

**GOVERNMENT OF INDIA
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
LOK SABHA**

UNSTARRED QUESTION NO:3592
ANSWERED ON:15.05.2006
PREFIXING OF UNAUTHORISED TITLE
Mediyam Dr. Babu Rao

Will the Minister of CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION be pleased to state:

- (a) whether the name 'India' or 'Indian' can be used as a prefix to the name of any institution only after proper authorization;
- (b) if so, the number of academic institutions, commercial establishments and companies in the country using the same without authorization;
- (c) if so, the action taken/proposed to be taken in this regard;
- (d) the agency responsible for monitoring such violators;
- (e) the action proposed to be taken against those held responsible for failure to check illegal use of the prefix;
- (f) whether the Government proposes to make public the list of such violators; and
- (g) if so, by when it is likely to be published?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND THE MINISTER OF STATE IN THE MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (SHRI TASLIMUDDIN)

- (a) : The use of the name 'India' or 'Indian' as a prefix is not expressly prohibited under the Emblems and Names (Prevention of Improper Use) Act, 1950. However, in order to prevent improper use of certain emblems and names for commercial and professional purposes, as specified in the Schedule of the Act, Section 3 of the Act requires the previous permission of the Central Government for using any name, which may suggest or be calculated to suggest the patronage of Government of India, State Governments and local authorities.
- (b) : Academic institutions, commercial establishments and companies etc. in the country approach the relevant registering authority in their respective States/Union Territories for registration. The Government considers only those proposals which are forwarded to it by various registering authorities for previous approval for use of certain names and emblems as specified in the Schedule of the Act.
- (c) : The Government has sent a letter to all the States/Union Territories to ensure the prevention of any misuse of names, which may suggest or be calculated to suggest the patronage of Government of India, State Governments and local authorities.
- (d) : Under the provisions of the Emblems & Names (Prevention of Improper Use) Act, 1950, no competent authority shall
 - (i) register any company, firm or other body of persons which bears any name, or
 - (ii) register a trade mark or design which bears any emblem or name, or
 - (iii) grant a patent in respect of any invention which bears a title containing any emblem or name, if the use of such name or emblem is in contravention of Section 3 of the Act. In view of this, the responsibility for monitoring cases of unauthorised use of the name 'India' or 'Indian' primarily vests with the concerned registering authorities.
- (e) : Whenever specific cases of violation of the provisions of this Act have been brought to the notice of the Government, the Government has directed the concerned States to investigate the matter and take appropriate action under the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950.
- (f) & (g): At present, there is no such proposal.