

**AN ANALYSIS OF LEGAL AND REGULATORY CHALLENGES FOR
PHARMACEUTICAL TRADE MARKS IN INDIA**

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by

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ABSTRACT

The pharmaceutical industry in India is largely focused on producing generic drugs, resulting in a crowded market with numerous products competing on the basis of brand rather than price. Trademarks play a critical role in marketing and advertising these pharmaceutical products, which are identified by their proprietary names during prescription, dispensing, and administration. However, the lack of regulation in this area has led to a proliferation of Look-alike and Sound-alike (LASA) drugs, which pose significant risks to patient safety. While civil trademark infringement suits have been used to address this issue, there are no other remedies available under the Drugs and Cosmetics Act.

To address the challenges arising from drug name errors and regulatory impediments to drug name regulation in India, this thesis adopts both doctrinal and non-doctrinal research methodologies. The study highlights the legal and regulatory challenges that have hindered effective drug name regulation in India, and proposes a policy framework to address these issues.

The reliance on proprietary names for drug identification underscores the need for robust drug name regulation in India. This study identifies several challenges that have hindered the implementation of an effective drug name regulation framework, including the absence of clear legal provisions and a lack of coordination between various regulatory bodies. By analysing the legal and regulatory framework for drug name regulation in India, this thesis aims to provide a comprehensive understanding of the challenges and potential solutions in this area. Ultimately, the proposed policy framework aims to strengthen drug name regulation in India and improve patient safety in the country's crowded pharmaceutical market.

Keywords: Trade Marks; Drug Name Regulation; Pharmaceutical Trade Marks;