

Slogans as protected trademarks

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The protection of ‘Just do it’ and ‘Because you’re worth it’ is a contested area of Indian IP practice, as Sudeep Chatterjee and Jaya Mandelia report.

“Emerson’s maker of the better mousetrap if secluded in his house built in the woods would today be unlikely to find a path beaten to his door in the absence of a costly advertising campaign to acquaint the

public with the excellence of his wares”—Lord Diplock

Slogans and taglines are considered to be essential parts of a brand’s identity and contributors to a brand’s equity. Apart from creating brand awareness, slogans also promote brand differentiation in the consumer’s mind. In today’s media-saturated environment, in which consumers are viewing and hearing hundreds, if not thousands, of advertisements every day, advertising slogans and taglines are becoming an increasingly important element of a brand’s advertising strategy as they aid in creating a brand’s recognition and recall.

The Oxford English Dictionary defines a slogan as “a short, memorable phrase used in advertising or associated with a political party or group”. It is usually a combination of words that aims to describe the attributes or advantages of the specific product it is used to advertise. Popular slogans/taglines create an immediate and exclusive association with the specific product they are used to advertise.

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