



THE JAGANNATH TEMPLE REGISTRATIONS: TRADE MARK PROTECTION FOR RELIGIOUS NAMES AND SYMBOLS



The Shree Jagannath Temple Administration (“SJTA”) has recently secured trade mark protection for three sacred names and symbols associated with the Jagannath Temple, Puri. This development highlights how trade mark law under the Trade Marks Act, 1999 (“the Act”) can protect not just commercial interests but also cultural and religious heritage from unauthorised appropriation.

The Trade Marks Registry has accepted and advertised the following marks filed by the SJTA i.e., the Applicant:

Trade Mark	Application No	Class	Status
NILACHAKRA (Device Mark)	7279908	45	Accepted & Advertised
ANANDA BAJARA	7280309	19	Accepted & Advertised
PATITAPABANA	7304899	35	Accepted & Advertised

The applications come amid the recent public debate surrounding the use of the expression “Jagannath Dham” in connection with the newly established Temple at Digha, West Bengal. A dispute brought into focus, protection of heritage-linked names, symbols and expressions that have long been associated with the Shree Jagannath Temple, Puri from commercial exploitation.

The Applicant and the Marks

The SJTA is a statutory body established under the Puri Shri Jagannath Temple (Administration) Act, 1952 enacted by the Government of Odisha.

It is entrusted with the administration, management and supervision of the Shri Jagannath Temple, one of India's most revered pilgrimage destinations and among the four Char Dham pilgrimage sites.

For centuries, the Temple has occupied a position of unparalleled religious, cultural and historical significance. The institution attracts millions of devotees annually and serves as the focal point of numerous religious traditions, festivals and rituals associated with Lord Jagannath. Unsurprisingly, several names, symbols and expressions connected with the Temple have acquired extraordinary recognition among devotees and the public at large.



- The NILACHAKRA is perhaps the most iconic symbol (i.e., ) associated with the Jagannath Temple. The mark consists of the sacred eight-spoked wheel mounted atop the Temple's towering spire and is regarded as one of the most recognisable symbols within the Jagannath tradition.
- ANANDA BAJARA refers to the historic marketplace situated within the Temple complex where Mahaprasad is distributed, sold and consumed by devotees.
- PATITAPABANA refers to the revered manifestation of Lord Jagannath situated near the Singhadwara (Lion's Gate) of the Temple, also commissioned on the top, at the bottom and in the Temple. The deity occupies a unique position within the Jagannath tradition.

Registrability of Religious Names and Symbols

The acceptance of these applications raises an important question, i.e., whether the names and symbols associated with religious institutions are capable of functioning as trade marks?

Under Section 2(1)(zb) of the Act, a trade mark is required to distinguish the goods or services of one person from those of others. Further, Section 9(1)(a) of the Act prohibits registration of marks that are devoid of any distinctive character. In our view, the registrability of NILACHAKRA, ANANDA BAJARA and PATITAPABANA would primarily turn on the requirement of distinctiveness under the Act. Given the religious and cultural significance associated with these marks, the question would be whether they are capable of distinguishing the Applicant's goods or services from those of others and whether they have acquired a distinct association with the Applicant through use.

While these marks hold religious significance, the Indian trade mark law does not bar registration solely on that ground. The relevant consideration is whether the mark has acquired a distinct association with the applicant and can distinguish its goods or services from those of others.

Subsequently, several principles emerge in this context. Firstly, a mark is not rendered unregistrable merely because it carries religious significance. The Act does not exclude religious names or symbols from protection, and the statutory requirements of distinctiveness and registrability continue to apply. Secondly, where a religious name or symbol has been used by a particular institution in connection with specific goods or services, it may be capable of functioning as a trade mark notwithstanding its spiritual or cultural connotations. Thirdly, the decisive consideration remains public perception, meaning, whether the relevant public associates the mark with a particular entity rather than perceiving it merely as a common religious reference.

In our view, the applications appear to have been founded on the proposition that NILACHAKRA, ANANDA BAJARA and PATITAPABANA have acquired distinctiveness through their longstanding and exclusive association with the Jagannath Temple and its administration. While these names and symbols originate from the religious traditions of the Temple, the SJTA appears to have contended that continuous use over a sustained period has resulted in the marks being recognised by devotees and the public as being associated with the Jagannath Temple.

The distinction between religious significance and trade mark significance is important. The applications do not seek exclusive rights over the worship of Lord Jagannath, the observance of religious practices, or the spiritual concepts associated with these names and symbols. Rather, they seek protection for the marks in relation to the goods and services for which registration has been sought under the Act.

Acquired Distinctiveness through Longstanding Association

A key factor underlying the acceptance of these applications appears to have been the Applicant's ability to demonstrate sustained and continuous use and public recognition of the marks over a considerable period.

According to the electronic records of the Trade Marks Registry, the SJTA claimed use of the marks:

- NILACHAKRA since June 30, 2007
- ANANDA BAJARA since February 29, 2012
- PATITAPABANA since January 6, 2021

To substantiate its claims, the SJTA relied upon documentary evidence including official publications, administrative records, website extracts, correspondence and other materials evidencing continuous use of the marks in connection with the Temple and its activities.

It may be inferred that, such evidence is particularly relevant in establishing distinctiveness under Section 9 of the Act. Through these materials, the SJTA demonstrated that the marks have been used continuously in connection with the Temple and their significance lies not merely in their religious character, but in the fact that the public immediately associate them with a single institution: the Jagannath Temple.

The acceptance and advertisement of the applications suggest that the longstanding use claimed by the Applicant, together with the extensive recognition enjoyed by these names and symbols amongst devotees and the public, appears to support the proposition that the marks have acquired sufficient distinctiveness and were capable of functioning as trade marks within the meaning of the Act.

Significance of such Acceptance for Registration

The significance of these registrations extends beyond the immediate statutory rights conferred upon the SJTA.

Historically, religious institutions have relied upon public goodwill and customary recognition to safeguard their names and symbols. However, the increasing commercialisation of religious tourism, merchandising, digital content and pilgrimage-related services has created new avenues for misuse and commercial exploitation.

Trade mark protection offers a concrete mechanism against such misuse. It enables religious institutions to restrain unauthorised commercial use of historically associated names and symbols with their institutions, to challenge misleading claims of affiliation or endorsement, to prevent dilution of culturally significant emblems and to combat deceptive practices targeting devotees and pilgrims. However, it is pertinent to note that trade mark protection does not confer proprietary rights over religious beliefs, rituals or practices but it protects specific names, symbols and expressions insofar as they function as trade marks and satisfy the requirements of the Act.

Conclusion

The acceptance and advertisement of NILACHAKRA, ANANDA BAJARA and PATITAPABANA represent a significant development in the evolution of Indian trade mark law

These applications illustrate that names and symbols associated with religious institutions may be capable of obtaining trade mark protection where they have acquired distinctiveness through longstanding use and public recognition.

Consequently, these registrations illustrate an emerging role of trade mark law as a tool for safeguarding cultural and religious heritage. As disputes concerning religious branding, pilgrimage destinations and heritage-linked commerce continue to increase, the Jagannath Temple registrations may well serve as an important precedent for religious and cultural institutions seeking to protect their legacy through the intellectual property law.