

---

## **OPERATION SINDOOR: A LEGAL AUTOPSY OF PATRIOTISM PACKAGED AS A TRADEMARK**

---

Ratika Jain, School of Law, Devi Ahilya Vishwavidyalaya, Indore.

### **ABSTRACT**

This article explains the trend of moment trademarking in India, which allows entities to register trending events under their names for fame and monetary gain. The paper examines an incident where, immediately following the patriotic military operation named Operation Sindoor, approximately 25 private companies filed trademark applications. Corporate giant Reliance was among the applicants but later withdrew its application. This phenomenon raises the critical question of whether soldiers' bravery and selflessness on the battlefield can be registered under private company names. The paper analyses relevant legislation, including the Trade Marks Act, 1999, and the Emblems and Names Act, 1950.

## **INTRODUCTION- THE NATIONAL STIR & THE COMMERCIAL SCRAMBLE.**

Right after India's military strike on nine terror sites, something unusual was quietly happening at the trademark offices. While the country was still mourning 27 lives lost in the terrible Pahalgam attack—the deadliest since Mumbai in 2008—and at the same time celebrating the success of Operation Sindoor, a different story was unfolding behind the scenes.

Within just a few hours of the operation's victory, more than 25 private companies rushed to the Indian Trademark Registry, all trying to claim ownership of the name "Operation Sindoor." From entertainment companies to clothing brands, businesses from many industries scrambled to trademark a term that had quickly become a symbol of India's military strength and national pride.

This sudden rush raised some uncomfortable questions about turning a phrase tied to sacrifice and patriotism into a commercial product. Even Reliance Industries, a giant in Indian business, joined the race at first but pulled back after public outcry. What began as a uniting symbol of patriotism was quickly turning into a heated commercial contest?

This unexpected event makes us ask tough questions about how India today balances patriotism and profit. When does national pride turn into a business opportunity? Should the names of military operations—symbols of bravery and sacrifice—become trademarked property? And what happens when the world of business meets the world of national security?

The rush to trademark "Operation Sindoor" is more than just a case of companies trying to cash in—it shows how modern India is navigating the tricky space where courage, commerce, and identity come together in a world that's more commercial than ever.

## **THE EMERGING TREND OF “MOMENT TRADEMARKING”.**

The rush to trademark "Operation Sindoor" exemplifies a growing phenomenon known as "moment trademarking"—the strategic attempt to secure intellectual property rights over terms that gain sudden national or global prominence due to significant events. This practice has become increasingly common as businesses seek to capitalize on trending topics and public sentiment.

Recent history offers stark precedents. During the COVID-19 pandemic, India witnessed a tsunami of trademark applications for terms like "coronavirus," "quarantine," and "COVID-19" itself, as entities scrambled to monetize the global crisis. Similarly, following the Delhi gang rape case, multiple applications were filed to trademark "Nirbhaya Squad," inspired by Mumbai Police's initiative named after the victim.

The commercial incentive driving this rush is clear: brands aim to capture trending moments, leveraging public emotion for commercial gain through patriotic merchandise, entertainment content, or brand association with significant events.

The Reliance Industries incident perfectly illustrates both the audacity and fragility of such attempts. Jio Studios filed a trademark application for "Operation Sindoor," only to withdraw it swiftly amid public outrage. The company's damage control was immediate—claiming the filing was an "inadvertent error by a junior employee" and emphasizing their "India First" stance. This rapid retreat demonstrated the power of public opinion in checking commercial opportunism, particularly when national sentiment and military valor are involved.

## **THE LEGAL BULWARK: GROUNDS FOR REFUSAL UNDER INDIAN TRADEMARK LAW.**

To assess the legality of trademarking "Operation Sindoor," two critical pieces of Indian legislation must be examined: The Trade Marks Act, 1999, and The Emblems and Names (Prevention of Improper Use) Act, 1950.

**The Trade Marks Act, 1999** serves as India's comprehensive framework governing trademark registration, protection, and enforcement. This legislation establishes the foundational criteria for what can and cannot be registered as intellectual property in the commercial sphere, providing multiple layers of protection against inappropriate commercialization.<sup>1</sup>

**The Emblems and Names (Prevention of Improper Use) Act, 1950** operates as a protective shield, specifically designed to prevent the unauthorized commercial exploitation of emblems and names that carry governmental, official, or national significance. This Act ensures that

---

<sup>1</sup> Trade Marks Act 1999 (India)

terms associated with state authority remain beyond the reach of private commercial interests, maintaining the sanctity of national symbols.<sup>2</sup>

### **Trade Marks Act, 1999 – Absolute Grounds for Refusal (Section 9):**

- **Lack of Distinctiveness [Section 9(1)(a)]:** Trademark law specifically requires distinctive names that can distinguish between different goods and services from various providers. Since "Operation Sindoor" has been widely used across media coverage and public discourse, it lacks the commercial distinctiveness necessary for trademark protection, having become a descriptive term for a specific military event.<sup>3</sup>
- **Deceptive or Causing Confusion [Section 9(2)(a)]:** The commercialization of this name could seriously deceive the public or create substantial confusion that military operations or government actions are officially associated with private companies. Consumers might reasonably believe that products bearing this mark carry government endorsement or that proceeds benefit defense causes.<sup>4</sup>
- **Hurting Religious/Public Susceptibilities [Section 9(2)(b)]:** The operation was strategically named "Sindoor" following the tragic Pahalagam incident where many women lost their husbands, symbolizing their sacrifice. "Sindoor" being a deeply sacred Hindu religious symbol representing marital auspiciousness and devotion could severely offend community sentiments when commercialized in this context.<sup>5</sup>
- **Scandalous or Obscene [Section 9(2)(c)]:** The inherent valor, selflessness, and courage demonstrated by military personnel could be significantly diminished if commercialization inappropriately associates the operation's name with anything scandalous or obscene, thereby trivializing their sacrifice.<sup>6</sup>
- **Prohibited by Emblems and Names Act [Section 9(2)(d)]:** This represents the *most crucial* and decisive ground for refusal.<sup>7</sup>

---

<sup>2</sup> Emblems and Names (Prevention of Improper Use) Act 1950 (India)

<sup>3</sup> Trade Marks Act 1999 (India), s 9(1)(a)

<sup>4</sup> Trade Marks Act 1999 (India), s 9(2)(a)

<sup>5</sup> Trade Marks Act 1999 (India), s 9(2)(b)

<sup>6</sup> Trade Marks Act 1999 (India), s 9(2)(c)

<sup>7</sup> Trade Marks Act 1999 (India), s 9(2)(d)

**The Emblems and Names (Prevention of Improper Use) Act, 1950:**

- **Crucial Legal Framework:** Section 3 read with Clause 7 of the Schedule explicitly prohibits using any names, symbols, or emblems that suggest government patronage or maintain connections with central government authorities. "Operation Sindoor" clearly establishes direct connections to anti-terrorism operations conducted by Indian Armed Forces under the strategic guidance and authorization of central government ministries.<sup>8</sup>

**Precedents and Analogous Cases:** Numerous previous registrations attempt for government-associated trademarks including "Padma Shri," "Swachh Bharat," "Make in India," and even revered names of prominent national leaders like Mahatma Gandhi and Jawaharlal Nehru have been systematically rejected by trademark authorities. Indian intellectual property law strictly prohibits any names or symbols that resonate with government symbols, official designations, or national identifiers, establishing a clear precedential pattern that strongly indicates similar rejection for "Operation Sindoor" applications.

**PUBLIC SENTIMENT, ETHICAL BOUNDARIES, AND JUDICIAL INTERVENTION.**

Following Reliance's reported interest in the term, there was widespread condemnation across social and traditional media platforms.

The controversy raises a fundamental question: "When does the pursuit of IP rights for commercial gain become exploitative, particularly in the context of national events that evoke sacrifice and patriotism?"

This question draws attention to the critical line where private rights to profit under intellectual property law become exploitative of public interest and national events involving sacrifices and lost lives.

The refusal to grant trademarks for "Operation Sindoor" represents an essential step in resolving this ethical dilemma. Consider a scenario where a name once synonymous with bravery is commercialized for clothing, films, or general merchandise, deriving financial gain while potentially undermining its original purpose and significance.

---

<sup>8</sup> Emblems and Names (Prevention of Improper Use) Act 1950 (India), s 3 and Sch cl 7

**The Public Interest Litigation (PIL):**

A PIL was filed in the Supreme Court of India to restrain authorities from granting any trademarks for "Operation Sindoor." Petitioner Dev Ashish Dubey filed the writ petition against four applicants who submitted applications, including Application TM-1 under Class 41 for trademark registration. The PIL's core arguments centered on preventing companies from profiting off national events and military operations.<sup>9</sup>

**International Dimensions:**

The issue also presents international angles, as applications for the same name in countries like the U.K. or U.S. would be governed by different legal frameworks. These jurisdictions may not impose similar cultural or legal constraints, as "Operation Sindoor" falls outside their territorial jurisdiction and lacks the same cultural significance. This raises questions about how different legal systems approach the commercialization of foreign military operations and whether universal standards should govern such matters in an increasingly interconnected global marketplace.

**CONCLUSION: SAFEGUARDING NATIONAL IDENTITY IN THE COMMERCIAL ARENA.**

While "moment trademarking" is a growing trend, Indian trademark law, especially coupled with the Emblems and Names Act and public policy considerations, provides strong grounds to prevent the commercialization of terms like "Operation Sindoor". The anticipated rejection of these applications, reinforced by widespread public outcry, establishes a crucial precedent: national sacrifice and symbols of collective pride remain beyond commercial appropriation. This case exposes the urgent need for clearer legislative guidelines governing terms associated with military operations and national events.

In navigating the intersection of commerce, ethics, and national sentiment, India must ensure that intellectual property frameworks continue to protect not only innovation but also the dignity of its institutions, history, and public emotion.

---

<sup>9</sup> Anmol Kaur Bawa, "'Operation Sindoor' Can't Be Commercially Exploited: Plea in Supreme Court to Bar Trademark Registration of Operation Sindoor" (Live Law, 10 May 2025) <https://www.livelaw.in/top-stories/operation-sindoor-cant-be-commercially-exploited-plea-in-supreme-court-to-bar-trademark-registration-of-operation-sindoor-291821> accessed on 22 May 2025