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# Family Name vs Trademark

## Bombay High Court Says Companies Too Can Claim 'Surname Defence'

Sheikh Rayees • March 9, 2026

## PUBLISHED REPORT

The Bombay High Court has clarified that the protection granted under the “surname defence” in India’s trademark law is not limited to individuals alone. Companies, the Court said, may also rely on this defence if their use of a family name is genuine and tied to a legitimate business history.

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