Treaty on the Law of Trademarks, 2006 represents a significant step in the evolution of international law with respect to non-conventional trademarks[13]. Unlike previous international treaties governing trademarks, the Singapore Treaty explicitly mentions such categories as hologram mark, motion mark, color mark, position mark, etc. The Treaty does not require contracting parties to register non-conventional trademarks, but it sets out general guidelines applicable to the registration of trademarks under the national laws of the contracting parties[14].

According to the regulations set out in the Treaty, there is an interesting approach to trademark registration of hologram marks. When applying for the registration of a hologram mark, the applicant may provide one or several views depicting the hologram mark. Depending on the provided material, the patent office may ask for more views or a description in case the submitted image fails to fully reflect the holographic effect.

[13]World Intellectual Property Organization, *The Singapore Treaty on the Law of Trademarks*, WIPO Publication No. 508 (2006).
[14]World Intellectual Property Organization, 'Non-Traditional Marks - Singapore Treaty Enters into Force', *WIPO Magazine*, February 2009.

The importance of the above-mentioned point is that it realizes that hologram marks cannot be sufficiently represented by one image only. It tries to meet the technicalities of the issue along with the requirements of trademark law.

5.2 European Union

The European Union has created a system for registering hologram marks. In the EU trademark system a hologram is considered a type of mark that has features. This includes images that look different when viewed from angles.[15]

The European Union Intellectual Property Office (EUIPO) allows a hologram to be shown either through a video file or through a picture or photo that shows all the views needed to show the holographic effect completely[16]. The EUIPO guidelines therefore accept that holographic marks can be dynamic by trying to fit them entirely into the idea of a regular static trademark.

The EU method is very important for India because it shows how trademark systems can deal with technology-based marks by having flexible rules for how they are shown. At the time the rule that the showing must clearly show the holographic effect helps make sure that the range of the exclusive right is clear.

5.3 United States

Another case is the United States, which has reviewed holograms as potential trademarks and means of authentication or prevention of counterfeits. The distinction between these two functions of the holograms is essential for the legal issue at hand. A hologram being used exclusively for the purpose of authentication is unlikely to function in the same way as a trademark indicating origin of the goods.

In this sense, the US approach is a good illustration of the importance of the perception factor. The primary focus is not on whether a particular hologram is distinguishable enough, but whether it is perceived by people as indicating the source of the goods or services. The latter distinction is crucial as holograms are often utilized for security purposes. According to the EUIPO, security holograms are distinguishing features whose appearance depends on the

[15]European Union Intellectual Property Office, *EU Trade Mark Guidelines*, Part B, Section 2, para. 9.3.10, 'Hologram Marks'.
[16]European Union Intellectual Property Office, 'Full List of Trade Marks: Hologram Marks', EUIPO.

lighting conditions and are used to identify authenticity of a product.

6. LEGAL CHALLENGES IN PROTECTING HOLOGRAM TRADEMARKS IN INDIA

While Indian trademark legislation defines a "mark," safeguarding hologram trademarks presents numerous legal and practical difficulties. These obstacles arise because holograms possess characteristics that differ from standard trademarks. A typical word or logo is generally presented in a consistent manner, whereas a hologram can display various images that appear different based on your viewing angle or can even depict motion. As a result, the standard principles of trademark law must be applied to determine the type and extent of protection that holographic marks can receive.

6.1 Difficulty in Establishing Distinctiveness

The first issue is that of distinctive quality. As per Section 9(1)(a) of the Trade Marks Act 1999, any trade mark which does not have any character may be denied. It is the ability of the holographic characteristic to allow the consumer to identify the source of the good or service that needs to be taken into account here.

In case the holographic representation is primarily used by an industry in order to authenticate products or prevent counterfeits, then there may be issues with assessing the trademark in relation to this characteristic. This is because a consumer will be able to authenticate the product through a hologram without necessarily considering it as an identifier from a particular source. This is important since, as opposed to authentication which just proves product authenticity, the primary role of a trademark is as a badge of origin. As far as this is concerned, WIPO literature indicates that it is difficult for non-traditional trademarks to demonstrate that the consumers view the mark as a badge of origin.

6.2 Representation of Dynamic Holograms

The second. Perhaps, the most significant problem lies in the ways of describing a trademark. In order to have a trademark granted, the protected object should be presented as clearly recognizable. A hologram could vary its appearance from various angles. Thus, a single view might not illustrate all the elements of a mark.

International practices are taking into account the complexity of this issue. As per the

provisions of the Singapore Treaty regulations, holograms are to be illustrated by means of either single or multiple views. Besides, trademark offices still have the right to ask for more views or descriptions when necessary. The European Union Intellectual Property Office allows the use of a video recording or a single image containing all the requisite views in the case of holograms.

As per the Trade Marks Rules, 2017, there is a special system developed for the description of certain non-conventional trademarks like sound and three-dimensional marks. However, there is no guidance concerning holograms in particular.

6.3 Determining the Scope of Protection

Another challenge is the problem of knowing what is being protected. A hologram can have visual elements, colors, pictures, movement or changes in the way that it looks. If it's registered, it's important to know if protection is for: the display itself; all images that it contains; the specific movement or sequence; color combinations and visual effects; or the appearance of the whole hologram.

The ambiguity as to what is protected can cause problems for trademark owners and their competitors. If the protection is too broad, it can prevent the competitor from using common visual or technical elements. If it's too narrow, the registration will not work well against the competitor.

6.4 Determining Infringement

The issue is in the violation detection of trademarks in relation to holographic labels. According to the provisions of Section 29 of the Trade Marks Act, the trademark infringement occurs due to the fact that somebody is using a similar or an identical trademark in compliance with the law. However, when it comes to holograms, visual comparison is not enough. It becomes important to consider some other aspects as well.

So, for example, two holograms can be identical in terms of the image used while looking the same only from some specific angles. Meanwhile, there can be two completely different holograms that use the same technology. Therefore, the question is whether the similarities cause confusion for the consumers or make them believe that holograms come from the same company. Due to the changing nature of the holograms based on the angle of vision, the ordinary trademark comparison becomes less efficient.

6.5 Overlap with Other Intellectual Property Rights

The significant issue is the relationship between trademarks and other kinds of protection for intellectual property. The image of a hologram can have copyright protection, whereas the underlying technology could have a patent or other kinds of protection. These protections cover different things and have different goals. Trademark protection primarily covers the purpose of a mark as an identifier, copyright covers expressions that meet certain qualifications, and patents cover inventions that meet certain qualifications. Therefore, it should not be assumed that registering a hologram as a trademark grants control over all the aspects of it.

6.6 Risk of Overprotection

On the whole, looking at the expansion of trademark protection to cover features, we can foresee the possibility of overprotection. Offering such rights to common effects and technological features may result in competition being stifled if the protected feature is not an indication of source. There needs to be a balance between protecting businesses with holographic identity and letting their competitors make use of the technological features which are standard. The first thing to consider is whether the holographic feature acts as a trademark.

6.7 Need for Clearer Indian Guidelines

These difficulties indicate that there is a need for guidelines relating to trademarks in the form of holograms. Some of these include the representation, whether in terms of the format used, several perspectives, digital or video file description, distinctiveness, and the level of protection available to them. These will ensure consistency in the decisions of the Trade Marks Registry. The aim is not to treat holograms as trademarks with unlimited characteristics but rather to apply the existing laws governing trademarks to the new kind of brands. Trademarks in the form of holograms should be protected if they are capable of distinguishing the source of the goods or services.

7. RECOMMENDATIONS AND FUTURE OF HOLOGRAM TRADEMARKS IN INDIA

7.1 Development of Specific Procedural Guidelines

The Indian trademark law can be improved by formulating procedural rules that deal specifically with hologram trademarks. The Trade Marks Act of 1999 provides for a definition

of "mark," which helps determine sophisticated marks. However, there is an issue of representation associated with the hologram trademarks because the hologram marks are different from traditional marks that include word marks or device marks. Therefore, the Trade Marks Registry should give guidance on the number and type of views that should be provided for hologram marks.

7.2 Acceptance of Dynamic and Digital Representations

It is possible that a hologram will look different from one angle or another. Therefore, it is not necessarily possible to give an exact portrayal of how the mark really looks through the use of static images. In India, it might be acceptable to use various versions of the mark such as video files whenever it becomes necessary to do so for technical reasons. This must happen in accordance with requirements that include making the file accessible, stable, and emphasizing the significant features of the mark.

7.3 Clearer Standards for Distinctiveness

However, hologram trademarks have to comply with the essential requirement of distinctiveness. It is necessary for the Registry to distinguish between holograms that only play an authentication or security function and those that act as marks for commercial origin. It should not be possible for a hologram to obtain the protection of a trademark based on technological sophistication or attractiveness. Evidence relating to consumer recognition, if available, would be relevant in establishing distinctiveness under section 9 of the Trade Marks Act, 1999.

7.4 Defining the Scope of Protection

It needs to be established what level of protection the hologram trademark receives. It is important to have clear details on what goes into the display of the hologram when applying. This includes information about the sequence of the images utilized, among other details that would be useful in identifying the trademark. This would assist law enforcement agencies to ascertain whether any violation of the law has taken place.

7.5 Future Role in the Indian Marketplace

The importance of hologram trademarks in the future is directly related to the development in

packaging, branding, augmented reality, and validation of the authenticity of the product. With the use of interactive means and technologies used by businesses in order to represent the brand, the use of holograms may become important as an indicator of origin of the product. In any case, the idea should be not to create new regulations specific only to hologram trademarks, but to incorporate everything into the system that already has procedures for verification. Thus, innovations can be introduced without trademark law controlling generic designs and safety components.

8. CONCLUSION

The development of technology represents an example of the changes in trademark protection in the contemporary market. Traditionally, trademarks consisted mostly of static symbols or text. Nowadays, holograms are able to reflect the identity of the brand through its images, perspectives, and special visual effects. The legal framework in India is able to accept hologram trademarks because of the broad definition of the term "mark" given in the Trade Marks Act, 1999. It includes any symbol capable of distinguishing goods or services. No special regulations related to holograms exist. As a result, the way of registration, the procedure of review, and possible protections for hologram trademark remain uncertain. Nevertheless, international examples demonstrate possible ways of solving the problem. For example, the Singapore Treaty includes hologram trademarks, and one may present representations with one view or several views, while the European Union Intellectual Property Office considers appropriate graphic, photographic or video representations of hologram marks.

It is necessary for India not to come up with a new trademark category, but to develop more precise procedural standards in the existing trademark system. Distinguishing between a hologram as only a counterfeit prevention measure and one as a source identifier should remain relevant throughout the discussion. Giving some guidelines regarding how to prove the distinctiveness of the trademark and the degree of protection that needs to be provided will help trademark applicants, companies, and law enforcement officials avoid awarding excessive protection to conventional holograms. The development of hologram trademarks in India will depend on finding the right balance between new technology and the purpose of trademark law; ensuring consumer awareness of the origin of the goods and preventing any confusion.