

THE IMPACT OF OFFENSIVE OR OBSCENE TRADEMARKS ON BRAND IMAGE AND CONSUMER BEHAVIOUR

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ABSTRACT

This research paper aims to examine the impact of offensive trademarks and obscene trademarks on brand image and also consumer behaviour. In today's global market landscape, the value of a brand is directly or inversely associated with the image that the brand carries with itself, since the customers understand the brand image as a sign of the product and or service they are buying. Brand images are also valuable to customers because of the underlying social strings attached to buying the latest gadgets and products. The use of offensive or obscene trademarks has thus led to debates surrounding the use of it and also the implications attached relating to brand perception and consumer responses. This study delves into the legal frameworks governing trademarks with a particular focus on the United States, EU and India to understand the criteria and cases of determination of offensiveness and obscenity. Through a comprehensive and comparative analysis done with the help of a literature review and empirical analysis, the paper explores how offensive trademarks damage the brand reputation or image. Considering factors such as societal value, cultural context etc. The research also ventures into the response of the consumer's behaviour in response to such trademarks, assessing brand loyalty, and overall consumer sentiment. This study provides an insight into the understanding of trademark law and consumer behaviour offering insights for brand managers, marketing and legal practitioners. It shows the importance of aligning trademark strategies and image with ethical and societal considerations to foster a sustainable business practice for the long term that provides a positive brand image and customer relationship.

INTRODUCTION

1.1 Background Information

Trademarks serve as an important and critical tool for a brand to differentiate and integrate itself into the market. The importance of a good trademark has emerged even greater in today's

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global landscape where trademarks are inherently tied to the brand image of the company and dictate its entire customary transactions. Trademarks constitute any sign, mark, design or expression that a company uses to integrate itself into the consumers' minds and how it differentiates itself from the rest of the market. The primary function of a trademark is to ensure that the consumers/customers can easily identify the source of the product, and thereby ensure the protection of both the consumer and the brand.

Historically, the development of trademarks evolved alongside commerce, with cultural, social and economic values serving as the catalyst for such a change. The concept of trademark can be traced back to ancient civilizations, where artisans and sellers would mark the wares, they sold to make it easier for the customer to ask for and use the product. The establishment and need for various national and international treaties and laws serve as a way to protect and establish a better trademark following framework for all and in turn create a global connection through it. Some notable national and international trademark laws include the Paris Convention for the Protection of Industrial Property (1883) and the Trademark Act of 1946 (Lanham Act) in the United States.

Despite the legal protection, the definition and classification of what constitutes an acceptable trademark has been contested often. Offensive and obscene trademarks in particular pose a unique challenge in terms of classification and due to their subjective nature. These trademarks can include language, imagery, and symbols that are considered vulgar by societal standards but are differentiated in terms of their vulgarity or aversion shown by society. Due to the nature of an offensive thing being sometimes subjective, the perception of offensiveness varies from culture and demographic to demographic making regulating such trademarks a complex and problematic challenge.

The legal criteria for defining or determining them in some regard differentiate across cultures and countries. In the United States, the Lanham Act prohibits the registration of trademarks that are "immoral, deceptive or scandalous." In the European Union offensive trademarks are trademarks that are "contrary to public policy or accepted principles of morality." In India, the Trademark Act, 1999 disallows trademarks that are likely to cause confusion or offend religious susceptibilities.

Beyond legal aspects, offensive trademarks impact on brand value is also an important area of study. It has been seen that brands that are in the habit of using offensive trademarks may

garner attention toward the beginning of their business, but in the long term, offensive trademarks cause the brand's image to be diminished and customer loyalty to the brand to be shaken up. Negative public opinion especially in today's age of social media and global connectivity is detrimental to a brand and its financial performance.

Various studies and research into consumer behaviour have provided insights into how individuals and in turn groups react to offensive trademarks. Theories such as the elaboration likelihood Model (ELM) and the theory of planned behaviour (TPB) suggest that consumer attitudes are influenced by the emotional and cognitive response to brand messages and response. Offensive trademarks cause a strong emotional reaction in the consumer which may lead to boycott, backlash or aversion to the brand and cause a dip in the brand image and loyalty among customers.

In light of these various complexities and acts at play, this research paper aims to explore the multifaceted impact of offensive or obscene trademarks on brand image and consumer behaviour. By examining legal precedents, and cultural, societal, psychological and economic contexts, the study seeks to provide an understanding of the risks and benefits associated with controversial branding. This exploration will provide valuable insights for brand managers, marketers, legal practitioners and anybody who deals with trademarks to understand and navigate the delicate balance between the subjectiveness of offensive and obscene and the cultural and societal context in which the trademark would live.

OBJECTIVE OF THE PAPER

3.1 PURPOSE OF THE PAPER

The purpose of the paper is to understand the condition of using Obscene Trademarks in different legal landscapes along with the economic implications of using obscene trademarks on brand image and value. The paper delves into how there is a direct relationship between the use of obscene or offensive trademarks and the loss or damage of brand image and value in the customer's eyes. Another purpose of the paper is for companies and Marks owners to understand the effects of using Offensive and Obscene trademarks and in turn, cater their approach accordingly to mitigate damages and losses.

4.1 Keywords

Trademarks, Indian Trademarks Act 1999, Intellectual Property, Word Marks, Device Marks, Service Marks, Collective Marks, Certification Marks, Well-Known Marks, Unconventional Trademarks, Obscene Trademarks, Legal Implications of Obscene Trademarks, Brand Image, Brand Value, Customer Loyalty.

5. LITERATURE REVIEW

- 5.1 Definition and Types of Trademarks
- 5.2 Offensive and Obscene Trademarks
- 5.3 Historical Development of Trademarks
- 5.4 Trademarks and Brand Image
- 5.5 Consumer Behaviour and Offensive Trademarks

5.1 Definition and Types of Trademarks

Definition

A Trademark under Section 2(b)¹ of the Indian Trademarks Act, 1999 is a “mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include a shape of goods, their packaging, and combination of colors”. Simply stated, a trademark may consist of a device, brand, heading, label, ticket, name, signature, word, letter, number, product shape, packaging, color combination, or combination of colors². The sole requirement for a trademark is that it distinguishes one person's products or services from those of another.

Trademark Comes under Intellectual Property, which can be defined as a creative work of Human Intellect i.e., Property of the Mind. The WIPO³ defines Intellectual Property (IP) as creations of the mind, such as inventions; literary and artistic works; designs; and symbols; names and images used in commerce. Intellectual Property includes in it Patents, Copyrights

¹ Sec 2(B), Indian Trademarks Act, 1999

² Section 2(m)

³ World Intellectual Property Organization

and Trademarks. USPTO⁴ defines a trademark as "any word, name, symbol, or device, or any combination thereof, used or intended to be used to identify and distinguish the goods/services of one seller or provider from those of others, and to indicate the source of the goods/services."

The whole reason for Intellectual Property existing is to earn its creator recognition or financial benefit from what they invent or create. The Trademarks Act (1999) simplifies this process by distinguishing what cannot be registered into absolute grounds of refusal (Section 9)⁵ and relative grounds of refusal (Section 11)⁶.

Types of Trademarks

There are different kinds of Trademarks. They are:

- **Word Marks:** Word marks may be composed of words, letters, or numbers. A word mark only grants the owner the exclusive right to the word, letter, or number, and no representational rights are sought.
- **Device Marks:** A device mark is a unique representation of a logo, label, or design in image format that may also include a word or combination of words.



- **Service Marks:** A service mark is merely a mark that differentiates one person's services from those of another. Service marks do not represent products, but rather the services provided by an individual or business. They are utilized in service-based businesses where the trademarked products are not traded. It is a mechanism available for protecting service industry insignia. Thus, businesses that provide services such as computer hardware and software assembly and maintenance, restaurant and hotel services, courier and transport, cosmetics and health care, advertising, publishing, and education are now able to protect their names and trademarks from misuse by others. As service marks, the fundamental substantive and procedural laws governing service marks are identical.

⁴ The United States Patent and Trademark Office

⁵ Sec 9, The Trademarks Act (1999)

⁶ Sec 11, The Trademarks Act (1999)

⁷ Nike: JUST DO IT, Retrieved from:

<https://www.700yeezyboots.com/index.php?route=product/category&cid=174&cname=just+do+it+nike+sign>

- **Collective Marks:** Marks used by a group of companies can now be protected collectively by the group. The purpose of a collective mark is to inform the public about a particular product characteristic. Such marks may be owned by an association, a public institution, or a cooperative. Collective trademarks are also used to advertise specific products with characteristics that are unique to the producer in a particular region.
- **Certification Mark:** A certification mark is a symbol issued by the owner that indicates a product's origin, material, quality, or other particulars. The primary purpose of a certification mark is to highlight the product's quality and guarantee it to consumers. A certification mark can also be used to increase the perceived quality of a product among consumers by demonstrating that the product has undertaken standard quality assurance tests. Typically, certification insignia are found on packaged foods, toys, and electronics.

The distinction between the certification mark and the collective mark is that the collective mark is used by a specific business or association member. A certification mark, on the other hand, may be used by anyone who fulfils the established criteria.



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- **Well-Known Marks:** When a mark is readily recognizable by a substantial portion of the population, it attains the status of a well-known mark. People cannot register or use imitations of well-known trademarks. To be well-known, a trademark must be recognized by a relevant segment of the population. These individuals include actual or potential customers, distribution personnel, and business services coping with the products/services.



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- **Unconventional Trademarks:** Unconventional trademarks receive recognition for their inherently distinctive characteristics.

⁸ ISI MARK, ISI Mark Registration Process, Retrieved from: <https://srikrishnaplasto.com/isi-mark-registration-process.html>

⁹ Google, Alphabet Inc, Retrieved from: <https://www.pngwing.com/en/free-png-zngkd>

Unusual trademark categories include the following:

- ✚ Color Trademarks: It is possible to register a color as a trademark if it has become a distinguishing characteristic of a particular trader's products. For instance, red wine.
- ✚ Sound Marks: Signs distinguishable by their distinctive and exclusive tone can be registered as sound marks.

According to the TM Manual¹⁰, certain categories of sounds are explicitly excluded from sound mark registration. They are listed below:

- Music utilized as chimes,
- Simple musical compositions consisting of one or two notes
- lullabies for infants
- Popular music that is strongly associated with a particular region.
- ✚ Shape Marks: When the design of a product or its packaging has a distinguishing characteristic, it can be registered as a trademark. For example, Ornamental

Lamps.



¹¹

- ✚ Smell Marks: A fragrance can be registered as a smell mark if it is distinctive and cannot be mistaken for an associated product. For example, Perfumes.
- ✚ Pattern Marks: Pattern marks are products with distinctively designed patterns that serve as their distinguishing characteristic. Patterns that fail to stand out as a distinctive mark are typically rejected because they serve no purpose. For a pattern to be registered, it must demonstrate its originality.

Intellectual property refers to the creations of the human mind, such as inventions, literary and artistic works, designs, and commercial symbols. There are patents, copyrights, and trademarks under the umbrella of intellectual property. A trademark is a commercial symbol, such as a term, name, phrase, logo, design, or image, that identifies and differentiates the source of the goods or services of one party from those

¹⁰ Trademark Manual

¹¹ 3D model Toblerone Chocolate Set by 3D Pro_Stem , Toblerone Chocolate, Zigzag Shape, Retrieved from: <https://www.turbosquid.com/3d-models/3d-model-chocolate-toblerone-1671792>

of another. It is used to identify and differentiate the goods or services of one vendor or provider from those of others, as well as to denote the origin of the goods or services. Experts in trademark law, offer slightly different definitions of a trademark, but they all emphasize the trademark's essential function in identifying and differentiating the source of goods or services.

5.2 Offensive and Obscene Trademarks

Under Section 9(2)(c)¹² of the Indian Trademarks Act. Registration of “immoral or obscene trademarks” is prohibited. The reason for this mostly being due to the violation of moral standards of Society as a whole. This section also covers marks that may cause or disrupt the public and or promote criminal offensive behaviour or seriously damage religious, family or social values that come under Societal Values.

The objection to such marks is more serious in the case of products that are particularly directed towards children such as Toys, Games, Confectionary, soft drinks etc. The reason for this is to not corrupt the untainted minds of children and to protect them from offensive or obscene things to a certain age. These concerns vanish once the mark is concerned with products that are targeted toward adults as seen in products such as alcohols, cigarettes, and contraceptive or sexual wellness devices. There is a mental distinction between products the mark that merely causes distaste and a mark that would generate reasonable outrage or condemnation from the public due to the nature of the mark used and the impact that it has on religious, family or societal values or norms.

Status of Immoral Marks in India:

In contrast to the prohibition on registering surnames and geographical terms, the prohibition on registering immoral, scandalous, and similarly offensive marks is unaffected by acquisition or secondary meaning - at least so long as the mark is offensive. Even if an offensive mark acquires so much secondary meaning that it loses its offensiveness, it will still be prohibited, as in the case of a word that merely needs to lose its primary significance. Since the only form of use that could render an offensive mark registrable is one that profoundly alters the mark's meaning, the likelihood of an offensive mark becoming registrable is remote.

¹² Indian Trademarks Act, 1999

In the case of *Maqbool Fida Husain v. Raj Kumar Pandey*¹³, Tolerance Theory was supported in the context of Trademarks. In this case, the Delhi High Court ruled that a liberal tolerance of differing viewpoints has no negative consequences. It just entails more self-control. The variety of perspectives conveyed in literature, paintings, and other visual media stimulates discussion. A discussion should never be ended prematurely. Because both the judgement and the theory imply that wrong beliefs, activities, or practices should not be prohibited or restricted, but rather conditionally accepted or tolerated through non-interference.

In the 2017 case of *Matal v. Tam*¹⁴ in the United States, a trademark registration under the Trade Mark Act, 1946 (Lanham Act)¹⁵ was denied because the Trade Mark, which was alleged to condemn both the living and the deceased, was deemed obscene. In this case, the Supreme Court of the United States ruled that denying a trademark registration on the basis of perspectives, where one opinion is given precedence over another, is discriminatory and unconstitutional. Due to the nature of the bar, it was determined that this particular cause of rejection for Trademark registration violated the First Amendment's Free Speech Clause. Then, in the case of *Lancu v. Brunetti*¹⁶, the Supreme Court of the United States held the same position, stating that this bar is unconstitutional because the basis of obscenity is subjective and varies from person to person and that Trade Marks that essentially challenges society's subjective notion of morality are denied registration.

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The USPTO¹⁷ defines offensive trademarks as those that contain "words, images, or symbols that are offensive or disparaging to a particular group of people." The Lanham Act¹⁸ prohibits the registration of trademarks that are "scandalous, immoral, or offensive to any sector of the public."

The Intellectual Property Law Section of the American Bar Association defines offensive trademarks as those that "denigrate a group of people based on race, gender, sexual orientation, national origin, or religion" and may be refused registration under Section 2(a) of the Lanham

¹³ 2008 CRI. L. J. 4107 Delhi High Court,

¹⁴ 582 U.S. __137 S. Ct. 1744; 198 L. Ed. 2d 366; 122 U.S.P.Q.2d 1757

¹⁵ The Lanham Act (also known as the Trademark Act) of 194

¹⁶ 588 U.S. __139 S. Ct. 2294; 204 L. Ed. 2d 714

¹⁷ United States Patent and Trademark Office

¹⁸ The Lanham Act (also known as the Trademark Act) of 194

Act¹⁹, which prohibits registration of marks that "disparage" or bring any group into "contempt or disrepute."

According to the Oxford Handbook of Intellectual Property Law, offensive trademarks "may offend public order, morality, or decency, or the values that safeguard human dignity and equal treatment" and may be challenged on public policy grounds.²⁰

The issue of offensive or objectionable trademarks is complicated and divisive since it requires weighing the right to free speech against the requirement to defend particular groups against harm and discrimination. In the context of trademarks, the courts have had difficulty defining and applying the standards for obscenity and offensiveness, and there is continuous discussion about whether the government should have the authority to restrict speech in this way.

Some contend that permitting unpleasant or scandalous trademarks gives the message that some groups are beneath respect and dignity and might foster an environment that is unfriendly and discriminatory. Others contend that denying the registration of such trademarks constitutes a violation of the First Amendment's protection of the right to free expression and that people should be permitted to express themselves even if their opinions are offensive or unpopular.

In the end, a multitude of variables, such as the context in which it is used, the opinions and sensibilities of various groups, and the precise phrasing or images utilized, will determine whether a given trademark is offensive or obscene. As a result, trademark law in this field is still developing and up for debate.

5.4 Trademarks and Brand Image

Companies use trademarks to distinguish their products and services from those of their competitors. They serve as a visual representation of a company's brand and can include names, logos, slogans, and even colors. Registering a trademark grants the owner the exclusive right to use the mark in connection with their products or services and prevents others from using identical or similar marks.

A brand image, on the other hand, is the comprehensive impression that consumers have of a brand. It is the sum of all the associations, sentiments, and beliefs that people have about a

¹⁹ The Lanham Act (also known as the Trademark Act) of 194

²⁰ Dreyfuss, Rochelle, Pila, Justine, *The Oxford Handbook of Intellectual Property Law*, 2018 10.1093/oxfordhb/9780198758457.001.0001, SN 9780198758457, Oxford University Press

brand as a result of their interactions with it. Reputation, marketing efforts, customer service, and product quality all contribute to a brand's image. When consumers have positive interactions with a brand, their perception of that brand is more likely to be positive.

Because trademarks are an essential component of a brand's visual identity, trademarks and brand image are closely related. A powerful trademark can contribute to the development of a positive brand image by establishing a distinct and memorable visual representation that resonates with consumers. When consumers observe a brand's trademark, they are more likely to recall favorable associations, such as quality or dependability.

Moreover, trademarks can contribute to the creation of brand equity, which is the value a brand contributes to a product beyond its functional benefits. A powerful brand image can also aid in trademark protection by making it more difficult for rivals to copy or imitate it. Coca-Cola, for instance, has a distinctive trademark and a strong brand image, making it difficult for other companies to produce similar products and profit from its reputation.

In conclusion, trademarks and brand image are indispensable components of an effective branding strategy. A registered trademark can protect a company's intellectual property and ensure that its brand is readily identifiable, while a strong brand image can create positive associations with a brand and make it harder for competitors to imitate. Together, trademarks and brand image can contribute to the development of a valuable brand that resonates with consumers and stands out in a crowded marketplace.

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5.5 Consumer Behaviour and Offensive Trademarks

Several factors, including brand image, marketing messages, product quality, and pricing, can influence consumer behaviour. Consumer behaviour can be especially complex and multifaceted in the context of offensive trademarks.

Offensive trademarks include those that contain offensive, discriminatory, or derogatory language, images, or symbols. Examples include trademarks containing racial obscenities, sexual language, and other forms of hate speech.

Consumers may react in a variety of ways to offensive trademarks. Some may decide to completely boycott the brand, refusing to purchase any products or services associated with the

offending trademark. Others may continue to purchase the brand's products while expressing their disapproval via social media, protests, or other forms of activism.

In certain instances, objectionable trademarks may result in legal challenges or regulatory action. For instance, the United States Patent and Trademark Office may refuse to register offensive or discriminatory trademarks.

The impact of offensive trademarks on consumer behaviour can vary depending on a variety of factors, such as the character of the offence, the cultural and social context in which it occurs, and the brand's response to the offence. In general, brands that are perceived as insensitive or offensive are likely to encounter negative market consequences, such as decreased sales, a damaged brand reputation, and legal challenges.

Offensive trademarks may result in consumer backlash and reputational harm to the brand and suggest that brand owners carefully weigh the risks and benefits of using such marks.

Susan Fournier and James L. Avery, in their *Journal of Consumer Research* article titled "Uninvited Branding: How Consumers Respond to Accidentally Exposed Identity Primes,"²¹ discuss how consumers respond to offensive branding, including inadvertent exposure to offensive content. They observe that consumers may experience a variety of emotions, such as anger and disgust, and may be less likely to interact with the brand in the future.

Offensive trademarks can have a significant effect on consumer behaviour, including consumer backlash, brand reputation harm, and legal challenges. Brands that use objectionable trademarks should carefully weigh the risks and benefits and be prepared to respond to consumer backlash in a strategic manner.

METHODOLOGY

INTRODUCTION

This section outlines the research procedure followed and employed to get a better, practical and real-life example of the Impact and correlation of Obscene or Offensive trademarks and their impact on brand image. It details the research design, data collection methods, data

²¹ Strong Brands, Strong Relationships, Susan Fournier, Michael J Breazeale, Jill Avery, 2015

analysis techniques, and the limitations encountered during the course of the findings of the study.

6.1 Research Design

A mixed-method approach was adopted, combining quantitative surveys of different demographics and inputting those results and results in statistical pie charts along with Qualitative research done through analysis of different texts and literature and facts associated with the subject matter in hand.

Participation/ Sample Method:

- Population: Youth aged 18-45 years old in urban areas.
- Sample size: 83 participants.
- Sampling Technique: Random questionnaire sampling to ensure equal representation and viewpoints across different socioeconomic backgrounds.

Inclusion and Exclusion Criteria:

- Inclusion Criteria: Participants aged 18-45, active on social media with a basic understanding of the Market.
- Exclusion Criteria: Participants without Social Media accounts and not of Urban Areas, no knowledge of the market or who declined consent for the survey.

6.2 Data Collection

Instruments of Data Collection:

- Surveys/ Questionnaires: A validated questionnaire was used with varying and diverse levels of questions that related and helped to advance the research question and understanding.
- Interviews: Semi-structured impromptu Interviews were conducted, allowing participants to be quick, and dynamic with their answers while ensuring that the topics related to obscene trademarks and brand image were discussed with enough nuance while also being quick and concise for an effective study and research.

Procedure for Data Collection

- The data collection process was done over a period of three months where surveys and questionnaires were sent to different demographics to get a better, concise and aggregate understanding of the people's opinions relating to obscene or offensive trademark and their impact on brand image and the relation and dynamic nature of both of them that takes action in the customer's mind and action. The forms were distributed online and there was ample explanation relating to the questions and their purpose to make the research more effective and be in line with the population demographics behaviour. Participants were recruited through social media platforms, university mail lists, and university WhatsApp groups, ensuring a diverse and targeted sample.
- Once the participants consented to the form filling, they were provided with the link to the survey. Ethical considerations were taken throughout the data collection process where their informed consent was taken and their confidentiality wishes were followed through and ethics were followed in the data procurement process during the survey.

6.3 Data Analysis

Quantitative Analysis

- The quantitative data collected from the surveys were analyzed and interpreted through the Pie Chart Statistics Data Illustration. Descriptive statistics were calculated, their percentage quantified and the data measured against the objective of the research to explore the relationship between different variables concerned with the study. Thorough analysis was done to identify the predictions, and the inner workings of the different variables and subjects concerned with the study to identify the predictors and outcomes of obscene and offensive trademarks on brand image and customer loyalty.

6.4 Limitations

- Several limitations were encountered during the course of the study. First, the reliance on the aspect of self-reported data may introduce response bias, as

participants sometimes due to laziness or some other reason underreport and undervalue questions that take too much time. The case is sometimes flipped and participants may overvalue the responses that they give towards obscene or offensive trademarks and their working on their own lives and decisions. Additionally, the sample was minimized and limited to the population of urban areas consumers leading to generalizability of the findings of the questions and not truly reflecting the true population demographic's decision and thinking.

- Another limitation of the study was the sample size used in the study which was while sufficient for the scope of the study not reflective of the whole demographic of India and was not reflective and response stimulus enough to detect smaller effects or details and which may not reflect the whole and full diversity of the response of

Despite the limitations of the research study, the method of data collection and its interpretation provided a good, effective and descriptive framework and statements for understanding the impact of offensive and obscene trademarks and their impact on brand image. The quantitative data offered a well-rounded and understandable perspective on the subject matter highlighting the impacts, trends and general consensus that the market provided in the context of obscene trademark and brand image. Future research could address these limitations by expanding the sample size, including rural populations and employing a dynamic timeframe of the sample collection through different times and ages to get a better concise understanding of the impact of obscene or offensive trademarks on brand image and value and customer loyalty in general.

ANALYSIS

7.1 Overview of Offensive and Obscene Trademarks

7.2 Trademark Landscape and Legal Framework

7.3 Impact of Offensive Trademarks on Brand Image

7.4 Impact of Offensive Trademarks on Consumer Behaviour

7.1 Overview of Offensive and Obscene Trademarks

- Trademarks serve as an identifying source of goods and services and are meant to protect consumers from confusion. However, not all forms or sources of representation of trademarks are permissible. Offensive trademarks and obscene trademarks fall into this category of marks and are often prohibited from registration due to the interest of public policy and moral obligations that the presiding authority relates to. This section will cover the relevant laws and provisions relating to offensive and obscene trademarks, focusing on both Indian and also International Perspectives.

I. India

Trade Marks Act, 1999

- Section 9(2)(b) prohibits the registration of trademarks that
 - a) of such a nature as to deceive the public or cause confusion among them,
 - b) contain or comprise any matter that is likely to hurt, or derogate the religious susceptibilities of any class or sections of the citizens of India.
- Section 9(2)(c) prohibits the registration of marks which contain scandalous or obscene matter in their representation.

Indian Penal Code (IPC, 1860)

- Section 292 of the Indian Penal Code, 1860 penalizes the sales, distribution, and exhibition of obscene books, papers, drawings, paintings, representations and other mark-related matters.
- **LANDMARK CASES:**
 - a) *Tata Sons Ltd. V. Manu Kosuri & Ors. (2001)*²²: The High Court of Delhi held that trademarks that violate or are against public policy, and morality and are scandalous in nature cannot be registered.

II. United States: Lanham Act (Trademark Act of 1946)

- Section 2(a) of the Lanham Act prohibits the registration of marks that consist of immoral, scandalous or deceptive subject matters. A recent landmark judgement in relation to this was the Supreme Court's decision in *Matal v. Tam (2017)*²³ where it was ruled that the prohibition against disparaging or offensive trademarks is unconstitutional under the First Amendment. This judgement was followed through

²² 2001 PTC 432 (Del)

²³ 582 U.S. 218 (2017)

and strengthened in the case of *Lancu v. Brunetti (2019)*²⁴ where the Supreme Court turned down the ban on the registration of “Immoral” or “Scandalous” marks taking the First Amendment grounds as a basis.

III. European Union – EU Trade Mark Regulation (EUTMR)

- Article 7(1)(f) of the EU Trade Mark Regulation (EUMTR) prohibits trademark registration that is contrary to public policy or to the accepted moral values.
- Directive (EU) 2015/2436 enforced and maintained Trademark Laws further to the Member States relating to Trademarks.

A Trademark may be contrary to the value of Public Policy if it comes into conflict with the principles of equality, democracy, Rule of Law, Human Dignity, Solidarity or Freedom. It should be mentioned that if a trademark is questionable and is objected to or refused on one part of the EU, the rejection can be used as sufficient ground for further refusal marks in the whole of the EU. An Example of this would be the refusal of an application filed for a sign containing the red star that represented the Soviet Coat of Arms. The European Court confirmed the rejection of this as an EU Mark because it was prohibited in one part of the EU. Signs used must also not be immoral. The context of the sign and the goods involved will be evaluated to understand the underlying connotations and decide if those connotations may be considered or not. If a sign causes offence to the public for political, spiritual or religious purposes its registration is also barred.

7.2 Trademark Landscape and Legal Framework

Trademarks are essential for protecting the brand and ensuring the proper representation for the identification of the source of goods and services provided. They are protected by laws that limit deception amongst the consumers by limiting the use of similar marks thereby protecting the reputation and goodwill of the brand. Trademark laws are protected by various regional and international agreements which are followed accordingly in the hierarchy that a country is subjected to or adheres to.

Key International Treaties:

1. Paris Convention for the Protection of Industrial Property (1883)
 - Protection of industrial property, including trademarks across member countries.

²⁴ 588 US _ (2019)

- Article 6 of PCPIP ensures that marks registered in one member country are protected across all the other member countries, with certain exceptions relating to marks contrary to morality or public order.
2. Madrid Agreement Concerning the International Registration of Marks (1891) and the Protocol Relating to the Madrid Agreement (1989)
 - Simplifies international trademark registration and allows the protection of trademarks in multiple countries.
 3. TRIPS Agreement (1994)
 - Sets minimum standards for trademark protection and enforcement of intellectual property rights, including trademarks among members of the World Trade Organization (WTO).
 - Article 15 defines trademarks and what constitutes a trademark and allows member countries to deny registration based on their public morality standard.

Regional Trademark Frameworks:

1. European Union (EU Trade Mark Regulation - EUTMR)
 - Article 7(1)(f) prohibits trademarks contrary to public policy and accepted morality principles.
2. United States (Lanham Act – Trademark Act of 1946)
 - Section 2(a) prohibits the registration of immoral, deceptive or scandalous marks though the recent landmark judgements set a precedent of Offensive or Obscene trademarks being prohibited as contrary to the Second Amendment of the American Constitution which says that it violates the freedom of speech.²⁵
3. India (Trade Marks Act, 1999)
 - Section 9 of the Act lists grounds for the refusal of registration, of marks that are likely deceiving in nature and are likely to cause confusion and contrary to public policy. This includes marks that may be deemed to be Scandalous, offensive or obscene in nature or are highly likely to damage the religious susceptibilities of sections of the Citizen of India.
 - Section 9(2)(b), 9(2)(c), 9(2)(a) of the Trademark Act of 1999 related to the non-registration or rejection of marks on the ground of hurting religious susceptibilities,

²⁵ Matal v. Tam (582 U.S. 218 (2017) and Lancau v. Brunetti (588 US _ (2019)

containing scandalous or obscene matter or if its use is contrary to public order or morality.

- Section 11(5)(b) of the Trademark Act, 1999 states that a trademark shall not be registered if it is contrary to law or morality. This provision is put in place to further whittle down and prevent marks that may not explicitly fall under the “scandalous “or obscene “categories but still violate basic principles of public morality if registered.
- Section 21 of the Act enables any person to file an opposition towards the registration of a trademark within 4 months from the date of its publication in the Trademark Journal

7.3 Impact of Offensive Trademarks on Brand Image

- There are numerous ways offensive trademarks affect brand image. Some of them are:
 1. **Negative Publicity/Perception:** Offensive trademarks can lead to negative publicity, damaging a brand's reputation. The scope or magnitude of the negative publicity may be further expounded based on the level or degree of obscenity that the trademark has in it and also depends on the overall nature/ social background of the demographic the trademark is displayed to.
 2. **Brand Loyalty Erosion:** Offensive trademarks depending on various factors can alienate or repel consumers if they deem the mark associated with the brand to be offensive or obscene. The reason for this behaviour is due to the fact that consumers who take a brand image in mind generally don't want to be associated with a brand that has an offensive or obscene trademark and that does not reflect their own values.
 3. **Barriers to Global Expansion:** An affected or damaged brand image may also lead to the demand for the brand in foreign markets. Where a brand wishes to further expand into the global scale, its brand image and the image of its marks may lead to foreign market doors being closed for them. The demand or acceptability of the Trademark or brand is also reliant on regional factors which may either find the Trademark to be acceptable or not acceptable.

4. **Corporate Responsibility:** Brands with offensive or obscene trademarks may also face scrutiny and pushback for failing to adhere to social and ethical standards, from within the organization itself on top of the outside factors. Brands facing backlash for such acts would most likely need to reorganize/restructure their entire working model and frame a new mark to cater to both their stakeholders and the public.

7.4 Impact of Offensive Trademarks on Consumer Behaviour

1. Boycotts and Avoidance

- One of the most common responses to Obscene or Offensive Trademarks includes the boycotting of products. This is done to incite a response from the Brand and to also place a foot on the moral hill that the consumer feels like. Consumer boycotts cause a shunning effect among the population which causes the products to be perceived as less desirable and taboo among the consumers. This can lead to a decline in market shares and consumers to look towards more ethical or neutral alternatives. Although not the same, the Avoidance of Products is also a form of Boycotting prevalent nowadays. This does not include a particular stand or boycotting taking place but just the general avoidance of product taking place so as to remove oneself away from the problematic mark.

2. Damage to Brand Loyalty

- There may be a sort of relationship formed between the consumer and the Brand over time which causes the consumer to almost feel a sort or sense of loyalty towards the brand and its products. An offensive or obscene trademark may damage or alienate this delicate relationship causing consumers to look for more suited alternatives. This loss of brand loyalty also translates to Less Repeated Purchases of the Brand Products causing damage to sales and also making the brand lose hold over the market.

3. Amplification through Social Media

- An Offensive or Obscene trademark may lead offended consumers to spread their views or dissatisfaction online causing widespread negativity to promulgate. Social media makes this type of negative sentiment spread easily and in a wider area. It has been seen in various examples that there may also be campaigns relating to the expression of dissatisfaction and controversy of the offensive or obscene trademark.

Although not exactly a Trademark issue, the recent controversy over Balenciaga's Photoshoot in which there were offensive portraits and references in the background of the photoshoot was amplified through social media and a campaign to boycott Balenciaga was done.

4. Change in Perceived Value

- Although the pricing of a Brand is done on its own accord, in certain cases when the demand for a brand is high enough, the brands dictate the pricing of the products through the Demand Level. This can lead to an increase in the price of the product on the market and also on the consumer's mind. Some examples relating to this would be Apple, Supreme, Gucci, etc. An obscene/offensive trademark may decrease the value of the brand and its products and also decrease the pricing structure of the brand as it cannot rely entirely upon the demand of the public to price its products. So, it resorts to the next most viable pricing option which is a compromise between premium pricing and customer demand.

5. Consumer Activism and Ethical Purchasing

- An Offensive/Obscene trademark may also lead to the alienation of its customers and in certain cases would also result in the consumers being more aware of Ethical Purchasing. Consumer Activism would also lead to the customers being more organized and coherent with their purchasing criteria and choices. So, the effect of Offensive/Obscene Trademark may also lead to Consumer Activism and Ethical Purchasing.

6. Long- Term Brand Damage

- Along with the various causes and effects taking place due to the use of offensive/obscene trademarks, one of the most damaging aspects of using Offensive/Obscene Trademarks is the Long-Term Brand Damage that takes place. Brand Damage by itself can be mended and repaired over time, but If the actions of the Brand alienate its base and potential consumers so much as to create a bad image to be associated with the brand, it causes the brand to suffer from Long-Term Brand Damage which could destroy the brand.

DISCUSSION

8.1 Theoretical Implications

8.2 Practical Implications

8.3 Future Research Directions

8.1 Theoretical Implications

The use of Offensive or Obscene trademarks has a far-reaching implication. Its theoretical implications go beyond and breach different fields of study such as Consumer Behaviour, Marketing, Branding of Products & Services and Law.

In terms of the implications on consumer behaviour and marketing, offensive trademarks shed light on how consumers react to offensive or obscene content being displayed and how a display of such nature leads them in the probability of them altering their purchasing patterns or decisions. The result of the changes in consumer behaviour can help Marketers feel the pulse of the consumers and see what leads a consumer to change their purchasing behaviour and implement or use marketing messages that do not offend or alienate consumers from their brands. This would in turn lead to an increment in the market share that the marketers can capture or take over.

Furthermore, offensive trademarks raise considerations regarding the influence of culture and social norms on consumer behaviour. If consumers perceive objectionable language or symbols to be inconsistent with their values and beliefs, they may be more likely to boycott or criticize a brand that employs them. This suggests that social conventions and cultural values play a significant role in shaping consumer attitudes and behaviours, and may impact how consumers react to offensive trademarks.

Offensive trademarks may contribute to the perpetuation of stereotypes and discrimination, according to another theoretical implication. Trademarks containing derogatory language or images may reinforce detrimental stereotypes and attitudes, resulting in further discrimination against marginalized groups. This emphasizes the significance of diversity and inclusiveness in branding, as well as the need for brands to consider the potential impact of their trademarks on various consumer groups.

In the subject of branding, the employment or use of offensive trademarks leads to the conclusion that brand image is an important determinant in a consumer's purchasing life and also reflects the reputation of the brand. The brands that are perceived as being offensive or offensive have the ever-looming risk of losing their customers and damaging their brand image. As such, branding strategists should consider the consequences of choosing an offensive mark and instead should create a brand image that is more positive in nature and appeals to a broader range of customers.

In terms of the Legal Sector, the use or restriction of offensive or obscene trademarks leads to the discussion of the freedom of speech, mark registration and regulation. Trademark Laws have the duty of protecting consumers by preventing confusion and deception, but also provide for brand owners to use their marks to promote their commerce. Balancing these two subject matters is a labouring issue, where the use of offensive or obscene trademarks may lead to legal issues and cases that have further implications for trademark laws and policies.

The study of offensive trademarks has implications for multiple fields of study, and a multidisciplinary approach is required to completely comprehend its effects on consumer behaviour, branding, marketing, and the law.

8.2 Practical Implications

The effects objectionable trademarks have on consumer behaviour are significant for brand owners and marketers. First, brand proprietors must be aware of the potential risks associated with offensive trademarks and weigh the potential advantages against the potential disadvantages. Second, brand owners must be prepared to strategically respond to consumer backlash in order to minimize reputational harm and legal challenges.

Brand owners should consider investing in inclusive, diverse, and socially responsible brand image, marketing messages, product quality, and pricing strategies to mitigate the negative effects of objectionable trademarks. There is a likelihood that brands perceived as insensitive or offensive will experience negative market consequences, such as decreased sales, a damaged brand reputation, and legal challenges. Therefore, brand proprietors should prioritize establishing a positive brand image and cultivating a sense of community among their target audience.

Moreover, brand owners should be vigilant in monitoring their trademarks and brand image to avoid inadvertently exposing consumers to offensive material. This may involve conducting regular evaluations of brand messaging and imagery, using sensitivity filters to screen for objectionable content, and engaging with diverse communities to better understand their needs and preferences.

Commercial consequences of objectionable trademarks include:

- Effect on sales and earnings: It is possible for offensive trademarks to cause a significant decline in a company's sales and revenue. Consumers who object to a brand's trademark are likely to purchase competing products and services instead. This may lead to substantial financial loss for the organization.²⁶
- The use of offensive trademarks can result in a negative brand image, causing long-term damage to a company's reputation. This can have a negative effect on consumer perception of the brand and result in a loss of credibility and trust. Negative publicity can rapidly propagate via social media and other channels, causing irreparable damage to a brand's reputation.²⁷
- Legal challenges: Legal challenges to offensive trademarks, such as litigation or regulatory action, can be expensive and time-consuming. In certain circumstances, a company may be required to rebrand or alter its marketing strategy, resulting in increased expenses and revenue loss.
- Loss of consumer devotion: Even if the business responds appropriately, consumers who object to a trademark may be less likely to remain brand loyal. This could ultimately lead to a decline in customer retention and revenue.²⁸
- Additionally, offensive trademarks can negatively impact employee morale and company culture. Employees may experience discomfort or humiliation when working for a company with a controversial or discriminatory brand image, resulting in decreased productivity and increased turnover.

²⁶ Walker, M., & Grossbart, S. (2017). The effects of controversial brand origin on brand equity: A comparison of domestic and foreign brands. *Journal of Brand Management*, 24(5), 424-437.

²⁷ Peppers, A., & Rodgers, S. (2018). *The power of brands: Cultivating brand equity in the digital age*. Routledge.

²⁸ Rose-Stockwell, T., & Sherry, J.F. (2021). Understanding consumer responses to controversial advertising. *Journal of Advertising*, 50(2), 133-147.

In response to these practical implications, businesses should evaluate the risks and benefits associated with offensive trademarks carefully. Prioritizes the creation of a welcoming and inclusive image for all consumers and avoids offensive or discriminatory language and imagery. In addition, businesses must be prepared to promptly and strategically respond to any potential consumer backlash or legal challenges. This may involve apologizing, repositioning, or modifying marketing strategies to better align with consumer expectations and values. The practical implications of objectionable trademarks on consumer behaviour highlight the importance of cultivating a positive and inclusive brand image, remaining vigilant to potential risks, and strategically responding to consumer backlash. It is more likely that brands that prioritize these factors will achieve market success and cultivate consumer loyalty over time.

8.3 Future Research Directions

On the topic of objectionable trademarks and consumer behaviour, there are multiple avenues for future study. Here are several possible directions:

- **Cross-cultural analysis:** An intriguing aspect would be to investigate how consumers from various cultures react to objectionable trademarks. Cultural conventions and values likely influence how consumers perceive and react to offensive language or imagery in branding.
- **Brand Response:** As previously mentioned, the manner in which a brand responds to an offensive trademark can have a substantial effect on consumer behaviour. Future research could investigate which types of responses, such as public apologies, brand repositioning, and charitable donations, are most effective in mitigating negative consumer reactions.
- **Social media and online activism:** With the emergence of social media and online activism, consumers have greater influence over the reputation and behaviour of brands than ever before. Future research could examine how social media and online activism influence consumer reactions to offensive trademarks, as well as which forms of activism are more effective.
- **Long-Term Effect:** Although some offensive trademarks may have immediate negative consequences, such as a decline in sales, it is unknown what the long-term consequences of such marks may be. Future research could investigate how brands recover from the reputational harm caused by offensive trademarks and whether certain types of trademarks are more detrimental than others over time.

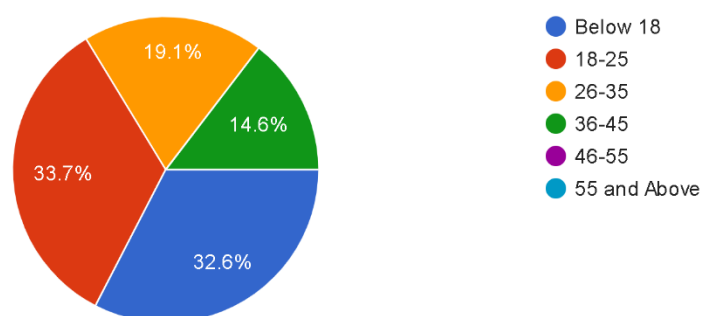
- **Consumer-Decision Making:** It would be beneficial to analyze and gain a deeper insight into understanding how offensive trademarks influence decision-making. Does the presence of offensive trademarks deter consumers from buying them or do some factors outweigh the others and lead to consumers buying them in spite of the offensive trademark? And understanding what segment of the population or the consumers would leave a brand due to its use of offensive trademark. The recent Bud-Light scenario presents some answers to these questions.
- **Relation between offensive trademark and consumer loyalty:** The loyalty of customers is uncertain in the face of a brand opting or using offensive trademarks as its brand. Despite the backlash, some section of the consumer pool continues to buy the products whereas some boycott products from such a brand entirely. Researchers could investigate the variables and the demographics that play a role in such decisions.
- **Legal Consequences of objectionable trademarks:** The legal status of offensive trademarks is always up in the air and ever-changing. Future researchers could research the impact of legal challenges or hurdles that a brand faces or would face due to the use of offensive trademarks and also analyse the roles of regulation agencies in case of offensive marks.

ANALYSIS OF COLLECTED DATA

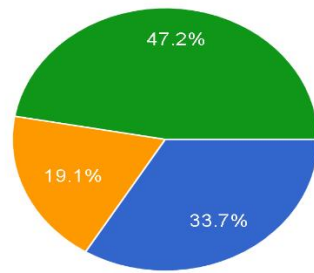
9.1 Findings

Age

89 responses

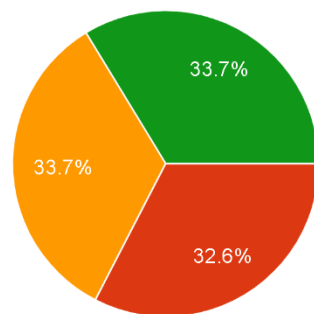


Profession
89 responses



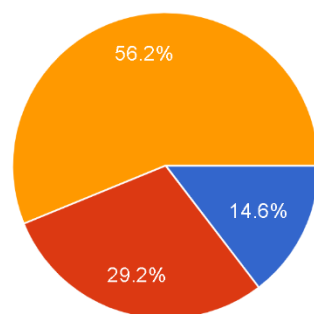
- Student
- Housemaker
- Lawyer
- Teacher
- Doctor
- Engineer
- IT Sector
- Government Sector

Education
89 responses



- 10th or Below
- +2
- Bachelors
- Masters
- Phd

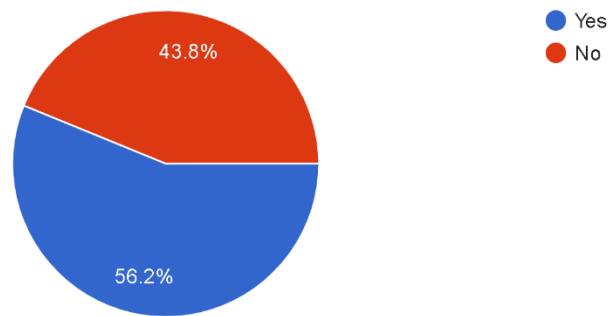
How often are you exposed to products or services with obscene/Vulgar trademarks?
89 responses



- Rarely
- Occasionally
- Frequently
- Very frequently

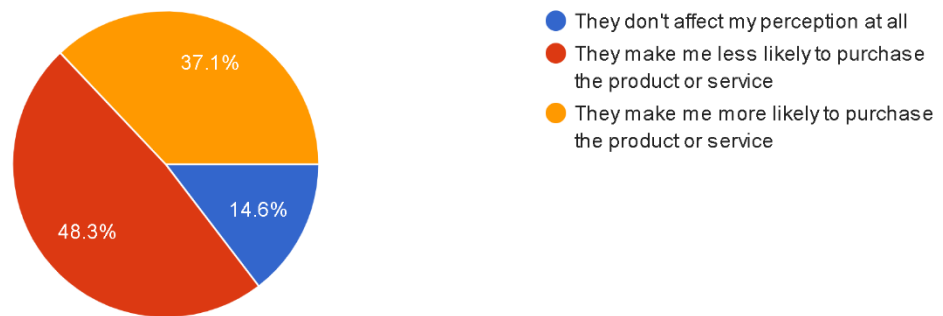
Have you ever purchased a product or service with an obscene/Vulgar trademark?

89 responses



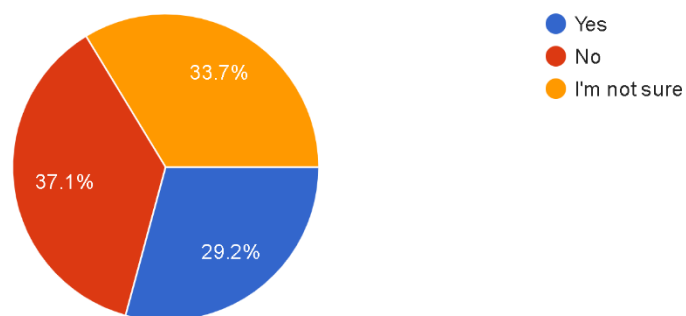
How do obscene/Vulgar trademarks affect your perception of the product or service?

89 responses



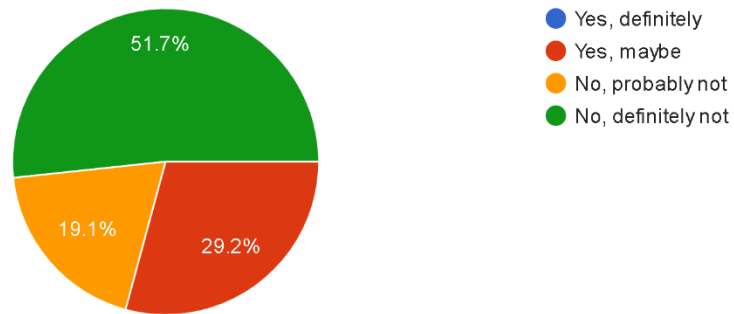
Do you think that companies that use obscene/Vulgar trademarks are less professional than those that don't?

89 responses



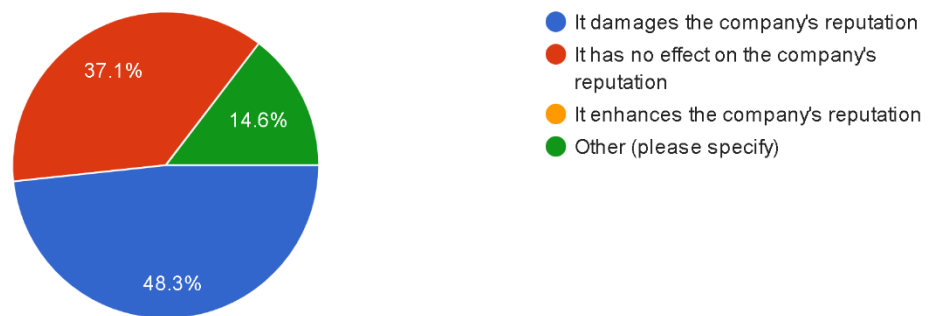
Would you boycott a company that uses an obscene/Vulgar trademark?

89 responses



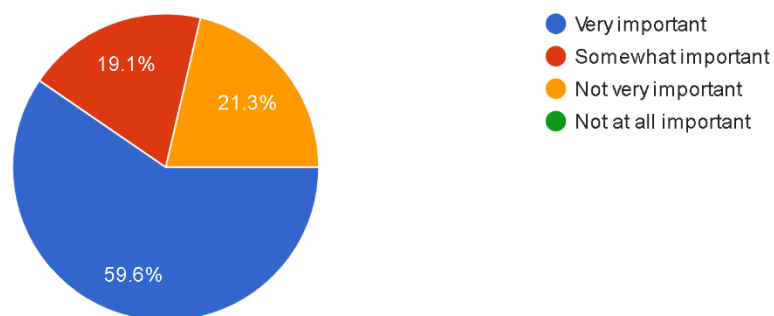
How do you think the use of obscene/Vulgar trademarks affects a company's reputation / is a reflection of a company's values ?

89 responses



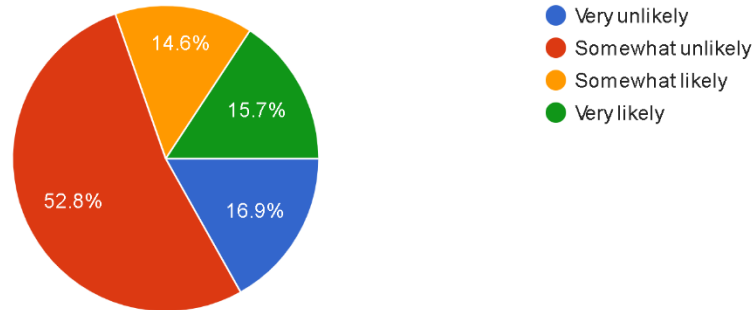
How important is a company's image to you when making purchasing decisions?

89 responses



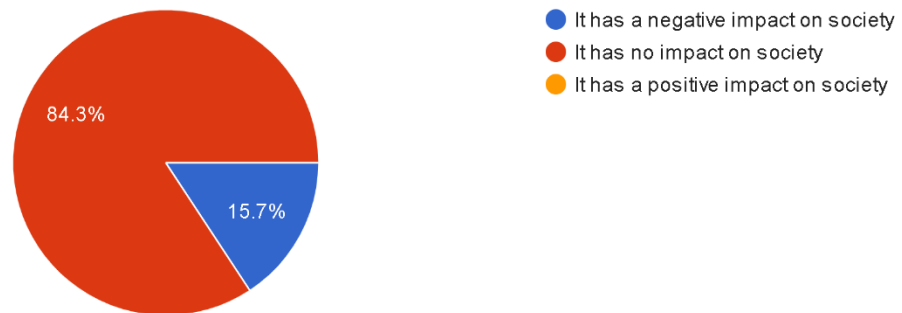
How likely are you to recommend a product or service with an obscene/Vulgar trademark to a friend or family member?

89 responses



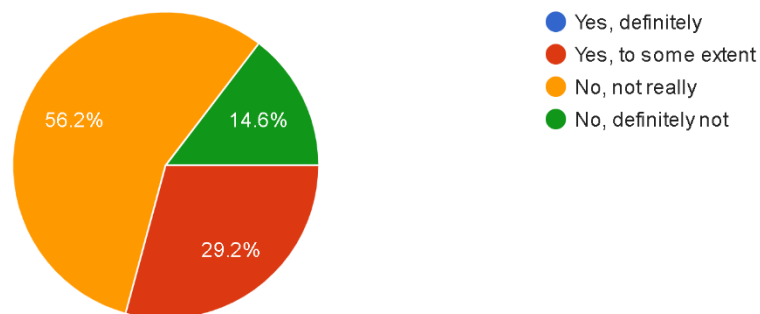
How do you think the use of obscene/Vulgar trademarks affects society as a whole?

89 responses



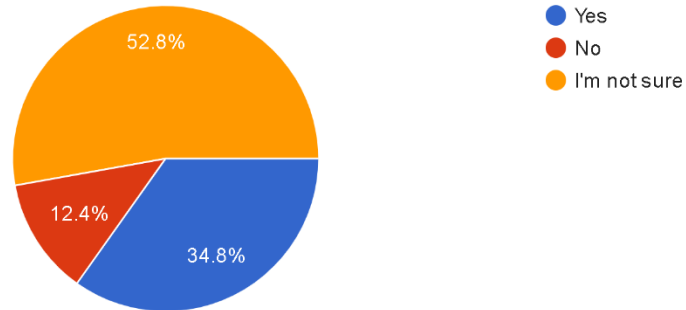
Do you think that companies have a responsibility to avoid/Vulgar using obscene trademarks?

89 responses



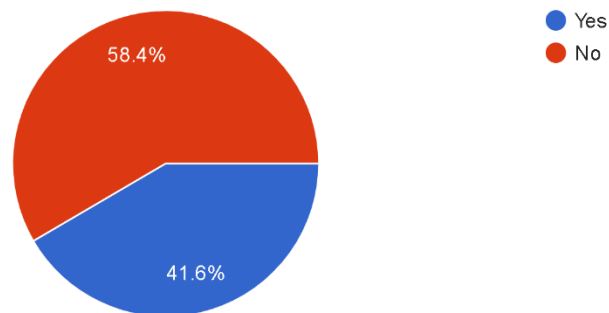
Do you think that companies that use obscene/Vulgar trademarks are trying to appeal to a specific demographic?

89 responses



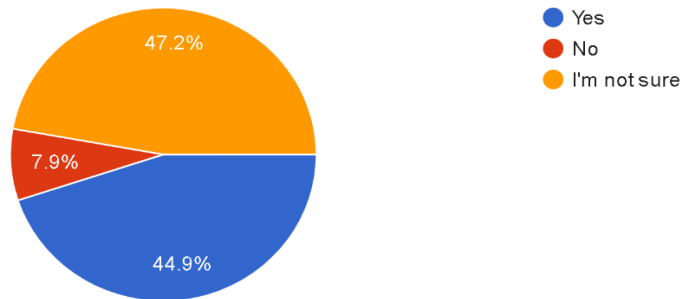
Have you ever complained to a company or organization about their use of an obscene/Vulgar trademark?

89 responses



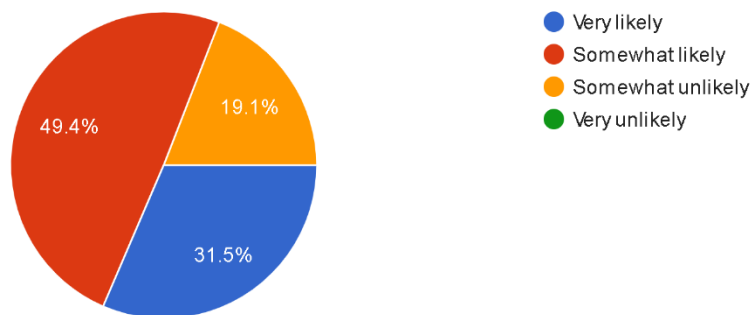
Do you think that companies that use obscene/Vulgar trademarks are more likely to receive negative attention from the media or public?

89 responses



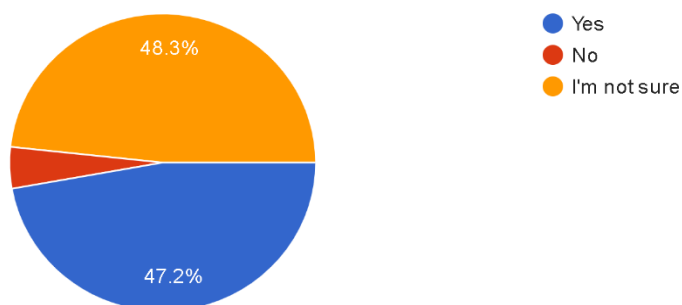
How likely are you to switch to a competitor that does not use obscene/Vulgar trademarks?

89 responses



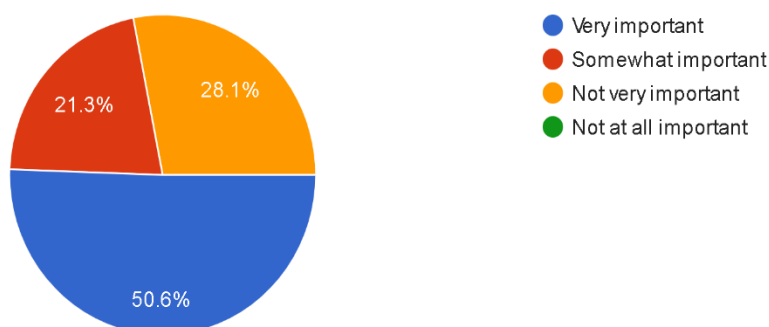
Do you think that using an obscene/Vulgar trademark can help a company stand out in a crowded market?

89 responses



How important is it to you that companies behave ethically and responsibly?

89 responses



CONCLUSION

10.1 Summary of Findings

10.2 Limitations and Recommendations

10.3 Conclusion and Implications.

10.1 Summary of Findings

The use of offensive or objectionable marks has a noticeable and significant effect on consumer behaviour, brand marketing, branding and the law. Consumers in reaction to offensive trademarks would either go to the route of boycotting or voicing their opinions of the brand on social media platforms in what is commonly called as social activism. These reactions most of the time lead to a decline in revenue for the brand, in both the short and long term. Changing or implementing a new brand image that is more inclusive will not lead to most times, a return of consumers who have already left. So, in this case, prevention is better than cure. Offensive trademarks most of the time lead to a net negative market consequence i.e., sales decrease, damaged brand reputation or image and oftentimes legal challenges or hurdles for which the company has to invest a lot of time and resources.

There are Practical implications also for using such marks, such as brand owners gravitating towards a brand image that is more socially responsible or inclusive to people, monitoring of brand images, and also the company's responses to the backlash received from the consumers. Along with practical consequences, there are a number of commercial consequences associated

with offensive trademarks including decreased sales, negative impact on brand reputation or image, legal hurdles, decrease in consumer loyalty and an overall negative impact on employee morale and company culture. There should be a prioritization of inclusive brand image.

Along with the implications come various topics that should be given attention by people who deal with Trademarks and such. These topics include Brand response, the influence of social activism, the long-term effects of offensive trademarks, exploring consumer decision-making process, analyzing the relation between customer loyalty and brand image or offensive trademarks and also the legal consequences of offensive trademarks.

Brand owners to mitigate or address problems such as this should consider being proactive in monitoring their trademark and brand images irrespective of the fact that they have not received such complaints or responses. Doing so would also lead to refreshing the brand image in accordance with the current times and in turn lead to a positive and diverse brand image.

Overall, the effects of offensive trademarks should be studied thoroughly by companies who wish to use or change their trademark in today's society. There are clear observations on the matter of offensive trademarks' effect on consumer behaviour. Mitigating the negative impact is crucial for brands to survive by maintaining a positive and inclusive brand image and also leads to avoidance of legal challenges associated with such subject matters. By employing a diverse and socially responsible brand image or strategy, there would be minimization of risks which would in turn lead to a better and positive relationship between the brand and the consumers.

10.2 Limitations and Recommendations

Although analyzing offensive trademarks and their effect on consumer behaviour provides valuable insights, there are certain limitations associated with it that question or impact the validity of the findings. They are:

Limitations:

1. Contextual Factors: Although there is a clear relationship between offensive trademarks and consumer behaviour, the context in which the trademarks are used and the brand associated with the trademark along with the audience or consumers associated with the trademark play a huge role in the trademark used. Factors such as target audience,

cultural norms, the social dynamic, and industry, all play a part in consumer behaviour. Future researchers should consider this to provide a better understanding of the subject matter.

2. **Sample Characteristics:** Relying on specific samples often leads to diluted answers in most research. Researchers should carefully consider and employ better methods of employing sample sizes, demographics, geographic location and such as all these factors impact the generalizability of the findings and the research.
3. **Ethical Consideration:** Researching offensive trademarks would lead to researching offensive trademark consumers which in turn would raise concern, particularly in the exposing of the participant to offensive content. Researchers should be mindful of the potential impact on the consumer's psychological and emotional well-being and mitigate them if possible.
4. **Long-Term Effects:** Offensive trademarks in various cases result in immediate negative consequences in the form of a decline in sales and revenue and damage to brand image. However, it is unknown what the long-term effects of offensive trademarks are on brand image and consumer behaviour. Researchers could delve into the subject of the recovery process of brands from harm caused by the use of offensive trademarks.
5. **Variable Interactions:** Consumer behaviour is influenced by various variable factors that each play either a small or huge role in product pricing, loyalty etc. The behaviour of offensive trademarks should be analyzed in connection to such factors. Future researchers could analyze this topic to get a better understanding of the topic.

Recommendations based on Limitations:

1. **Conduct Cross-Cultural Studies:**

To better understand how consumer behaviour is affected by offensive trademarks, brands should analyze how using an offensive trademark has different kinds of results in different cultural groups. This would lead to a better understanding of cultural nuances in a society. This would also make the data more diverse and in turn, lead to a more universal answer.

2. **Longitudinal Research:**

Long-term behaviours and attitudes of consumers of customers should be analyzed in the long run to provide a better understanding of the lasting effect that or the length of a reaction or effect that a consumer experiences due to an Offensive trademark.

3. Mixed-Methods Approaches:

Computing and combining various qualitative and quantitative research data would lead to an even better understanding of the effect offensive trademark has on offensive trademarks which in turn would lead to brands implementing practices and methods that would lead to their brands not suffering from any consequences. Researchers can analyze or gather data relating to changes in consumer behaviour, perception and the loyalty that they have towards a brand.

4. Consider Multi-Stakeholder Perspectives:

Contrary to what people believe, offensive trademark do not have an effect only on consumer behaviour but also affect Shareholders and Employees. Future research should take into account the effects that travel in a ripple and not just study a single affected group to get a nuanced understanding of the effects of an action as a whole.

5. Experimental Designs: Consumer scattered research and analysis of the correlation between consumer behaviour and offensive trademarks would also lead to a better understanding. By making the experiment more diverse and unpredictable, one could delve even greater into the thought process that a person goes through before coming to

10.3 Conclusion and Implications

The use of obscene/offensive trademarks can have significant repercussions on a brand's image, reputation, and marketability. Although there is a correlation between provocative trademarks and the short-term attention a brand gets, they in the long run alienate and affect the consumer base, harm public perception, and lead to legal challenges. Various Legal frameworks that work at both regional and international levels operate to safeguard public morality by prohibiting the registration and use of scandalous or immoral marks ensuring that public policy is not harmed and that the brand maintains ethical standards. Brands that pursue such marks not only invite legal consequences but using such scandalous marks may also lead to damage to brand reputation and boycotting which ultimately causes the brand to suffer losses that endanger the long-term viability by undermining trust and consumer goodwill.

As the landscape of the global market further expands and connects people of different demographics from all walks of life, brands need to realize their presence and the market which they hold in the economy they operate in. Brands need to be increasingly more responsible and culturally sensitive with their branding strategies. Offending public morality or religious

sentiments would result in widespread backlash, legal disputes, and a damaged reputation which becomes difficult to recover from the longer the backlash is not unanswered. In conclusion, businesses must recognize the effect of obscene. Offensive trademark and how it affects the brands standing and the way consumers react to the brand image to get a better and a strong foothold in their respective economy.

