

Existing Guidelines under Item 7 of the Schedule to Emblems and Names (Prevention of Improper Use) Act, 1950

I. The name will attract the provisions of Emblems and Names (Prevention of Improper Use) Act, 1950 under item 7 of Schedule, if:

- (1) it is identical with the name of any society/corporation or local body which has been setup by the Government of India or State Government under any law for the time being in force.
- (2) it gives the impression of the patronage of Central Government or State Government. For example, Indian Council of Agricultural Research (ICAR) is a registered body under the Ministry of Agriculture and Cooperation. Any name beginning with the words 'Indian Council of' may mislead the public that it is patronized by the Government.
- (3) it too nearly resembles a name of body corporation or local authority set up by Government under any law for the time being in force. For example, 'Indian Institute of Mass communication' is an autonomous body under Ministry of Communication. Names like Institute of Mass Communication may give the impression that the said society is also patronized by the Central Government. Here it should be kept in view whether any other body carrying same kind of activities with similar name is in existence.
- (4) it connotes Government's participation or patronage unless circumstances justify it. Certain words in a name may give the impression of Government's patronage. Such words are 'National, National Institute of, - National Council of, University, Indian Institute of, Indian Council of, etc. This list is illustrative and not exhaustive.

II. If the English version of a name (as explained in points 1 to 4 above) suggest the patronage of the Central/State Government or suggests any connection with any local authority or corporation or body constituted by the Government under any law for the time being in force, then its corresponding versions in Hindi and other languages as specified in the Constitution will also attract the provisions of this Act.

III. (i) Match the profile, experience and stature of the promoters with the objective of a proposed society/organization. Consult the concerned nodal Department(s) if any.

- (ii) No name may be cleared with the names of individuals, which are listed in the Schedule of the Act except when such institutions are promoted by their progeny/spouses.
- (iii) No name resembling/identical to established organizations or constitutional bodies or Governmental agencies may be cleared for use

of private bodies, trusts etc. (e.g. names resembling IIT, IIM, HIT, ICAR, ICSSR).

- (iv) The usage of word "India" by companies and small-scale units engaged in real economic activities such as production, manufacturing, and service providing etc. may not be restricted' A distinction has to be drawn between trust/societies/charitable institutions, which are primarily fund raising agencies and agencies involved in real productive activities (for instance names like "Bajaj India" or 'Reliance India Mobile' etc. may not attract the provisions of the Act).
 - (v) The words such as 'India', 'National' or 'State' may not be allowed in the name of a body engaged in commercial, semi-commercial activities in public dealings or for products being marketed if the consumer is likely to gather a misleading impression that the organization has been sponsored by the Government.
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