
E-COMMERCE AND THE RISE OF TRADEMARK INFRINGEMENT: LEGAL FRAMEWORKS AND ENFORCEMENT CHALLENGES IN INDIA

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ABSTRACT

Trademark protection is an essential ingredient of brand identity and consumer trust, associating goods and services with their sources. The legal structure for trademarks in India comprises of the Trade Marks Act, 1999 which protects rights of the trademark holders and relief against infringement for the same along with Information Technology Act, 2000 and Consumer Protection Act, 2019 that govern certain aspects of E-commerce as well as provisions related to consumer rights. However, the growth of e-commerce is making trademark regulation more problematic as it enables counterfeiting, cybersquatting and other types of brand misrepresentation. This paper addresses a few of the legal and practical obstacles that digital commerce presents to trademark enforcement in India, including intermediary liability and cross-border jurisdictional problems which are regular barriers to brand owners in protecting their Intellectual Property. This paper, with the help of some landmark case laws, highlights the role played by judiciary in defining the duties of e-commerce intermediaries and also tries to discuss about some deficiencies found in existing legislations. With these issues in mind, it gives guidance for enhancing trademark enforcement online such as reforms to intermediary liability, expedited dispute resolution processes, and efforts to raise awareness of trademark rights among consumers. These measures strive towards a proportionate and flexible trademark protection framework in line with the evolving face of e-commerce in India.

Keywords: Intellectual Property Rights, Trademark, Infringement, E-Commerce, Consumer Protection, Digital Market

1. INTRODUCTION

India's e-commerce industry has experienced explosive growth due to factors such as affordable internet access, increased preference for online shopping, and the availability of digital payment platforms. As per the report by investment promotion and facilitation agency Invest India in April 2024, India's e-commerce sector is well positioned to make a massive gain of \$1 trillion by 2030. The report said India is projected to grow its digital economy to \$800 billion by the same time with a significant increase to \$325 billion by 2030.¹ Such accelerative digital transformation has brought about various problems including protection of trademark in the virtual world.

Trademarks are not just logos symbol but they represent the goodwill, the quality and the trust a brand has earned over years, and this is why they are an important asset for every business and consumer. Protecting your trademark is essential in an increasingly globalised economy as it also builds brand value, brings loyal consumer and safeguards your IP.

The primary legislations governing trademarks in India is the Trade Marks Act, 1999 (TM Act) which defines the essential elements of registration, protection and enforcement relating to trademarks. This law safeguards the interests of brand owners and consumers by prohibiting unauthorized use of trademarks which may create confusion amongst the public or dilute a brand. However, with digital commerce expanding, traditional trademark laws face new challenges.

While e-commerce in India has opened up new opportunities for businesses and consumers, this rapid growth has also brought along an increase in trademark infringement cases. The online marketplace has seen an increase in the number of unauthorized counterfeit goods, infringement of trademarks and brand names, cybersquatting and technical domain name dispute matters creating its own unique set of enforcement issues. Many of these challenges have been at the heart of third-party e-commerce platforms that act as intermediaries between sellers and buyers. While the Information Technology Act, 2000 (IT Act) does have safe harbor protections for these intermediaries but the very exercise of defining a framework in its essential form has been lacking over the years enabling different platforms to not fully take

¹ Invest India, Indian E-commerce Market to Grow to \$325 Bn and the Digital Economy to Reach \$800 Bn by 2030, (Apr. 29, 2024), <https://www.investindia.gov.in/team-india-news/indian-e-commerce-market-grow-325-bn-and-digital-economy-reach-800-bn-2030>

responsibility for hosting infringing content. This is increasing a demand for clearer legislation to clarify e-commerce platforms liability, that could set out the responsibilities of those services in preventing and dealing with trademark abuse on their sites. In addition, the global aspects of e-commerce make trademark enforcement much more difficult. Since parties may be from multiple countries, some types of disputes may require resolving issues by applying different laws in the same matter. In light of these issues, Indian courts have developed a set of framework allowing the determination of jurisdiction in cases relating to trademarks and e-commerce.

The paper studies the present existing law concerning trademark protection in India and its applicability to the sector of e-commerce. It examines key decisions underlying expanding mandates on e-commerce platforms to protect trademark rights, and highlights how intermediary liability, jurisdictional hurdles, and significant procedural delay hinder effective enforcement. It also recommends policy responses, including holding intermediaries accountable for inability to act against trademark abuse, making it easier and faster to get legal redress, and initiating public campaigns to raise awareness among consumers about trademark rights.

2. LEGAL FRAMEWORK FOR TRADEMARK PROTECTION IN INDIA

2.1 The Trade Marks Act, 1999

Regarding registration and enforcement, India has a clear legal framework which is codified in the TM Act, 1999 and it forms part of the basis of trademark protection in India. Under this Act, a trademark means any sign capable of being represented graphically which may include signs, symbols (including logos), words, and even sound. Trademarks identify goods, which ties the identification of a product or service with a source that maintains a level of quality and goodwill over time in our minds through a brand.

Registration of trademark, which gives legal protection to businesses and brands, is also covered in the Act. Upon registration, the owner becomes entitled to various rights of exclusivity through which they can prevent identical or similar use by third-parties of confusingly similar marks in a fashion that is likely to confuse consumers and/or dilute goodwill.

Besides the concept of registration it also prescribes the rights granted and remedies in case of infringement under TM Act. These include civil and criminal liability, to seek injunctions from infringers, and recover damages for losses sustained as a result of the unauthorized use of a mark. Therefore, the TM Act is instrumental in promoting healthy competition at the field of trade and prevents confusion among public. It also promotes innovation and investments which are truly significant elements of brand creation by protecting the intellectual property rights of a business entity. The Act plays an important role in delivering market integrity through wider enforcement of its provisions, and this leads directly to a greater economic contribution from investment markets as a whole.²

Section 29 covers the most critical issues of trademark infringement and scope of trademark protection. This section provides that a person shall be liable for infringement of a registered trademark if he or she uses a deceptively similar mark, without the consent or license of the owner of the mark, in the course of trade. This provision protects the inherent right of ownership of an owner so that no one else may use his distinctive marks. The owner of the trade mark has to prove that use of the mark is causing a likelihood of confusion among consumer about the goods or services used under the infringing mark are from those provided under his/her own registered trademark. As Trademarks is an essential part of branding and play a vital role in consumer trust, this section emphasizes the importance of trademarks and also provide owners to take legal action once their original rights infringed. Further, this provision has implications that could extend beyond monetary damages but convert to injunctive relief prohibiting the sale of infringing goods to maintain the trademark owners' potential rights but also the consumer's rights for fair competition.

2.2 Intermediary Liability and the Information Technology Act, 2000

E-commerce platforms are the intermediaries allowing buyers and sellers to do business with each other online, in the digital marketplace. The IT Act, 2000 governs these platforms and not only provides a great impetus to e-commerce but prescribes several checks and balances to protect the interests of all, including that of consumers. Safe harbor provisions provided to intermediaries under Section 79 is one of the major provisions of this Act. This is a vital provision, because it safeguards those platforms from liability for the actions of others, as long as they are unaware that infringing activity is taking place on their sites, and then moves quickly

² N.K. Choudhary, Intellectual Property Rights and E-Commerce in India, 2 IJLRA 7 (2024).

to eliminate such problems when informed by the rights holder.³ However, the issue of digital commerce cannot be underestimated and will need a balancing act between immunity of intermediaries from liability and protection of the trademark owner. This provision for safe harbor allows innovation and commerce to take place because it allows e-commerce facilities to flourish and maintain minimal legal exposure but such immunity is increasingly abused resulting in legal attacks on the IP rights of numerous trademark holders. Such an imbalance has the potential to increase the cases of online counterfeit sales and other activities that will negatively affect not only the integrity of the brand but also trust between the brand and the consumer. These changes indicate the necessity of more complex mechanisms which not only enhance the intermediary liability of e-commerce sites but also protect the rights of trademark holders. All this discourse shows that there stands an immediate need of reforms and collaboration where the interests of consumers are addressed and the best possible rights are provided to IP owners.⁴

2.3 Consumer Protection Act, 2019

The Consumer Protection Act, 2019 (CP Act) is a crucial piece of legislation in relation to the registration of e-commerce websites and regulation of their operations. As e-commerce and online shopping industries continue to boom, the customers are faced with a higher risk of fraud specifically with regards to the sale of counterfeits posing as genuine trademark-protected products. To address these concerns, the Act contains robust product liability and unfair trade practice provisions. The Act has defined “defect” and “deficiency” in relation to goods and also provided for services under Section 2(47), which entitles the consumers to sue either if a counterfeit item or deceptively similar one is sold without their knowledge. Further, the Act provides for a reversal of burden of proof, under which e-commerce entities can be held liable for the products they sell, thus making them more accountability when it comes to testing and verifying claims made by brands that they are selling.⁵ Also, consumers can now lodge a complaint before the Consumer Disputes Redressal Commission for unfair trade practices under the Act. This ensures that consumers are protected, but also allows brands an opportunity to strengthen their compliance on IP rights. Hence, enforcement of such consumer protection

³ Subhajit Basu & Richard Jones, Indian Information and Technology Act 2000: Review of the Regulatory Powers under the Act, 19 Int’l Rev. L. Computers & Tech. (2005).

⁴ Sonalika Gupta & Malobika Bose, The Intersection of Trademark Law and E-commerce in India: A Study of Online Brand Protection, 10 IJARIE 2 (2024).

⁵ Diksha Arora, The Interplay between Intellectual Property Law and the Consumer Protection Act, 2019, 25 J. Intell. Prop. Rts. No. 6 (2020).

measures would serve to discourage sales of counterfeit goods in online trading platforms more effectively. Moreover, the Consumer Protection (E-Commerce) Rules, 2020 framed under this Act expressly require e-commerce platforms to disclose information on seller and authenticity of the commodity along with consumer redressal mechanisms for consumers. It is this regulatory framework that plays an important role in improving transparency in e-commerce transactions and improving public confidence.⁶

3. THE RISE OF TRADEMARK INFRINGEMENT IN E-COMMERCE

3.1 Counterfeiting and Unauthorized Use

The most common type of trademark infringement occurs in e-commerce through counterfeiting, where unauthorized sellers list infringing goods on e-commerce sites with the trademarked names of a brand owner. Counterfeit goods erode the value of branded goods and place consumers at risk from being misled into buying inferior products. A report by the International Trademark Association (INTA), published in 2021, found that counterfeit goods cost consumer and trademark holder billions of dollars every year.⁷

The open marketplace model of e-commerce platforms such as Amazon and Flipkart encourages counterfeiting by allowing third-party sellers to list goods for sale without substantial verification on the products. Such platforms give counterfeiters a much easier playground to capitalize on the recognition and popularity of well-known brands, with listings that resemble genuine goods using similar images and descriptors. The increasing scrutiny has led to these platforms coming up with several anti-counterfeit measures like Amazon's Brand Registry and Flipkart's anti-counterfeiting initiatives.⁸ Despite the advances, a general search pulls up thousands or even millions of single listings for infringing products, and many counterfeiting groups are quite sophisticated in their operations so true eradication is difficult.⁹ Experts believe that collaboration between e-commerce platforms, brand owners, and consumers is essential to combat this widespread problem of trademark infringement in online

⁶ Ananya Chaurasiya et al., *Laws Relating to Trade Mark Infringement in India*, 6 Int'l J. Health Sci. No. S4 (2022).

⁷ The International Trademark Association (INTA), *The Economic Impact of Counterfeiting and Piracy* (2021).

⁸ Indranath Gupta & Lakshmi Srinivasan, *Evolving Scope of Intermediary Liability in India*, 3 Int'l Rev. L. Computers & Tech. (2023).

⁹ J. Fischer, *E-Commerce and Intellectual Property: Trends and Challenges*, 37 Berkeley Tech. L.J. 1 (2022).

sales.¹⁰

3.2 Domain Name Disputes

Due to the growth of e-commerce, domain names have become the “digital real estate” for most businesses in today economy. As the web has become a critical tool in connecting brands to consumers, visibility and prestige, right in plain view of competitors, must be asserted through networks and trade dress that are domain names. Consequently, trademark owners frequently contend with cybersquatters. These are persons or companies that register domain names that are same or deceptively similar to established trademarks with plans to sell these domains for significant higher prices or deceive consumers. This is one way to threaten brands by diluting their very identity, confusing customers, and harming a brand's reputation and sales.¹¹

As these issues have arisen in the digital sphere, new legal mechanisms have formed to address them. The legal mechanism for domain name disputes in India is largely based on UDRP (Uniform Domain Name Dispute Resolution Policy) and INDRP (Indian Dispute Resolution Policy). The Internet Corporation for Assigned Names and Numbers (ICANN) established the UDRP, which is a fast track method to resolve the disputes over domain name registration. This is a global policy and it is mostly applied in the case of cybersquatting where trademark owners can file an objection on registration of domain names that violate their rights. Similarly, the INDRP, established by India offers a dispute resolution procedure which considers domain names only in India. It recognizes the need for an indigenous approach to law adapting to both India-specific needs as well as the internet economy.¹² Hence, both UDRP and a comprehensive set of INDRP are primarily protective of trademark rights for legitimate trademark holders against abusive registrations at the same time striking a balance ensuring that not all domain name registrations would be rendered unviable. With the continuous growth of e-commerce, there is little doubt that trademark law and domain name disputes will continue to evolve and develop at the intersection of these two fields as new challenges arise on a national and international level in the digital economy.

¹⁰ Organisation for Economic Co-operation & Development (OECD), Economic Impact of Counterfeit Trade (2020).

¹¹ D. Bradshaw, Understanding Cybersquatting: A Critical Analysis, 12 J. Elec. Com. 4 (2020).

¹² Jayems Dhingra, Remedy for Trademark Infringing Domain Names and Counterfeits, 57 J. World Trade 4 (2023).

4. ENFORCEMENT CHALLENGES

4.1 Jurisdictional Complexities

Cross-border nature of e-commerce transactions involves one or more parties from multiple jurisdictions, each with its own legal framework that can often complicate the questions around what law applies and where (jurisdiction) enforcement of law occurs. This poses major challenges especially if the parties are in different jurisdictions as the law may differ tremendously across borders. In view of these challenges, the Indian judiciary has acknowledged this and taken a practical position on jurisdiction in e-commerce matters.¹³ An important case on this is *World Wrestling Entertainment, Inc. v. Reshma Collection*¹⁴, in which the Delhi High Court held that it can assume the jurisdiction based on where the website is accessible in India and where goods are delivered inside India. That means jurisdiction in e-commerce cases involving trademark and copyright disputes would be determined by the buyer's place of residence. Here, the court underscored that simply having a website from which Indian users could access information, and the defendant being outside India can be enough to establish seat of jurisdiction where activities were targeted at or had effects in India. This is consistent with the international approach where courts have traditionally considered factors like user location, transaction type, and physical business presence in the jurisdiction for e-commerce disputes.¹⁵

Further, the flexibility shown by Indian Courts also showcases a realization that legal principles may require modification to address the changing landscape of the digital economy. E-commerce thrives on simplicity; therefore, creating an environment where online businesses can thrive necessitates balancing protection of consumer rights while reducing jurisdictional hurdles. This method of dispute resolution will help in elimination of effective disputes and also building confidence for any International business schedule to invest in Indian market. In this context and after these developments, the response of the Indian judiciary reflects a pressing need to re-evaluate e-commerce regulations along with their jurisdictional scope which is set to evolve further in parallel with technological advances and growth of online

¹³ H. Advani, *Jurisdictional Aspect in E-Commerce Transactions: Indian Perspective*, 2 Int'l J. Integrated L. Rev. 1 (2021).

¹⁴ FAO (OS) 506/2013

¹⁵ Ashwini Gehlot & Aklovy Panwar, *Jurisdiction for Online Trade Mark Infringement in India*, 15 J. Intell. Prop. L. & Prac. 3 (2020).

commerce.¹⁶

4.2 Limited Liability of Intermediaries

E-commerce platforms are categorized as intermediaries in India under IT Act of 2000 but whether its role is to facilitate the sale of infringing goods has led to much legal battle. While these platforms play an intermediary role allowing sellers to access the consumer market, this same activity poses a question of their liability when such sellers provide counterfeit or trademark-infringing goods. While courts have made their best efforts to outline the degree of intermediaries' liability, they have consistently recognized the complication caused by Section 79 IT Act's safe harbor provision. It is this provision that offers protection to intermediaries from liability for third party content, as long as they act promptly to take down infringing content once notified. However, certain details of this provision have made its application inconsistent from case to case, complicating attempts at effective IP enforcement.

The Delhi High Court's 2018 decision in the case of Christian Louboutin SAS v. Nakul Bajaj & Ors.¹⁷ further reiterated the need for stricter liability on e-commerce platforms with infringement of trademarks. Here, Louboutin, best known for its iconic red-soled shoes, was suing an e-business that sold knock-offs of its goods. The court acknowledged that e-commerce platforms have a responsibility to proactively monitor their listings for infringing goods because it is insufficient simply to transfer the burden of policing to owners of brands on notice of infringement. The outcome represented an important milestone in the quest to strengthen protections for intellectual property rights on the internet, sending a message that online intermediaries must take a more active role in preventing counterfeit goods from being sold through their platforms. Furthermore, this case had raised wider interest in both consumer trust and brand integrity in the growing sphere of online commerce with comment that intermediary liability requires further legislative clarification to materialize certainty for rights holders, consumers and platform operators alike.¹⁸

4.3 Delayed Action by Authorities

Indian trademark enforcement suffers from lengthy lagging court processes which can extend

¹⁶ Aqa Raza & Ghayur Alam, Theoretical Underpinnings of Trademark Law: Decisions of the Supreme Court of India, 27 J. Intell. Prop. Rts. No. 5 (2022).

¹⁷ AIR ONLINE 2018 DEL 1962

¹⁸ Aklovy Panwar & Ashwini Gehlot, Intermediary Liability for Trade Mark Infringement in India: The Louboutin Case, 15 J. Intell. Prop. L. & Prac. 3 (2020).

for ages causing all legal remedies and reliefs to be undermined. The WIPO report of 2020 points out that the backlog in Indian courts cause significant hindrance to quick justice which translates into delays in trademark dispute resolution process itself. This, in turn, deters businesses from taking any legal actions against infringers while encouraging counterfeiters to continue their operations without much fear of consequence. With a lack of specialization in law enforcement agencies this also complicates the case. IPR cells set up by several law enforcement agencies are still in infancy with no or limited training and resources to tackle the crime of trademark infringement and counterfeiting. Hence, there is a requirement for capacity-building to develop skills and expertise in IPR enforcement officers. Without these dedicated units in place, efforts to combat counterfeiters are pointless as law enforcement officials do not have a grasp of the intricacies of intellectual property matters or how best to investigate and prosecute such cases.

The Indian government has also taken few strides towards dealing with these challenges particularly with its 2016 National Intellectual Property Rights (IPR) Policy to bolster enforcement of IPRs. Critics however claim that while it is positive in theory, this has been slow to implement as well as sporadic and more serious reforms are required for a firm structure of effective trademark enforcement in the nation. These persistent issues, particularly in the enforcement of and adherence to best practices in intellectual property protection, are reflected in India's poor ranking on the International IP Index published by the US Chamber of Commerce's Global Innovation Policy Center.¹⁹

5. KEY CASE LAWS

i. **Tata Sons Ltd. v. Manu Kishori & Ors, [2008] 2 AIR Bom 122**

This is an important legal decision in the area of cybersquatting, which is the act of buying up domain names similar to those of famous trademarks in order to either earn off the back of brand recognition or defame the trademark itself. In this case, the defendant had registered multiple domain names for his own use which were deceptively similar to trademarks registered with or owned by Tata Sons. The court ruled after considering the evidence that domain names are entitled to be protected if they are very similar to trademarks famous. Apart from protecting the visual identity and recognition of Tata's brand amongst consumers, this

¹⁹ U.S. Chamber of Commerce, International IP Index (2022).

judgment was significant as it reiterated general principles of law governing cybersquatting whilst emphasizing that all intangible property rights must be extended to the virtual space as well. The ruling shows the court's commitment to guarding against infringement of domain names and providing assurance that, electronically, consumers can expect to encounter the same brands they would have been able to easily identify had they engaged in a traditional interaction. The judgment, thus, not only protected Tata's trademarks from being taken over by those who wanted to free-ride on the company's reputation but also underscored the importance of due-diligence in respect of online registrations, especially with respect to preventing challenges posed to existing trademarks and companies' domain names via cybersquatting.

ii. Christian Louboutin SAS v. Nakul Bajaj & Ors., AIR ONLINE 2018 DEL 1962

The central issue in this landmark case was whether e-commerce platforms were liable for selling and distributing counterfeit goods. Christian Louboutin, a luxury brand, well-known for their signature red-soled shoes, had taken action against online sellers who uploaded its products without the permission of trademark owners. In this case, the Delhi High Court looked at the implications of Section 79 of the IT Act, 2000 that provides a safe harbor to intermediaries against liability for user-generated content if they are not actually aware of infringing activity. However, the court held that Section 79 couldn't help e-commerce platforms if they were found to have actively sold or marketed counterfeit products. It is an important ruling because it establishes a precedent increasing the responsibilities of online marketplaces to prevent the sale of counterfeits. This implies e-commerce platforms must conduct due diligence by vetting the items uploaded by their sellers and taking such steps that are necessary to stop violation of IP rights. This ruling supports the rationale that passive facilitation will not be enough for these organizations to escape liability, but instead they must actively take steps to prevent their brands & consumers from harm of counterfeit goods.

iii. Amazon Seller Services Pvt. Ltd. v. Amway India Enterprises Pvt. Ltd. , [FAO(OS) 133/2019]

The Delhi High Court dealt with that issue of liability of e-commerce platforms for trademark infringement by third party sellers on their platforms. The court finally held that e-commerce marketplace, like Amazon, are not liable for the trademark infringement of other sellers unless it is specifically prove that the platform was involved in sale of the infringing goods. This ruling illustrates the legal separation between e-commerce platforms and their individual sellers. The

court noted that a listing service, like Amazon, does not trigger such a duty to police all and every potential infringing listings. The ruling upholds the rule that e-commerce platforms may serve as neutral intermediaries, if they are not involved with the infringing activity, thereby striking a balance between protection of trademark rights and interests in online commerce.

6. RECOMMENDATIONS

E-commerce in India has altered the retail sector by creating convenience and accessibility to its customers. Although such growth has been of great benefit to business, it has also resulted in a lot of pressure in trademark enforcement and therefore protecting IP Rights has become a difficult task. Although a framework of to protect trademark in India is established by the TM Act, 1999, IT Act of 2000 and CP Act, 2019, it is possible to point out gaps in these laws. The TM Act, for example, prescribes the registration and protection of the trademarks but it does not appropriately deal with online markets in specifics. Thus, there are several areas where improvements are needed.

i. Strengthening the accountability of e-commerce platforms in cases of trademark infringement

E-commerce platforms are one of the areas that should be rectified. They should be subject to liability of trademark infringement. Counterfeit products are being sold by many e-commerce websites and sellers without any controls and they must bear responsibility of such products. Trademark infringement must not be an exception in e-commerce platforms. The government must reinforce the duty of these websites to keep track of and take down infringing offers, creating a far more efficient trademark enforcing mechanism.

ii. Expediting legal proceedings in trademark disputes, especially those involving counterfeit goods

Moreover, the long procedural processes witnessed in relation to trademark disputes are a big impediment. Specifically, legal matters that are related to fake products may take many years before solutions are found yet trademark owners continue to lose money in the mean time. The legal dispute may be expedited by specialized IP Courts or alternative dispute settlement methods which could also relieve the burden on the concerned businesses.

iii. Enhancing public awareness of trademark rights and the dangers of purchasing counterfeit goods

Lastly, we should educate people about the fact that there are rights regarding trademarks and the dangers of purchasing counterfeit products since not many consumers worry about the consequences of purchasing counterfeit products. Such actions may be education in terms of teaching the masses about the importance of trademarks, possible risks when using fake products and instilling better accountability when acting as a buyer.

7. CONCLUSION

With the growth of e-commerce in India, businesses and consumers have changed their interaction dynamics leading to both convenience as well as complexities to the marketplace. The TM Act, 1999, IT Act, 2000 and CP Act, 2019 provide a framework for trademark protection, however its application to the new digital world is inadequate. Although the legal framework is broad in certain aspects, it faces challenges due to the rising rate of trademark infringement via counterfeiting, cybersquatting and different kinds of online misrepresentation. Such challenges point to the urgent need for a more flexible and enforceable trademark law tailored to the distinctive nature of e-commerce. One of the biggest issues today is that there are no checks and balances when it comes to e-commerce platforms. These platforms facilitate commerce between the buyers and sellers, but also give counterfeit goods a marketplace which leads to harm both to consumers as well as brand owners. Though Section 79 of the IT Act provides safe harbor provisions for intermediaries, this provision in many cases is misused to escape liability from trademark infringement. The judiciary in India, as seen through landmark cases like *Christian Louboutin SAS v. Nakul Bajaj*, has sought to shift more liability on e-commerce platforms for failing to take steps to prevent the sale of infringing goods. However, there remains a need for clearer legislative guidance to establish the obligation of intermediaries that protect intellectual property rights but does not stifle digital commerce. The jurisdictional issues and procedural delays still hamper the enforcement of trademarks in India. E-commerce invariably involves parties across different legal jurisdictions, which is highly visible in cross-border e-commerce transactions. The multiplicity of jurisdictions complicates the enforcement of trademark rights and dilutes the efficacy of judicial redress. To tackle these challenges, creating IP-specialized courts or innovative alternative dispute resolution mechanisms to deal specifically with trademark disputes can simplify the legal process and

accelerate solutions by deterring counterfeit conduct. This would facilitate granting of prompt relief to the brand owners against counterfeit goods besides safeguarding the consumer against the dangers of fake products by reducing both time and expenditure consumed in litigation. One of the factors of the improvement of trademarks protection is social awareness. The majority of the customers are not completely informed about the threats corresponding to counterfeit products and legal protection of trademarks. Education and awareness programs among the consumers enable them see the importance of trademarks and hazards posed by fake products, which will not only enhance trust in the consumers but also increase opportunities to the genuine businesses and entrepreneurs. Consumer awareness campaigns, digital resources, and working together through the government, e-commerce platforms, and brand owners can build consumer education further pushing responsible consumer habits as well as reduced demand for counterfeit goods. In conclusion, India should enhance trademark laws to enable it to withstand the pressure of the digital economy and to provide strong protection to brands and to its consumers with a smooth market place. India requires an evolution of trademark enforcement and that includes e-commerce platforms accountability and the speeding up of legal proceedings, as well as bringing public awareness. Such steps can also strengthen the safeguarding of IP, innovation and investments in India besides allowing all players to create a flourishing e-commerce environment that will allow robust expansion of Indian digital economy in the years to come.