**Subject Name:** Trademark Act
**Topic Name:** Scope of Exclusive Rights

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Section 28 delineates the exclusive rights granted to the proprietor of a registered trademark under the Act. It stipulates that the registered proprietor holds the exclusive right to utilise the mark concerning the goods or services for which it is registered.

This entitlement extends to seeking legal redress in cases of infringement, subject to the conditions and limitations of the registration.

However, an exception arises when two or more persons hold registrations for trademarks that are identical or closely resembling. In such instances, neither proprietor retains exclusive rights against each other, but they maintain equivalent rights as other registered proprietors against third parties.

## Prima Facie Evidence in Legal Proceedings (Section 31)

According to Section 31, in all legal proceedings involving a registered trademark, the original registration of the mark and subsequent assignments and transmissions serve as prima facie evidence of the trademark's validity. This presumption persists until the mark is removed or expunged from the register.

## Distinctive Character Acquisition (Section 32)

Section 32 addresses situations where a trademark is registered in violation of Section 9(1). It asserts that such registration shall not be invalidated if, following registration and preceding any legal challenges to its validity, the mark acquires a distinctive character through its usage in relation to the specified goods or services.

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## Effect of Acquiescence (Section 33)

Section 33 concerns the consequences of the proprietor of an earlier trademark passively consenting to the continuous use of a registered mark for a consecutive period of five years.