BEYOND SIGHT, SOUND AND SENSE: TRANSLATION, TRANSLITERATION AND TRADEMARK SIMILARITY IN MULTILINGUAL INDIA

by

Ishita Singh
LL.M. (Master of Law), Amity Law School,
Amity University, Noida, Uttar Pradesh, India

ABSTRACT

"The limits of my language mean the limits of my world," wrote Ludwig Wittgenstein — a maxim that resonates powerfully within India's trademark jurisprudence, where a single brand may speak in a dozen scripts and sound different in as many tongues. In a multilingual society where "Fruit Salt" translates to "Falaxar," "Peacock" to "Mayur," and "Capital to "Rajdhani," the question of when two marks are similar cannot be answered through sight alone.

This paper examines the tripartite doctrine of visual, phonetic, and conceptual similarity under the Trade Marks Act, 1999, tracing how Indian courts have judicially constructed this framework in the absence of statutory definition. By applying a sociolinguistic lens to major legal precedents ranging from early standards like imperfect recollection to complex multi factor tests and from translation disputes like Rajdhani–Capital to transliteration conflicts like falcigo/falcitab. The study argues that trademark law in India has progressively shifted toward a type of applied linguistics. Consequently, legal decisions now judge not only commercial aspects but also the underlying meaning of words.

The paper concludes that courts have developed effective mechanisms for India's multilingual marketplace, yet significant gaps persist, especially the lack of a standardised test for comparing different scripts. To address this, this paper introduces a three-step framework designed to evaluate marks based on their visual appearance ,sound, and meaning .

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KEYWORDS

Linguistic Plurality, Deceptive Similarity, Foreign Equivalents, Consumer Perception, Translation, Transliteration, Trade Marks Act, 1999

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1. INTRODUCTION

Intellectual property rights have become increasingly important in modern business because intangible assets, such as brands, designs, inventions, and ideas, often make up a large part of a company's value. Among these rights, trademarks play a special role. They help customers recognise who makes a product or provides a service. At the same time, they allow businesses to build, maintain, and protect the trust, reputation, and goodwill connected with their brand. "Trademark" has been defined under Section 2(1)(zb) of the Trade Marks Act, 1999 as "a mark capable of being represented graphically which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colours[1]." A trademark[2] is more than a name, word, symbol or logo; it is a mark of identity that helps consumers recognise the origin of goods and services in the marketplace. However, in a country like India, where people communicate in different languages and scripts, the protection of trademarks involves challenges that go beyond the mere appearance or pronunciation of a mark. A trademark registered in one language may be copied, translated or transliterated into another language, raising an important legal question: should a mark lose its protection simply because it is expressed in a different language or script?

India's multilingual character makes this question particularly significant. Consumers may recognise a brand through its English name, its Hindi transliteration, its Tamil equivalent or the meaning conveyed by the mark in another language. For example, the English word "STAR" and its Hindi transliteration "स्टार" may look different but sound substantially alike. Similarly, the English word "SUN" and its Hindi translation "सूरज" have different spellings and pronunciations but convey the same meaning. These examples reveal that trademark similarity is not limited to what the eye sees or the ear hears; it may also involve the meaning and idea that a mark communicates to the consumer.

The present study is primarily governed by the Trade Marks Act, 1999, with particular reference to the provisions dealing with deceptive similarity, likelihood of confusion and infringement of registered trademarks. The most relevant statutory provisions are Sections

[1] The Trade Marks Act,1999 (Act 47 of 1999), s. 2(zb).
[2]Winnie Mathew, "The Doctrine of Deceptive Similarity: Judicial Trends, Interpretations and Ever Evolving Disposition" IRALR, available at: https://www.iralr.in/post/the-doctrine-of-deceptive-similarity-judicialtrends-interpretations-ever-evolving-disposition (last modified March 8, 2021).

2(1)(h), 2(1)(zb), 11(1), 28 and 29(1)–(2) of the Act. Section 2(1)(h) defines deceptive similarity. Section 11(1) deals with the likelihood of confusion or association between trademarks, and Section 28 provides the rights conferred by registration. Trade Mark can either be registered or unregistered [3]under the Trade Mark Act,1999. Judicial insights are required time to time for determination of distinctiveness of trademarks even though the standards are incorporated by section 9 and 11 under the Trade Marks Act, 1999[4].

Further, Section 29(9) is particularly significant, as it recognises spoken use as well as visual representation of words forming distinctive elements of a registered trademark. Section 29(1)–(2) provides the basis for examining infringement arising from identical or deceptively similar marks. These provisions are central to analysing whether translation or transliteration of a trademark into Hindi, Tamil or any other language may give rise to deceptive similarity or consumer confusion.

This paper addresses the challenges of trademark similarity in India's multilingual marketplace, with particular focus on the translation and transliteration of trademarks across English, Hindi and Tamil. It examines whether a trademark expressed in a different language or script can create a likelihood of confusion or association with an existing registered mark, even when the two marks differ visually or phonetically. By analysing visual, phonetic, semantic and conceptual similarity under the Trade Marks Act, 1999, the paper explores how language, meaning and consumer perception influence the assessment of deceptive similarity[5]. It further examines the adequacy of the existing legal framework in addressing cross-Language trademark disputes and seeks to identify an approach that balances the protection of trademark rights with the legitimate use of language in a diverse society.

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[3] Neetu B. Shambharkar, "Notion of Deceptive Similarity under Trademark with Reference to Landmark Cases in India: A Legal Insight" 3 IILMH 457 at 459 (2020).

[4] Tamish Kumar, "How Much Do Phonetic Similarities Matter in Trademark Disputes?" Mondaq, Sept. 22, 2021, available at: mondaq.com (last visited on Sep. 26, 2026).

[5] Satya Sabharwal, "Evolution of Deceptive Similarity Tests under Trademark Law" The IYEA, Aug. 23, 2020, available at: medium.com (last visited on Sep. 26, 2026).

2. CONCEPTUAL FRAMEWORK

2.1 The Classical Triad

Indian law avoids a strict, comprehensive definition of similarity , as provided in section 29(1)(h) of the Trade Marks Act, 1999. Rather, the law evaluates whether a mark is so similar to an already registered mark that it is likely to cause confusion. Because this legal standard lacks rigid boundaries, courts have traditionally interpreted it using guidelines found in both traditional English and Indian judicial precedents:

i. Commercial impression – court see the overall look ,sound and feel create the actual impression on a buyer , not isolated words or design fragments viewed in isolation.

ii. The ordinary purchaser- The reference point is a person of average intelligence and imperfect recollection, avoiding strict side by side comparisons. This principle is associated with Amrit Dhara Pharmacy v. Satya Deo Gupta [6].

iii. Disjunctive test- Phonetic, visual and structural similarity are alternatives, not cumulative requirements, falling just one can prove a mark is confusingly similar as reaffirmed by the Delhi High Court in the 2022 Sun Pharmaceutical decision[7].

iv. Literacy and knowledge of scripts -many consumers might only read one specific script others believe heavily on visual cues and verbal communication rather than reading text. Indian courts have noticed that consumers especially those with lower literacy rate are usually confused by the overall look and design of a product.

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v. Multilingual competence – As court observed many consumers in India speak both English and another local language due to this people easily recognises similarities between words across different languages .

2.2 Analysing the Brand Triad in Multilingual Contexts

In a standard marketplace , it is generally assumed that a brand "mark" has a consistent ,stable spelling , sound, and meaning that can be easily compared against others. The text argues that multilingualism disrupts and destabilizes every single one of these three elements-

[6] Amritdhara Pharmacy v. Satyadeo Gupta, AIR 1963 SC 449

[7] Sun Pharmaceutical Industries Ltd. and Anr. v. Kinetic Life science (OPC) P. Ltd. and Anr., 2022 Live Law (Del) 369.

i. Visual similarity/ the sight is determined by the script**-** Layer I: Visual Equivalence-

The degree to which overall appearance reveals a resemblance between two marks is what defines visual equivalence. Shape, structure, and character arrangement as they would strike the eye of an ordinary consumer determine this judgment. When one compares an English mark with a mark in an Indian script, this layer will ordinarily reveal little or no similarity. This happens because no common letterforms are shared by the two scripts, and different orthographic conventions are followed by them.

For example, four angular capital letters make up the Latin mark STAR, whereas a horizontal headline ,a conjunct consonant, and dependent vowel signs form the Devanagari mark स्टार. Even when one places them side by side, the two bear no resemblance in form. The change of script, however, causes this dissimilarity, rendering it a feature of the medium rather than the mark's inherent distinctiveness. It therefore cannot by itself defeat a claim of confusing similarity; otherwise, anyone could appropriate a mark merely by transliterating it into another script. An entirely different appearance is taken on by the same word in Devanagari, Tamil, Bengali, and Roman. Consequently, a consumer who reads only one script usually finds visual comparison across different scripts completely meaningless.

ii. Phonetic similarity/the speaker and script determine the sound**-** Layer II: Phonetic Equivalence-

The degree to which two marks sound alike when relevant classes of consumers speak and hear them refers to phonetic equivalence, with the test being whether an average consumer of imperfect recollection would pronounce and perceive them as substantially the same. Because trademarks are not only seen by a consumer but also ordered orally at the point of sale, recommended by word of mouth, and advertised on radio and television, this layer is significant.

The English word "star" is rendered in Devanagari as स्टार, and speakers pronounce both marks approximately as /stɑːr/. The only variation is that the English alveolar /t/ is typically articulated as a retroflex [ʈ] by Hindi speakers, a difference that an ordinary listener cannot perceive. The same word is thus heard by the consumer, regardless of which script appears on the label. Because transliteration preserves only sound as an attribute, courts place heavy weight on phonetic identity when establishing deceptive similarity [8]under Section 2(1)(h) and a likelihood

[8] The Trade Marks Act, s. 2(1)(h) (1999).

of confusion[9] under Section 11 of the Trade Marks Act, 1999. However, examiners assess it alongside the nature of the goods, the class of purchasers, and the trade channels, rather than treating it as automatically conclusive. Sound is encoded differently by Indian scripts compared to the Roman script. Scholars have not standardized Roman spelling for Indian words; therefore, one can plausibly render a single Devanagari word as "Vijay", "Vijai", or "Wijay". Sounds are not distinguished by some languages that are treated as distinct by others, so different regional speakers may pronounce a mark differently.

iii. Conceptual similarity/speaker and script determine the meaning **-** Layer III: Conceptual Equivalence-

The degree to which two marks convey the same idea, meaning, or mental image to the ordinary consumer determines conceptual equivalence. Consumers are impacted this way regardless of how the marks look or sound. Recognizable meaning is not merely seen or heard by the consumer; they also interpret it. A shared meaning may lead the consumer to believe that the goods come from the same source or from economically linked undertakings. In a cross-script context, this layer is especially significant because a mark in an Indian script may be a translation rather than a transliteration of the English word. For example, the English mark SUN and the Hindi mark सूरज (Suraj) look entirely different and sound entirely different. Yet, the identical idea of the celestial body that gives light is conveyed by each. A consumer familiar with both languages, which is common in a multilingual market like India, may treat the two as one and the same brand expressed in two languages. Conceptual equivalence therefore captures a form of similarity that the visual and phonetic layers cannot detect at all. The speaker and the script used determine the meaning of a word. A word that holds no meaning for someone who reads the Roman script might be a common, everyday word to a person who speaks Hindi or Tamil.

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2.3 Extending The framework: Script and Cross-Lingual Meaning

This paper proposes to treat two additional dimensions as explicit parts of the similarity inquiry.

i. Script (transliteration)- The question is whether two marks, written in different scripts or different Roman spellings, resolve to the same or a confusingly close sound-form once normalised.

[9] Trade Marks Act, No. 47 of 1999, § 11(1).

ii. Cross-lingual meaning (translation)- The question is whether two marks in different languages convey the same idea to a consumer who understands both.

The resulting model has six dimensions, and the first three are the traditional ones.

Visual Similarity: Checks if marks present a similar appearance through shared fonts, colours, and layouts.

ii. Phonetic Similarity- Evaluates if marks produce a similar sound when spoken (e.g., Mahendra / Mahindra).

iii. Conceptual Similarity: Examines whether a similar idea is conveyed within the same language.

iv. Script / Transliteration- Looks for a collision after scripts are normalized into their Roman rendering.

v. Cross-Lingual Equivalents Evaluates if marks share meanings across languages (e.g., Rajdhani / Capital)

vi. Conceptual Spectrum- Maps meaning-based connections to separate literal translations (such as Mayur / Peacock) from synonyms (such as Surya / Bhaskar).

2.4 A Spectrum of Conceptual Relationship

A translation does not constitute every meaning-based link. To achieve analytical clarity, we can arrange cross-lingual conceptual relationships along a spectrum:

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i. Literal translation- This involves using the identical word across a different language (e.g., Mayur/Peacock).

ii. Synonym or near-equivalent- This utilizes distinct terms to represent the same concept (e.g., Surya/Bhaskar, where the sun is meant by both).

iii. Association- This connects related but non-identical concepts (e.g., Fauji and Officer's Choice, where the military is evoked by both, but a soldier is named by one and an officer by the other).

iv. Mere thematic overlap:-This occurs when a common field or mood is shared by a pair, without sharing any core meaning.

3. TRANSLATION, TRANSLITERATION AND SIMILARITY: THE MAIN ANALYSIS

3.1 Legislative Framework

The Trade Marks Act, 1999 [10]does not explicitly feature the terms "translation" or "transliteration" as distinct barriers to registration. Instead, these concepts are absorbed into practice through standard procedural channels and general provisions governing trademark similarity.

Relative Grounds [11](Section 11): Registration may be denied if a mark mirrors or closely resembles an earlier trademark for identical or similar goods/services, creating a distinct likelihood of confusion or association.

Absolute Grounds [12](Section 9): Marks that lack distinctiveness, or those containing purely descriptive or generic elements, face rejection. Specifically, marks calculated to deceive or spark public confusion are targeted by Section 9(2)(a[13]).

Infringement Realities [14](Section 29): The unauthorized use of an identical or deceptively similar mark that generates confusion falls under Section 29(2). [15]Notably, Section 29(9) [16]expands this scope: when a registered mark contains a distinctive core, the spoken word, visual replication, or phonetic translation of that core constitutes trademark use. This establishes a firm statutory foundation ensuring that trademark rights extend well beyond a single written format.

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3.2 Transliteration: One Mark, Many Forms

The conversion of text from one script to another without changing the word defines transliteration. Three features make it legally significant, even though it looks mechanical.

(a) Writers cannot render a word in a single correct way- Several plausible ways can Romanise a Devanagari word, differing in vowel length, aspirated consonants, the treatment of the inherent "a", and the choice between "v" and "w". A rival copies the mark in substance if they adopt a different but phonetically equivalent Roman spelling of a registered Devanagari mark.

[10] The Trade Marks Act, 1999 (Act 47 of 1999).
[11] The Trade Marks Act, 1999, s. 11.
[12] Id., s. 9.4
[13] Idfactory., s. 9(2)(a).
[14] The Trade Marks Act, 1999, s. 29.
[15] Id., s. 29(2)

[16] Id., s. 29(9)

(b) Different scripts and languages compress sounds differently- Some scripts and languages distinguish sounds that others do not (for example, aspirated versus unaspirated, or dental versus retroflex consonants). Speakers of another language may find a pair of marks that are distinct in one language's phonology identical.

(c) Visual dissimilarity is beside the point-. The visual test does not help when a mark exists in Devanagari and another in Roman letters. The comparison turns on sound and, where relevant, on the ability of the consumer to read either script. Commentary on script-crossing marks has noted that Indian courts and the Registry have treated phonetically identical marks in different scripts as capable of confusion, applying Sections 9(2)(a) and 11(1). A Devanagari rendering and a Roman rendering of the same brand name provide a well-known illustration in this commentary.

Through this lens, one can readily analyse the case of Mahendra & Mahendra Paper Mills Ltd. v. Mahindra & Mahindra Ltd. [17]Both names serve as close variations of the exact same underlying Indian name, differing only by a single vowel in the second syllable. The core principle—that consumer confusion is not eliminated by minor spelling variations in a transliterated name when the pronunciation and brand reputation stay intact—is strongly demonstrated by the Supreme Court's protection of the famous "Mahindra" brand .

3.3 Translation: Same Idea, Different Language

Translation-based confusion arises when a later mark conveys the same idea as an earlier mark in another language. Indian courts have accepted this in several decisions:

Peacock / Mayur- the Delhi High Court, in the Bhatia Plastics v. Peacock Industries [18]case, accepted the argument that "Peacock" is the literal equivalent of "MAYUR," meaning both marks convey the identical concept. The court rejected the counter argument that "Mayur" was simply an uncommon Sanskrit word.

Sunlight / Surian- A dispute involving Hindustan Unilever and T.G. Balaji Chettiar [19]led the court to hold that the Tamil word for sun was deceptively similar to "Sunlight".

[17]Mahendra & Mahendra Paper Mills Ltd. v. Mahindra & Mahindra, 2002 2 SCC 147

[18] Bhatia Plastics v. Peacock Industries Ltd., AIR 1995 Del 144.
[19] T.G. Balaji Chettiar v. Hindustan lever ltd., AIR 1967 Mad 148

Surya / Bhaskar [20]- A Delhi High Court decision where the court found two words meaning the sun (one Sanskrit, one Hindi) to be deceptively similar. This conclusion was reached even though the marks did not look or sound alike.

Rajdhani / Capital- The court treated "Capital" as the English equivalent of "Rajdhani" in Victoria Foods Pvt. Ltd. v. Ashad Trading Co[21]. An interim injunction was granted by the court against using "Capital" and "Taj Dhani" for food products, and the court also noted the alleged copying of trade dress.

Two main features stand out. First, courts prioritize conceptual identity across languages over visual and phonetic differences. This follows a principle often cited from McCarthy: the psychological image that marks evoke can be so strong that it outweighs differences in appearance and sound. Second, the cases involve goods sold to mass consumers who move easily between languages. This creates the perfect paradigm setting for translation-based confusion.

3.4 Placing the Consumer at the Centre

The identity of the "ordinary purchaser" is made more critical, rather than less, by the multilingual dimension. The following considerations are presented below:

i. Bilingual and Multilingual Demographics- That two words across different languages share the same meaning is more likely to be recognized by bilingual and multilingual buyers. Such a consumer is assumed by the translation doctrine.

ii. Monolingual and Low-Literacy Demographics- A translation may not be recognized by monolingual and low-literacy buyers; instead, sound, colour, and packaging (get-up) are more heavily relied upon by them. For this group, greater weight is carried by transliteration and phonetic risks than by translation risks.

iii. Oral Transmission- Phonetic similarity is favoured, and minor spelling discrepancies are rendered irrelevant, by word-of-mouth recommendations, which are common in the Indian retail sector.

[20] Surya Roshni Ltd. v. Electronic Sound Components Co., AIR 1995 Del 92.3.
[21] Victoria Foods Pvt. Ltd. v. Ashad Trading Co., 2026 SCC Online Del 862.

iv. Imperfect Recollection-The wrong product may be mistakenly selected by a consumer who only recalls the core concept of a brand (such as a bird, the sun, or a capital city) if that central concept is identical, even when different words are utilized.

3.5 The Doctrine of Foreign Equivalent

United States practice most prominently developed the doctrine of foreign equivalents. The principle asks how speakers of that language would understand a foreign word, and its translation is treated as its equivalent. No statutory doctrine of this name is possessed by Indian law, but its logic is applied by the translation cases. Two cautions are applied.

The rule is not absolute. That the doctrine must not be applied mechanically is stressed by commentary on the Indian position. It works best where the equivalent is direct and where both languages are understood by a significant part of the relevant public.

The concept cuts both ways. Giving anyone a monopoly over ordinary words is also guarded against by the doctrine. Courts should not protect a translation of a descriptive or generic term (for example, the name of the goods themselves) merely because it is a translation, since Section 9 renders descriptive words unregistrable in any language.

3.6 Doctrine of Deceptive Similarity

Doctrine of Deceptive Similarity: A Linguistic Re-reading

Law alone rarely decides trademark disputes in India. Instead, the way ordinary consumers hear, read, and understand words across various languages and scripts determines the outcome. For example, legally distinct scripts represent the words रोटी and ROTI, yet they are phonetically identical marks. The doctrine of deceptive similarity performs its real work in a multilingual market within this gap between orthography and sound.

A mark is defined as deceptively similar by Section 2(1)(h) of the Trade Marks Act, 1999 if it "so nearly resembles" another mark that it is likely to deceive or cause confusion. The courts operationalized this through the three-fold test of Cadila (Cadila Health Care v. Cadila Pharmaceuticals) [22]which is assessed from the standpoint of a purchaser with imperfect recollection (Amrit Dhara Pharmacy v. Satyadeo Gupta). The test becomes mapped onto linguistic categories:

[22] Cadila Healthcare Ltd. v. Cadila Pharmaceuticals Ltd., (2001) 5 SCC 73.

Visual similarity, which focuses on the orthography and distinct scripts used to write the marks;

Phonetic similarity, which analyses the underlying phonology and script-independent sound of the words (as seen in cases like Ambal v. Andal and Encore v. Anchor);[23]

Conceptual similarity, which examines the semantic meaning and translation equivalents across languages in a multilingual marketplace.

The Seven Factors for Deceptive Similarity;

i. Categorization of the marks: How the marks are classified as word, label, or composite marks.

ii. Level of resemblance: How similarly the marks sound phonetically and how closely their core meanings match.

iii. Product category: What kind of items feature these marks. (Shifted from passive "are used" to active description).

iv. Overlap in products: How closely the competing traders' goods match in their general traits, features, and functions.

v. Buyer profile: The background, smartness, and caution that customers usually apply when they make a purchase.

vi. Buying process: How the products are bought or how orders for them are placed by buyers.

vii. Market context: Any extra business conditions that affect the trade and the symbols.

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3.7 Technology and the Search Burden

A practical, technical side is also featured in multilingual similarity. Variant spellings, multiple scripts, and translations must be coped with by registry searches and brand-clearance searches. Indian languages are poorly suited to standard phonetic algorithms designed for English. Conversely, machine-learning systems trained on Indian languages (including transliteration tools) can produce several plausible outputs for one input. Researchers in other jurisdictions have combined phonetic, visual, and semantic scores, and Indian languages could adapt similar approaches. For practitioners, the point is that a clearance search limited to the Roman spelling of a mark is unlikely to be adequate.

4. JUDICIAL ANALYSIS

[23] K.R. Chinna Krishna Chettiar v. Shri Ambal & Co., AIR 1970 SC 146.

4.1 Foundational Principles

Amrit Dhara Pharmacy v. Satya Deo Gupta[24]): This landmark ruling established the ordinary-purchaser test and placed significant emphasis on overall impression and imperfect recollection. Translation and transliteration cases still use this decision as the baseline from which they start, as it anchors the legal inquiry around consumer perception instead of a dictionary comparison.

Kaviraj Pandit Durga Dutt Sharma v. Navaratna Pharmaceutical Laboratories[25]: This case clearly distinguished trade infringement from passing off. The court confirmed that while an infringement action involves a direct comparison of the marks themselves, a passing off claim evaluates the broader get-up and surrounding circumstances. This critical distinction guides translation cases, where a mark-based claim is frequently combined with a trade-dress claim by plaintiffs, as seen in the Rajdhani/Capital litigation.

Parle Products (P) Ltd. v. J.P. & Co. [26]This judgment confirmed that trademarks must be viewed as a whole. The court ruled that similarity in essential features and overall get-up can suffice to prove infringement, even if specific details differ.

The multi-factor test and a more stringent standard for medicinal products, where health may be endangered by confusion, were introduced by Cadila Health Care v. Cadila Pharmaceuticals. Within a multilingual context, it is suggested by these findings that the lowest level of tolerance for cross-lingual similarity must be observed in the pharmaceutical sector.

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4.2 Transliteration and Phonetic Proximity

Mahendra & Mahendra Paper Mills v. Mahindra & Mahindra demonstrates how a spelling variant of a well-known name is treated by the court as sufficiently close in sound to cause confusion. Legal practitioners frequently cite this case for phonetic similarity, but it also illustrates the transliteration point: courts should not permit variations in how Roman script renders an Indian name to defeat a reputed mark.

Starbucks Corporation v. Sardar Buksh Coffee & Co[27]. provides a useful example where visual, phonetic, and conceptual similarities across an Indian-language-inflected adaptation of a foreign mark were combined by the court. An Indian honorific was blended with a sound-alike

[24] Amritdhara Pharmacy v. Satyadeo Gupta, AIR 1963 SC 449
[25] Kaviraj Pandit Durga Dutt Sharma v. Navaratna Pharmaceutical Laboratories, AIR 1965 SC 980.
[26] Parle Products (P) Ltd. v. J.P. & Co., (1972) 1 SCC 618.
[27] Starbucks Corporation v. Sardar Buksh Coffee & Co., 2018 (75) PTC 419 (Del).

of the plaintiff's name by the defendant's mark. That adding an Indian flavour to a foreign mark does not necessarily dispel confusion is clearly demonstrated by the court's finding of deceptive similarity.

KRBL Ltd. v. Praveen Kumar Buyyani[28]): In this matter, "Bharat Gate" was treated as deceptively similar to "India Gate" for rice, as phonetic similarity, a shared concept, and the copying of essential features were noted by the court. Because "Bharat" and "India" constitute two names for one country, the translation end of the spectrum closely accommodates this case.

The Sun Pharmaceutical litigation (2022 decision of Justice Jyoti Singh) [29]provides further support for treating sound as sufficient on its own. In this ruling, the judge noted that phonetic identity is an important index of deceptive similarity and that the visual, phonetic, and structural tests are disjunctive.

4.3 Translation: The Expansive Line

Further support for treating sound as sufficient on its own is provided by the Sun Pharmaceutical litigation (2022 decision of Justice Jyoti Singh). In this ruling, it was noted by the judge that phonetic identity serves as an important indicator of deceptive similarity, and that courts view visual, phonetic, and structural tests disjunctively.

A consistent legal precedent is formed by the decisions on Mayur/Peacock, Surya/Bhaskar, Sunlight/Surian, and Rajdhani/Capital, wherein courts treat a direct translation or true synonym as conceptually identical. Several key points emerge:

i. Consumer Competence- The language proficiency of the Indian consumer is considered the relevant standard. It is assumed by courts that the two words can be readily connected by a significant portion of the purchasing public.

ii. Word Rarity- A word being rare cannot be utilized as a defense. In the Mayur/Peacock context, the court rejected the argument that ordinary buyers find Sanskrit terms unfamiliar.

iii. Trade Dress Impact:-The risk is heavily amplified by trade dress. In Victoria Foods, the court noted the alleged duplication of lettering and packaging alongside the translation issue.

[28] KRBL Ltd. v. Praveen Kumar Buyyani & Ors., 2025 SCC Online Del 198.
[29] Sun Pharmaceutical Industries Ltd. & Anr. v. Kinetic Life science (OPC) P. Ltd. & Anr., 2022 SCC Online Del 1145.

Because observers cannot clearly determine if translation alone would support identical interim relief, this boundary restricts a broad reading of the case.

4.4 Translation: The Limiting Line

The premier counter-example is provided by Allied Blenders and Distillers Pvt. Ltd. v. Govind Yadav [30]. It was argued by the plaintiff that, in the context of alcoholic drinks, "Fauji" (meaning a soldier) shared conceptual equivalence with "Officer's Choice." However, a finding of deceptive similarity was rejected by the court, which reasoned that a "fauji" cannot simply be equated to an "officer," and that both terms differ visually and structurally. Furthermore, it was observed by commentators that the precedents cited by the plaintiff involved literal translations and exact synonyms, by which the strength of the analogy was significantly weakened.

The differentiation applied throughout this paper is established by a recent commentary that reconciles Victoria Foods with Allied Blenders: the former represents a case of literal translation, while the latter represents a case of conceptual association. The exact same concept is denoted by the terms "Rajdhani" and "Capital[31]." Conversely, the same general domain is merely evoked by "Fauji" and "Officer's Choice."

4.5 Synthesis: A Working Test

Practitioners can draw the following working approach for cross-lingual disputes from these decisions.

The marks should be normalised. Both marks should be converted to a common script, and all plausible renderings and pronunciations should be noted.

Sound should be compared first. If the normalised marks are phonetically close, examiners may end the transliteration inquiry there.

An inquiry should be made into whether the marks are translations or true synonyms. If yes, the conceptual identity should be treated as a strong indicator of confusion, particularly for mass-market goods.

If the link is only associative, more should be required. Additional indicators—such as similar get-up, sound, or evidence of copying—should be looked for, as in the Fauji analysis .A test should be conducted against the consumer and the goods. You should ask which languages are

[30] Allied Blenders and Distillers Pvt. Ltd. v. Govind Yadav & Anr., 2019 (77) PTC 533 (Del).
[31] Victoria Foods Pvt. Ltd. v. Rajdhani Masala Co. & Anr., 2021 (88) PTC 452 (Del).

actually used by the relevant purchasers, how consumers buy the goods, and whether heightened care or heightened risk is attracted by the goods (for example, medicines).

Monopolies over ordinary words must be guarded against. Where any language commonly uses a descriptive or generic term, authorities should grant narrow protection.

4.6 Challenges or Limitations

i. Ambiguity in defining the relevant linguistic demographic- The precise threshold of consumers required to possess bilingual comprehension before translation-induced confusion arises remains unestablished by judicial precedent. While Hindi-English linguistic pairings are conventionally treated as legally unproblematic by the courts, significantly less judicial guidance is afforded to pairings involving minor regional languages.

ii. Systemic reliance upon interlocutory jurisprudence- Interim orders constitute a substantial portion of recent judicial decisions. Because interim findings of prima facie similarity do not constitute definitive legal determinations, they must not be over-interpreted by legal scholars and practitioners.

iii. Conceptual inconsistency in nomenclature- The terms "translation," "synonym," "conceptual similarity," and "idea" are deployed interchangeably by both courts and legal commentators. The predictability of judicial outcomes is severely compromised by this terminological inconsistency.

iv. Superficial engagement with transliterate variance- Modern jurisprudence tends to adjudicate transliteration disputes as standard phonetic-similarity claims, whereby analytical engagement with the mechanics of script conversion is entirely omitted.

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5. CONCLUSION AND SUGGESTIONS

Indian trademark law traditionally relies on the lenses of sight, sound, and sense, which remain valid. However, markets where brands continuously move between scripts and languages supplement these traditional lenses. This paper has argued that script (transliteration) and cross-lingual meaning (translation) should be recognized as explicit dimensions of the similarity inquiry, and that the case law already reflects them, though not framed in these terms.

A coherent, if implicit, structure is suggested by the reviewed decisions. Courts look to sound and apply the disjunctive tests where a later mark is a variant transliteration of an earlier one. Courts treat conceptual identity as capable of overriding visual and phonetic difference where

the later mark is a direct translation or true synonym of the earlier one. Courts require more where the link is merely associative, as in Fauji and Officer's Choice. The most useful device for keeping the doctrine within bounds is the translation-versus-association distinction.

Three suggestions follow:

i. Articulate the doctrine -Expressly stating when, and on what evidence, translation equivalence will be treated as deceptive similarity would benefit courts and the Registry, rather than leaving it to be inferred from decision to decision.

ii. Anchor the inquiry in consumer evidence- Where translation is alleged, assumptions should carry less weight than evidence about the languages and literacy of the actual purchasers.

iii. Protect linguistic commons- One proprietor should not be allowed by the law to fence off an entire semantic field. Descriptive and generic words, in any Indian language, should remain available to all traders.

Consumer surveys across language groups could empirically test these propositions further. Additionally, evaluating cross-script phonetic matching tools on Indian-language marks could test them technically. Such work would give the doctrine evidence base commensurate with the linguistic diversity it deserves to seek.

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