

PIXELS, PARODIES & IP: THE LEGAL CHAOS BEHIND MEME CULTURE

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Abstract:

Memes have changed a lot from the days when they were just funny internet posts. Now they are powerful cultural artefacts that shape branding, conversation, and even political narratives. As these pixelated forms of satire and parody become more popular, they now directly affect intellectual property (IP) law, leading to complicated legal arguments about who owns what, whether something is original, and whether it is infringing. This article looks at the messy but interesting connection between memes and the laws that protect intellectual property, specifically trademark law.

The article starts by looking at memes as a social and digital production, including how they start, change, and spread across platforms faster than any other type of media. As memes become more valuable and popular, the question arises: Should or can they be registered and protected by current laws? The essay looks at Indian IP rules and worldwide standards to see if meme registration is possible and what it would mean. It focusses on how hard it is to prove authorship and originality.

A key component of the study is looking at how different meme catchphrases are, since some words go beyond the internet and become part of popular culture, often mixing with corporate names and copyrighted slogans. When memes make fun of registered brands, this creates legal problems since it raises the question of whether this kind of use is trademark infringement or is permitted by fair use and free speech laws.

The article goes into further detail on the fine line between parody and infringement, especially when it comes to memes that use celebrity photographs, trademarks, or brand contexts. It looks at how courts in different places have tried to find a balance between protecting trademarks and allowing people to speak their minds. Also, a global perspective is added that looks at legal movements in the United States, the European Union, and India's new laws, which show a patchwork approach to controlling meme culture.

Finally, the article seeks if it's time for the law or the courts to take a firm stand on meme protection, either by changing the law or making IP law more flexible in how it is interpreted. As digital expression continues to blur the lines between making material, criticising it, and doing business, this paper calls for a more sophisticated legal framework that safeguards both creative freedom and legitimate IP rights without restricting the spontaneity and democratising potential of meme culture.

Keywords: Freedom of Expression, Intellectual Property, Meme Culture, Parody, Trademark Infringement.

INTRODUCTION: MEME, A PHENOMENA

Memes are deliberately transcendent in today's technology advancements, involving and engaging millions of people. Influences online culture and trends, creates buzz, and, when used by any organisation, including a brand, supports marketing campaigns. A single "meme" has the capacity to catapult a company to worldwide recognition overnight, and while such virality can sometimes be accidental, generating gratuitous attention and immediate cultural significance, it can also result in and serve as a liability. Furthermore,

memes defy such precision; they are chaotic, unexpected, and usually recycled beyond any identifiable source. Non-voluntary associations, negative public impression, and the disintegration of a rigorously maintained brand identity are common accompanying such digital phenomena.

Some brands actively embrace meme culture, leveraging viral content to engage younger audiences. Companies like Wendy's¹ and Netflix² have built social media identities around humour and internet trends, making memes essential to their branding. Others, however, find themselves at the center of unintended viral storms. For instance, the infamous Bernie Sanders mittens meme³, the Drake posting format⁴, or Pepperidge Farm remembers⁵, all these incorporated images of real individuals, illustrating how memes can escape their original context and take on a life of their own.

From a marketing standpoint, memes offer an opportunity to enhance brand relatability and augment visibility. Nonetheless, their decentralised structure complicates organisations' ability to regulate content pertaining to them on these platforms. Memes fundamentally thrive on remixing, reinterpretation, and extensive distribution, frequently lacking a discernible creator. This presents a conflict for traditional trademark frameworks predicated on exclusivity and source identification. Although firms may appreciate the gratis attention, they may also contend with brand dilution or undesirable associations. The aspects of these advantages and disadvantages are transactions that any entity may do to either enhance or diminish their sales or other connected business activity.

Historically, viral slogans and visuals have been effectively patented; however, memes present extra challenges. Their evolution is swift, their origins are unclear, and their application is intrinsically communal. The aspects of these advantages and disadvantages are transactions that any entity may engage in to either enhance or diminish their sales or other related business activities. This raises enquiries regarding the legality of such published "memes," specifically whether they can be trademarked or copyrighted, and if so, how? Who possesses or is likely to possess them? Does a meme related to a brand grant exclusive rights to that brand over the meme? Additionally, numerous pertinent enquiries.

The aspects related to "memes" as intellectual property beyond the scope of current legal frameworks, raising a significant challenge regarding whether, in light of contemporary techno-legal advancements, "memes" may be classified as intellectual property. The unrestricted legislation hinders growth, and expanding the domain of such laws will subject "memes" to current Intellectual Property legislation.

CAN YOU COPYRIGHT A MEME? WHAT THE LAW REALLY SAYS

It is theoretically proposed that a meme may be registered as a trademark in India under the Trademarks Act, 1999⁶, provided it satisfies stringent conditions. According to Section 9(1)(a)⁷, a mark must possess the ability to differentiate the goods or services of one business from those of another. Proving individuality is

¹ J Hemphill, „From Trendy to Cringey: Wendy's Misguided Venture into Meme Culture“ (Medium, 7 February 2024) <https://medium.com/@jhemphill0808/from-trendy-to-cringey-wendys-misguided-venture-into-meme-culture-3814a236f97e> accessed 22 May 2025.

² C Bittner, „Netflix's Bird Box Creates Social Media Craze“ (*The Pitt News*, 8 January 2019) <https://pittnews.com/article/139020/arts-and-entertainment/netflixs-bird-box-creates-social-media-craze/> accessed 22 July 2025.

³ C Clifford, „Bernie Sanders“ Inauguration Meme: Here's the Story behind the Photo“ (*CNBC*, 23 January 2021) <https://www.cnbc.com/2021/01/23/bernie-sanders-inauguration-meme-heres-the-story-behind-the-photo.html> accessed 22 July 2025.

⁴ 'Drakeposting' (Memming Wiki) <https://en.memming.world/wiki/Drakeposting> accessed 22 May 2025.

⁵ R. Moopa, „Meme History: Pepperidge Farm Remembers“ (Medium, 5 August 2021) <https://medium.com/@RussellMoopa/meme-history-pepperidge-farm-remembers-4edcca95c431> accessed 22 July 2025.

⁶ The Trade Marks Act 1999.

⁷ The Trade Marks Act 1999, s 9(1)(a).

challenging because to the inherently viral and extensively disseminated nature of memes. A primary criterion is secondary meaning, as demonstrated in cases such as *ITC Limited v. Nestle India Ltd*⁸, where prolonged usage and customer association were essential in assessing distinctiveness. If a term is utilised solely by a corporation and becomes synonymous with its brand, as demonstrated in *VRS Foods Ltd. v. Prem Chand*⁹, it may qualify for registration. Nonetheless, exclusivity continues to be a hurdle. In *Durga Dutt Sharma v. Navaratna Pharmaceutical Laboratories*¹⁰, the Supreme Court underscored that trademark protection aims to avert consumer confusion. Given that memes are often modified, tweaked, and repurposed, ensuring exclusivity may be impractical. Moreover, trademarking memes presents significant fair use issues, especially for user-generated content (UGC). Courts may need to differentiate between non-commercial meme dissemination (parody, analysis) and commercial exploitation. Drawing on the fair use doctrine of copyright law, it can be contended that memes utilised without profit intentions ought to be immune from infringement allegations.

A potentially more effective strategy involves registering essential components of a meme, such as logos, slogans, or unique images. Brands such as Amul, while not formally trademarking memes, have effectively safeguarded their marketing assets that are frequently transformed into memes.¹¹ The law offers protection and includes enforcement mechanisms. Section 29 of the Trademarks Act, 1999¹² pertains to infringement; nevertheless, pursuing legal action against prevalent meme usage may result in public outrage and possible reputational damage, as evidenced by international instances such as Pepe the Frog. In conclusion, whereas meme trademarks are legally feasible, their practical enforcement is intricate within India's digital-centric environment. A meme can theoretically be registered as a trademark under the Indian Trademarks Act, 1999. For legal registration to occur, the meme must satisfy the criteria outlined in Section 2(zb)¹³ of the Act, which stipulates that a trademark must be distinctive and capable of pictorial representation, hence delineating certain goods or services.

The intrinsically dynamic and continuously evolving character of online memes presents a significant legal difficulty for the granting of exclusive rights. However, when an individual or entity attempts to secure trademark registration for a meme, it is essential that specific threshold conditions are met. The applicant must demonstrate that the meme is irrevocably associated with their trade, brand, or business, indicating a unique connection to their commercial identity. Secondly, it must be clearly established that the meme has acquired secondary significance, such that the pertinent consumer demographic recognises it as a definitive source identification, rather than merely an aspect of internet culture. Thirdly, and equally significant, the meme must be demonstrated to be utilised in the context of trade or commercial activity, rather than for simply ornamental or expressive purposes. In the absence of such indicators, trademark law will likely prohibit registrability.

The ruling in *Independent News Service Private Limited v. Ravindra Kumar Chaudhary*¹⁴ clarifies the court perspective on meme-based trademarks in the Indian legal context. The conflict involved the plaintiff's

⁸ *ITC Ltd. v. Nestle India Ltd.*, MANU/TN/0950/2015 (India).

⁹ 2018 SCC OnLine Del 11055

¹⁰ *Kaviraj Pandit Durga Dutt Sharma v. Navaratna Pharmaceutical Laboratories*, MANU/SC/0197/1964 (India).

¹¹ 'Guardians of the Brand: The Amul Trademark Saga in the Delhi High Court' (The IP Press, 13 October 2024) <https://www.theippress.com/2024/10/13/guardians-of-the-brand-the-amul-trademark-saga-in-the-delhi-high-court/> accessed 25 July 2025.

¹² The Trade Marks Act 1999, s 29.

¹³ The Trade Marks Act 1999, s 2(zb).

¹⁴ *J. P. Associates, Trademark Dispute: Aap Ki Adalat vs. Baap Ki Adalat*, JPASSOCIATES.CO.IN (May 17, 2021), <https://jpassociates.co.in/trademark-dispute-aap-ki-adalat-vs-baap-ki-adalat/>.

established trademark "Aap Ki Adalat," a television program recognised for its interviews with prominent public figures, and the defendant's mark "Baap ki Adalat," a parody of the original. While the law allows for parody and satire under specific exceptions, the Hon'ble Court concluded that the contested mark constituted trademark infringement, as it unjustly exploited the goodwill and reputation linked to the original mark, resulting in a probable confusion among the pertinent consumer demographic.

Similarly, Amul's advertising methods exemplify the interaction between meme-like formats and trademark protection. Amul's advertising, distinguished by their sarcastic tone and witty comments on current events, feature the iconic "Amul Girl" and slogan, both of which possess substantial brand awareness. Although Amul has not pursued trademark protection for individual memes, its continuous and exclusive use of these graphic elements has endowed them with a significant source-identifying function, making them eligible for trademark protection. This highlights that pictorial content, when consistently associated with a commercial brand, may achieve registrability under Indian trademark law.

Moreover, companies like Zomato and Swiggy have skilfully utilised meme culture in their marketing strategies, constructing brand narratives through the innovative adaptation of viral internet phenomena.¹⁵ Although these firms have thus far refrained from claiming exclusive rights to particular meme material, their adaptive utilisation has enabled the development of unique brand identities in the public mind. If meme-based adaptations generate significant commercial goodwill and establish a recognisable link with the respective business source, these entities may eventually meet the criteria for obtaining statutory protection under the Trade Marks Act, 1999, especially through the doctrine of acquired distinctiveness.

MEME TALK ON TRIAL: EVALUATING DISTINCTIVENESS IN DIGITAL CATCHPHRASES

This section addresses recommendations on the legal framework, the classification of a meme as a trademark, and its protection as intellectual property. A proposed eligibility test for trademarking memes can be formulated based on the changing dynamics of internet culture and the growing tendency of monetising viral material, utilising essential legal and commercial criteria.

Initially, the meme or its slogan must be unique. This implies it must be able to differentiate the products or services of one enterprise from those of another. Although several memes employ standard dictionary terms, judicial bodies and trademark authorities have acknowledged that even these phrases, when ordered innovatively or utilised in a new contextual amalgamation, can attain originality. In *Kohler Co. v. Registrar of Trade Marks*¹⁶, the Delhi High Court underscored that taglines or slogans composed of generic terms, such as "BELIEVING IN BETTER," might constitute a distinctive and creative expression when utilised collectively. This criteria also pertains to memes; expressions such as "DOGLAPAN" and "BINOD," while simplistic and informal, have attained individuality through viral social media dissemination and popular affiliation with certain people or platforms.¹⁷

Secondly, there must be genuine commercial utilisation or a distinct intention to employ the meme or term in commerce. Trademark protection is conferred not for abstract concepts or humorous statements, but for symbols that signify the commercial source of goods or services. This was seen in the instances of Ashneer Grover and Slayy Point, where the viral slogans "DOGLAPAN" and "BINOD" were employed to market and sell items, literature, and digital material. In both cases, trademark applications were submitted once it became apparent that the meme-based terms were utilised in a way that established consumer association with a provider of products or services.

Thirdly, the meme must not be broad or detailed regarding its intended application. Memes, frequently originating from colloquial language and cultural allusions, are legally protectable as trademarks based on

¹⁵ "Swiggy Instamart's Instafart: When Memes Escape the Internet" (*Campaign India*, 19 October 2022) <https://www.campaignindia.in/article/swiggy-instamarts-instafart-when-memes-escape-the-internet/500614> accessed 25 July 2025.

¹⁶ *Kohler Co. v. Registrar of Trade Marks*, MANU/DEOR/10768/2023 (India).

¹⁷ R. Chadha and A. Bansal, "Meme Trademarks" (*The Legal 500*, 2023)

<https://www.legal500.com/developments/thought-leadership/meme-trademarks/> accessed 22 July 2025.

their capacity to either define a product or service or serve as a source identity. The innovative application of commonplace terminology in memes can yield uniqueness by eliciting particular responses or recognition from the audience. This enables such phrases to operate as trademarks, contingent upon their compliance with the statutory criteria established under trademark law.

Fourthly, the meme content must not violate existing intellectual property rights, particularly copyright or established trademarks. A multitude of memes utilise altered photos, GIFs, or video excerpts derived from copyrighted materials. The dissemination of memes for amusement may be classified as fair use or fair dealing, contingent upon jurisdiction; nonetheless, the commercial utilisation of such content may result in infringement if appropriate permits or licenses are not secured. The case of *Grumpy Cat Ltd. v. Grenade Beverage LLC*¹⁸ exemplifies this issue, since the unauthorised utilisation of the Grumpy Cat image and mark beyond the licensing agreement resulted in a U.S. court awarding significant damages for copyright and trademark infringement. This highlights the necessity for businesses to ascertain that any foundational work utilised in the meme is either original, licensed, or unequivocally within permitted use.

Ultimately, and most importantly, the meme or catchphrase must fulfil a source-identifying role. This indicates that the audience ought to link the meme to a particular individual, enterprise, or source. In the absence of this association, a meme would just be a transient trend or cultural allusion, devoid of the consistency and recognition needed for trademark protection. Memes such as “GRUMPY CAT,” “DOGLAPAN,” and “BINOD” gained significant recognition, and their incorporation into commerce enabled consumers to associate products with their original inventors. The fundamental purpose of a trademark is to safeguard its source-identifying characteristic.

LAUGHS, LOGOS & LAWSUITS: PARODY AND TRADEMARK INFRINGEMENT IN THE MEME AGE

Jurisprudential consensus from Indian High Courts, the Supreme Court of India, and persuasive authorities such as Kerly's Law of Trade Marks¹⁹ and Trade Names indicates that the dissemination of commercial content, including memes via electronic media, may lead to actionable claims of trademark disparagement. This encompasses actions that imply slighting, undervaluing, discrediting, dishonouring, depreciating, derogating, or degrading a trademark, resulting in a condition of low estimation or valuation, reproach, disgrace, or unjust comparison with inferior entities. The psychological influence of visual marketing, especially memes capable of virally spreading across digital platforms, is significant. Content that disparages or mocks a competitor's products, trade names, or trademarks directly invokes the legal implications of disparagement under Indian trademark law.

Appendix 16 of Kerly's specifies that Council Directive 84/450²⁰, as enacted by the European Communities, explicitly prohibits competitive advertising that disparages or undermines the trademarks or trade names of competitors. Clause 3(e) explicitly stipulates that comparable advertisements must not disparage or degrade the commercial identification of competing entities. Memes that, disguised as comedy, partake in objectively misleading or disparaging comparisons violate these standards and may infringe upon Section 29(8)²¹ in conjunction with Section 30(1)²² of the Indian Trade Marks Act, 1999.²³ “Trademark infringement occurs when another business entity utilises the same trademark. Such exploitation can

¹⁸ Loeb & Loeb LLP, *Grumpy Cat Limited v. Grenade Beverage LLC, et al.*, LOEB.COM (Apr. 2, 2018), <https://www.loeb.com/en/insights/publications/2018/04/grumpy-cat-limited-v-grenade-beverage-llc-et-al>.

¹⁹ Amanda Michaels and David Keeling (eds), *Kerly's Law of Trade Marks and Trade Names* (16th edn, Sweet & Maxwell 2018).

²⁰ Council Directive 84/450/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising, in *Kerly's Law of Trade Marks and Trade Names* (16th edn, Sweet & Maxwell 2018) app 16.

²¹ The Trade Marks Act 1999, s 29(8).

²² The Trade Marks Act 1999, s 30(1).

²³ *Pepsi Co., Inc. & Others v. Hindustan Coca Cola Ltd. & Others*, MANU/DE/0896/2003 (India).

manifest through memes, which may be seen as advertisements due to their extensive public engagement.” Parody and memes are intrinsically paradoxical. Effective parodies are simultaneously unique and parasitic, exhibiting both creativity and derivation. The connection between a trademark and parody is that if the parody does not sufficiently incorporate elements of the original trademark, the audience may fail to recognise it, so diminishing their comprehension of the humour. Conversely, if the parody is excessively derivative, it may be deemed infringing due to an overabundance of appropriation and a deficiency of originality, irrespective of its comedic value.

Parody involves appropriation and copying yet also requires purposeful displacement. Primarily, parody assumes the legitimacy and relevance of the original work or form. It preserves the original's image in the observer's perception and depends on the audience's capacity to identify, to varying degrees of accuracy, the parodied work or text, and to interpret or 'decode' the reference; thus, the audience collaborates in multiple ways with the parodist in the creation of the parody. In contrast to the plagiarist, who seeks to mislead, the parodist depends on the audience's familiarity with the original work or genre; hence, the audience's involvement is essential for its enjoyment.

SPEECH CHAINED BY SYMBOLS? RE-EXAMINING THE TRADEMARK-FREEDOM TENSION

The inquiry is whether, upon examining the facts comprehensively and within their specific context, an impartial observer, attuned to both the free speech principles of the Constitution and the property safeguarding aims of trademark law, would conclude that the detriment inflicted by the parody on the trademark owner's property interests surpasses the free speech considerations at play. The reconciliation of interests must rely on the evidence available, augmented by the general understanding of the world that may be reasonably attributed to every judge. Moreover, while the parody will be assessed within the formal context of the court, the relevant text (whether visual, verbal, or both) should be studied regarding its relevance and the impact it had (or was likely to have) in the actual environment of its communication.²⁴

MEME CULTURE ON TRIAL: GLOBAL TRENDS AND LEGAL TENSIONS

A prevalent misperception arises that memes, due to their widespread distribution, automatically belong to the public domain; this assumption is legally indefensible. Although many individuals believe that memes exist in the public domain due to their widespread prevalence, this is not universally accurate, as many memes, due to their significant public familiarity and enduring affiliation with certain sources, have successfully secured trademark protection. This highlights the principle that extensive cultural currency does not inherently invalidate the potential for property rights.

In the United States, trademark law is primarily established in the Lanham Act of 1946²⁵, notably 15 U.S.C. § 1125(a)(1)²⁶ and 15 U.S.C. § 1114.²⁷ Section 1125(a)(1)²⁸ imposes civil liability on any individual who, in relation to goods or services, utilises in commerce any word, term, name, symbol, or device that is likely to cause consumer confusion regarding source, affiliation, or sponsorship. In contrast, Section 1114 establishes a cause of action for trademark infringement based on the same criterion of consumer confusion, but it is restricted solely to marks that are properly registered with the United States Patent and Trademark Office (USPTO). The U.S. Patent and Trademark Office (USPTO) acknowledges trademarks for viral catchphrases, exemplified as Michael Buffer's "Let's Get Ready to Rumble," indicating that unique memes may, under some circumstances, receive legal protection.²⁹

²⁴ *Tata Sons Ltd. v. Greenpeace International & Others*, MANU/DE/0220/2011 (India).

²⁵ Lanham Act of 1946, 15 USC §§ 1051–1141n (1946).

²⁶ Lanham Act of 1946, 15 USC § 1125(a)(1).

²⁷ Lanham Act of 1946, 15 USC § 1114.

²⁸ Lanham Act of 1946, 15 USC § 1125(a)(1).

²⁹ 'LET'S GET READY TO RUMBLE' Trademark, Justia Trademarks

<https://trademarks.justia.com/757/01/let-s-get-ready-to-rumble-75701343.html> accessed 22 May 2025.

Liability under the Lanham Act of 1946 may arise in marketing campaigns involving "Memes," especially on social media, where a business compares its product to a well-known slogan or uses a celebrity's name, likeness, or image without permission. The Lanham Act of 1946 primarily protects against commercial misappropriation, and bogus endorsements presented as advertising clearly fall under its scope. The possible culpability is further intensified if the infringement is committed intentionally. According to 15 U.S.C. S.1117(a)-(b)³⁰, the injured trademark owner may pursue treble damages together with reasonable lawyers' fees, making these violations not only reputationally damaging but also financially burdensome.

If a marketing division employs the name and image of a notable public figure, like Taylor Swift, in a hilarious promotional post without her authorisation, the company may face immediate legal liability under 15 U.S.C. §§ 1114³¹ and 1125(a)(1)³². In another instance, Grumpy Cat Limited secured trademarks for images, products, and brand endorsements related to the internet-famous feline, thereby empowering the company to initiate legal proceedings against entities who utilised the cat's likeness without authorisation. In response to this phenomena, the meme Pepe the Frog prompted its inventor, Matt Furie, to seek legal action against many firms to reclaim control over its use, as it was utilised without the release of commercial rights.

Likewise, in the case of "Doge," the Shiba Inu meme that led to the creation of Dogecoin. The cryptocurrency financed the meme for its branding objectives, while the rights to the original photos remained unresolved. The Doge Foundation subsequently bought the intellectual property rights to the original photographs to oversee and safeguard the meme's economic utilisation. In certain instances, individuals or organisations may register trademarks based on variations of meme words, such as Buffer's renowned catchphrases, indicating that viral content can get trademark status once it is effectively commercialised. Corporations such as Netflix³³ and Gucci³⁴ employ memes in their marketing strategies, opting for participation rather than pursuing trademarks.

MEME WARS AND THE LAW: TIME FOR LEGAL RECOGNITION?

Despite potential discontent among netizens, internet lingo or memes can indeed be registered as trademarks in India, if they meet the requisite requirements outlined in the Trademarks Act. However, their infectious, interactive, and adaptable characteristics render exclusivity difficult to uphold. In exceptional instances where a meme is closely associated with a business identity, brands may pursue legal protection; nonetheless, any legal approach must reconcile enforcement with cultural sensitivity. Aggressive enforcement, particularly via takedowns or litigation, may provoke the Streisand Effect³⁵, when efforts to restrict information inadvertently attract greater attention, thus exacerbating its dissemination and compromising the brand's objectives.

The changing legal framework in India necessitates a more sophisticated interpretation of the doctrines of acquired uniqueness, fair use, and the limits of trademark disparagement in the digital era. Memes contest traditional concepts of authorship, control, and ownership. The legal investigation must go beyond the formal aspects of registrability to analyse the meme's significance in public discourse, its commercial purpose, and the appropriateness of enforcement measures.

³⁰ Lanham Act of 1946, 15 USC §§ 1117(a)–(b).

³¹ Lanham Act of 1946, 15 USC § 1114.

³² Lanham Act of 1946, 15 USC § 1125(a)(1).

³³ Angela Watercutter, „Netflix Really Doesn't Want You to Do the #BirdBoxChallenge“ (*Wired*, 2 January 2019) <https://www.wired.com/story/bird-box-challenge-netflix-marketing/> accessed 25 May 2025.

³⁴ “Digital Playground: Where Luxury Fashion Is Finding Its Sense of Humour” (*FutureLearn*, no date) <https://www.futurelearn.com/info/courses/digital-playground-where-luxury-fashion-is-finding-its-sense-of-humor/0/steps/236465> accessed 25 May 2025.

³⁵ “What is the Streisand Effect and How Can Brands Avoid It?” (*The Fashion Law*, 20 October 2022) <https://www.thefashionlaw.com/what-is-the-streisand-effect-and-how-can-brands-avoid-it/> accessed 25 May 2025.



The fundamental inquiry is not merely if a meme can be trademarked, but rather if such action fulfils a valid legal and commercial objective. The solution is in context, customer perception, and the overarching cultural influence. Brands should engage with the meme ecosystem not as a domain to conquer, but as a cultural landscape to traverse strategically, legally, and with the understanding that in the era of virality, perception frequently precedes safeguarding.