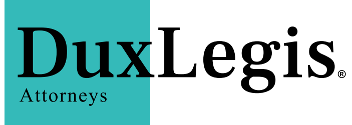
Gateway to IP World

Newsletter | Issue 34 | October 2025

In This Issue

- WHEN CROCS TOOK ON BATA, LIBERTY, RELAXO & CO.: THE BATTLE OF THE FAMOUS HOLES
- DUXLEGIS GLOBAL IP JOURNEYS: FROM TAIYUAN TO OSAKA – SEPTEMBER 2025
- IP SNIPPETS



WHEN CROCS TOOK ON BATA, LIBERTY, RELAXO & CO.: THE BATTLE OF THE FAMOUS HOLES

- By Ananya Sinha

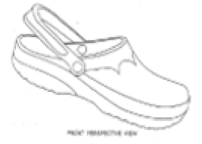
Crocs are chunky, colourful clogs with round holes on top and a strap at the back. One can say, without a doubt that, if you see them in a shoe shop, you will associate them with the Crocs brand. If you've ever owned a pair or at least tried them on, you know exactly what they look like. They are immediately recognizable. The million-dollar (or perhaps billion-dollar) question is whether Crocs has a monopoly on that shape?

For nearly ten years, Indian courts were preoccupied with this question. The story is dramatic: Crocs Inc. USA accused Indian shoe giants like Bioworld Merchandising, Liberty, Bata, Action Shoes, Relaxo, and Aqualite of stealing its design. On the other side, the Indian companies argued: *"Wait a minute, Crocs didn't invent clogs, and certainly not holes in footwear!"*

THE BACKGROUND: CROCS VS. THE WORLD

Crocs registered two designs (Design Nos. 197685 and 197686) for their well-known clog-shaped shoes in India back in 2004. In essence, these designs focused on the form, arrangement, and—yes—the recognizable holes. According to Crocs, these designs were innovative, one-of-a-kind, and had gained immense popularity all over the world, including in India. Crocs claimed to be earning crores of rupees here by 2015, and they had exclusive stores and online sales.

Design No. 197685



The plaintiffs CROCS SHAPE TRADEMARK/TRADE DRESS.

Then it was discovered that shoes that suspiciously resembled Crocs were being sold by Bata, Liberty, Relaxo, Action, Aqualite, and others. Accordingly, Crocs filed a lawsuit against them for both design infringement under the Designs Act of 2000 and passing off, which is the legal allegation that someone is attempting to pass off their products as yours by imitating the "look and feel."

However, the Indian businesses didn't simply give up. In their sardonic and incisive defense:

- **First**, they said Crocs' design registration was void in the first place because the design was already in the public domain prior to 2004.
- **Second**, they argued Crocs' clogs weren't "novel" because clogs had been in use for many years. Indeed, there were comparable designs in Europe, and Crocs' own website featured images of the shoes prior to their registration application.
- **Third**, they emphasized that the "holes" served practical purposes, such as drainage for water and ventilation for feet, rather than being aesthetically pleasing. Design law prohibits the monopolization of functional features.

With that, the great Indian footwear war began, and the courts came into the picture.

What the 2019 Single Bench Said? - M/S CROCS INC USA vs M/S BATA INDIA & ORS (FAO(OS) (COMM) 78/2018 & CM APPL. 17358-61/2018)

In essence, the Delhi High Court stated that:

- Crocs' registered designs were already in the public domain prior to May 2003, which was their priority date. Evidence revealed that in 2002, they advertised their own shoes online.
- The registration was invalid because the design had already been published. Prior publication eliminates novelty under Section 19 of the Designs Act.
- Additionally, the court made the rather direct statement, *"A shoe is a shoe is a shoe. Straps, holes, and bumps are examples of trade variations rather than inventions."*
- Therefore, Crocs was unable to assert a monopoly on design for what was essentially just another kind of sandal.

The tone was set by this ruling, which said to Crocs, "Don't expect a monopoly over the very idea of clogs," in a courteous but firm manner.

Enter the 2025 Twist - M/S CROCS INC USA vs M/S BATA INDIA & ORS (RFA (OS) (Comm) 22/2019)

Crocs, however, persisted. They shifted gears. They began arguing under trademark law, claiming that the shape of their shoes had turned into a "shape trademark" or "trade dress", rather than merely depending on design law.

Crocs argued:

- The distinctive shape of Crocs clogs has turned into a source identifier, even if the design registrations are shaky. People think "**Crocs**" as soon as they see that shape.
- Because it deceives customers into thinking the knockoffs are associated with Crocs, copying the shape is equivalent to **passing off.**

They filed lawsuits alleging that Bata, Liberty, and others were stealing their **CROCS SHAPE TRADEMARK/TRADE DRESS.**

With equally colorful arguments, the defendants retaliated:

- The clog shape is generic and functional. "Holes in shoes" cannot be monopolized.
- They contended that they weren't deceiving anyone because their shoes bore their own brand names, such as "GLIDER" or "LIBERTY," so no sane customer would mistake them for Crocs.
- Crocs wasn't the first company to produce such shoes, similar designs existed long before.

THE SINGLE BENCH 2019 DISMISSAL

The single Bench firmly rejected Crocs' lawsuits in February 2019 as "not maintainable." According to the Delhi High Court, Crocs' footwear was just a commercial version of the traditional clog/sandal design, and elements like perforations, straps, or humps were standard functional variations in footwear rather than novelties. The Hon'ble Court reiterated that minor trade variations cannot be monopolized as "new designs," citing precedents like **B. Chawla & Sons v. Bright Auto Industries (AIR 1981 Del 95) and Bharat Glass Tube Ltd. v. Gopal Glass Works Ltd. (2008) 10 SCC 657.** Additionally, it pointed out that the EUIPO had declared Crocs' similar design invalid (Third Board of Appeal, 2010; affirmed by the General Court in Gifi Diffusion v. EUIPO, 2016), highlighting the lack of novelty globally. The Hon'ble Delhi High Court remarked in a now well-cited phrase that ***"shoe is a shoe is a shoe, sandal is a sandal is a sandal,"*** meaning that the basic form of sandals and clogs has existed for decades and Crocs' design could not be treated as an innovation warranting exclusive rights. Because it was unable to assert rights in an invalid design, Crocs' claim of piracy was rejected, and its lawsuits were dismissed without even taking the evidence into account.

THE DIVISION BENCH IN 2025: A RESCUE MISSION

Fast forward to July 2025. A Division Bench of the Delhi High Court (Justice C. Hari Shankar and Justice Ajay Digpaul) finally revisited the matter.

They focused on one key issue: **Were Crocs' suits even maintainable for passing off?**

The Delhi High Court made a clear distinction between the extent of protection under the Designs Act, 2000 and the Trade Marks Act, 1999 when determining whether Crocs could pursue a passing off action based on its registered design. The Hon'ble Court noted that a "design" expressly excludes a "trademark" by definition under Section 2(d) of the Designs Act, which is a comprehensive code in and of itself. The Hon'ble Court relied on two important precedents. In **Mohan Lal v. Sona Paints (2013)**, a Full Bench had held that a passing off action may lie if the plaintiff demonstrates goodwill or reputation in "something extra" beyond the registered design, such as distinctive get-up or packaging. This principle was later reaffirmed in **Carlsberg Breweries v. Som Distilleries (2019)**, where a five-judge bench clarified that passing off can target overall trade dress or get-up, but not the registered design itself. The Hon'ble Court didn't outright say Crocs wins. Instead confirmed that a passing off action is maintainable even if the subject matter is a registered design, provided it is based on goodwill/trade dress and not merely on copying of the design.

WHAT THIS MEANS FOR BUSINESSES?

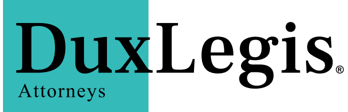
No one else would have been able to produce similar casual footwear if Crocs had gained a complete monopoly over "clogs with holes." It would be equivalent to claiming that only one business can produce jeans with pockets.

On the other hand, what incentive is there for innovation if copycats are free to imitate famous designs?

In 2025 Judgment, the Hon'ble Delhi High Court appears to be taking a moderate stance: Crocs cannot **simply wave its design registration** like a magic wand, **but** it can **demonstrate that the shape has actually evolved into a brand identifier**, in which case of passing off protection is possible.

WHY THIS CASE MATTERS?

1. **Design vs. Trademark overlap:** It clears the confusion that just because something was once registered as a design doesn't mean it can never become a trademark.



2. **Consumer perspective:** Hon'ble Courts will ask, “Do people really associate this shape only with Crocs?” If yes, then competitors might be restrained.

3. **Fair competition:** The judgment avoids creating monopolies over basic footwear shapes but also doesn't dismiss genuine brand identity claims.

CONCLUSION

Ultimately, the Crocs story is far from finished. They may have made the wrong choice with their 2019 design claim, but 2025 has given them another chance to get protection through passing off and trademark. Whether the iconic clog design actually belongs to Crocs in the eyes of Indian consumers will be the focus of the upcoming trial. It serves as a reminder that timing, perception, and strategy are just as important in the legal field as facts alone. As for us everyday buyers? We'll keep choosing our clogs based on what fits not just our feet, but our budgets, and our fashion sense.

https://www.buzzincontent.com/

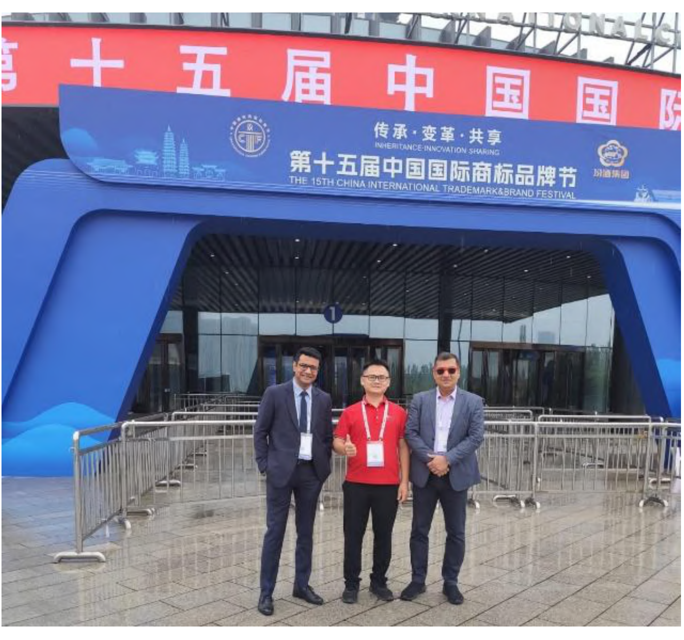
https://www.youtube.com/watch?v=9yUny6D8bCw

DUXLEGIS GLOBAL IP JOURNEYS: FROM TAIYUAN TO OSAKA – SEPTEMBER 2025

The past three weeks in September 2025 marked a vibrant journey across Asia, with opportunities to engage in some of the most significant intellectual property (IP) conferences and connect with colleagues and partners across regions. Our Managing Partner – Mr. Divyendu Verma had the great time in attending these conferences and meeting with friends and colleagues from across the world.

Taiyuan: China Trademark Festival (CTF) - September 5-8, 2025

The journey began in Taiyuan, where the China Trademark Festival (CTF) brought together trademark professionals, academics, industry representatives, and policymakers for three days of intensive discussions.



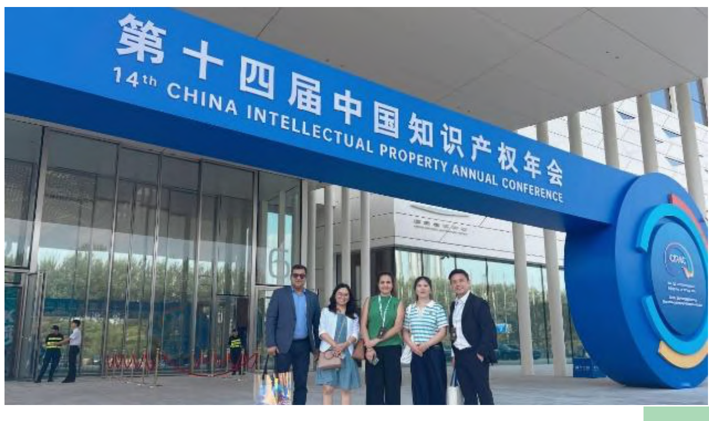
The Festival highlighted China's increasing role in global trademark law and practice. Key themes included the growing importance of brand protection in cross-border commerce, strategies for tackling counterfeiting in digital markets, and the evolving interplay between innovation and brand value.

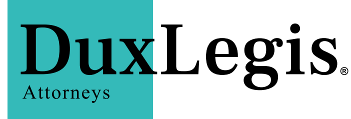
Mr. Verma had the privilege of speaking on a panel on International Technology Transfer, where discussions centered on how IP frameworks can enable smoother and fairer flows of innovation across borders. The dialogue emphasized not only the legal mechanisms but also the practical challenges of negotiating technology licensing, ensuring equitable benefit-sharing, and aligning global IP standards.

Beyond the sessions, Taiyuan itself offered a serene and welcoming backdrop. The city's unique combination of historic charm and modern development made it an excellent setting for both professional engagement and personal reflection.

Beijing: CIPAC 2025 - September 11-12, 2025

From Taiyuan, the journey continued to Beijing for the China Intellectual Property Annual Conference (CIPAC) - one of the region's most anticipated gatherings of IP professionals. This year's edition was particularly remarkable for its record attendance and the diversity of participants, ranging from government officials and in-house counsel to law firm practitioners and academics.





The sessions at CIPAC covered an expansive spectrum of topics. Key discussions included:

- The role of AI in reshaping IP creation and enforcement;
- The challenges of balancing innovation incentives with public interest; and
- Updates on China's IP reforms, especially in litigation and enforcement.

Mr. Verma was scheduled to participate in a high-profile AI Panel on the final day, which was expected to address pressing questions around authorship, inventorship, and accountability in the age of generative AI. Unfortunately, the panel had to be cancelled at the last minute - one co-panelist was urgently called to court, while another colleague had to leave early for meetings in Yokohama. While disappointing, this situation underscored the very real-world intersections between legal obligations and conference dialogues.

Yokohama: AIPPI Annual Congress 2025 - September 13-16, 2025

The next stop was Yokohama for the AIPPI Annual Congress 2025, one of the most influential gatherings in the global IP calendar. The Congress spanned four full days, bringing together international delegates, in-house counsel, practitioners, academics, and policymakers to deliberate on both the technical and policy dimensions of intellectual property.

Key sessions highlighted:

- The evolving balance between national IP policies and international harmonization;
- The future of design protection in the digital and AI-driven age;
- Developments in patent litigation and alternative dispute resolution mechanisms; and
- The growing relevance of sustainability and green technologies within IP frameworks.

Committee meetings provided fertile ground for shaping resolutions and policy recommendations that will influence IP lawmaking worldwide. These discussions reinforced the Congress's role as not only a networking hub but also a decision-shaping forum for global IP practice.

Of course, the Congress also lived up to its reputation for fostering personal connections. The informal gathering during the AIPPI congress once again buzzed with conversations that blurred the line between professional debate and personal camaraderie. Many of the most meaningful exchanges of the week happened in those informal moments, underscoring the value of face-to-face engagement in the IP community.

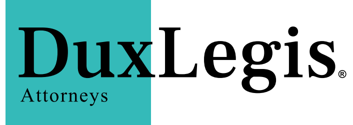
Yokohama itself provided a dynamic setting - its modern waterfront, combined with cultural richness, made for an inspiring backdrop to the Congress.

Osaka & Beyond:

The final leg took me to **Osaka**, with a brief stop in **Nagoya** for a game before arriving. In Osaka, I had the pleasure of visiting clients and reconnecting with colleagues from AIPPI over dinner and drinks. The city's warmth, combined with the professional engagements, provided a fitting conclusion to an action-packed three weeks.

Reflections:

From Taiyuan to Osaka, the journey highlighted the dynamism of today's IP landscape - where formal discussions in conference halls blend seamlessly with informal exchanges that spark collaboration. These experiences reinforced the value of face-to-face interactions in shaping the future of IP practice globally.



IP SNIPPETS:

PATENT CASE:

UPL LIMITED (Petitioner) vs UNION OF INDIA & ORS. (Respondent)

CASE NO.: WPA-IPD No.3 of 2024 (Old No. WPA No.28887 of 2023)
DECIDED ON: 16th September, 2025

In the present petition, the petitioner challenges the impugned order passed by the respondent for rejecting the petitioner's patent application under the grounds of lack of novelty as per section 25(1)(b), lack of inventive step as per section 21(1)(e) and mere admixture and not an invention as per section 25(1)(f) of the Patents Act 1970.

The petitioner argued that the impugned order passed by the respondent violates the principle of natural justice. The petitioner further alleges that the respondent failed to consider the expert affidavit and relied on their own analysis. The petitioner also states that no separate hearing were conducted for the pre-grant opposition and the application upon examination, and a common impugned order was passed without providing an opportunity of separate hearing. The respondent contended that an expert opinion does not impact on the finding of the controller while analyzing the patent application. The respondent further states that the petitioner failed to provide suitable evidence and therefore cannot be patentable.

The Hon'ble Calcutta High Court analyzed the above matter and stated that the hearing on pre-grant opposition and application upon examination should have been conducted separately under section 25(1) and section 14. The Hon'ble Court stated that the Objections raised in the First Examination Report and in Pre-grant Opposition were different, yet the respondent simultaneously decided the matter and passed the impugned order without providing an opportunity of a separate hearing to the petitioner. The Hon'ble Court further noted that the respondent also failed to consider the expert affidavit and the technical evidence submitted by the petitioner. The Hon'ble Court concluded by setting aside the impugned order and directing the Hearing officer to conduct two separate hearings and accordingly pass two separate reasoned orders under section 14 and 25 and also provide an opportunity of hearing to the petitioner.

STROMAG GMBH (Appellant) vs THE CONTROLLER GENERAL OF PATENTS DESIGNS AND TRADE MARK AND ANR (Respondent)

CASE NO.: IPDPTA/12/2025
DECIDED ON: 4th September, 2025

The appellant has filed an appeal against the respondent for rejecting the appellant's patent application under the grounds of lack of inventive steps. The appellant states that the respondent passed the impugned order by violating the principle of natural justice, the respondent failed to provide any reasons on how the cited prior arts are obvious or similar to the subject invention. The respondent contended that the impugned order deals with all the contentions in the First Examination Report.

The Hon'ble Calcutta High Court observed that the impugned order does not include any appropriate reasons for rejecting the subject invention obvious. The Hon'ble Court states that the impugned order is unsustainable. The Hon'ble Court concluded by setting aside the impugned order and remanding the matter back to the different Hearing Office to consider the subject application afresh.

ULTRAHUMAN HEALTHCARE PVT LTD (Plaintiff) vs OURA HEALTH OY & ANR. (Defendant)

CASE NO.: CS(COMM) 923/2025, I.A. 21403/2025, I.A. 21404/2025, I.A. 21405/2025, I.A. 21406/2025 & I.A. 21407/2025
DECIDED ON: 1st September, 2025

The present suit has been filed by the plaintiff restraining the defendants from infringing the plaintiff's Indian Patent No. IN 549915. The plaintiff alleged that the defendants are selling the impugned product 'OURA Ring 4' in India through e-commerce channels. The defendants' states that the plaintiff failed to submit or mention the Court order dated April 18, 2025 passed by United States International Trade Commission ('ITC'), in which the order confirmed on August 21, 2025 concluded that the plaintiff's product infringes claims of the Defendants '178 patent. The plaintiff countered that they filed the present suit on August 21, 2025 with the registry therefore the order dated August 21, 2025 could not be placed on record due to subsequent availability.

The Hon'ble Delhi High Court observed the matter and stated that the plaintiff's failure to disclose the material fact/document cannot be accepted and the plaintiff's argument on the same is unpersuasive. The Hon'ble Court further states that *"The non-filing of these documents is in*

disregard of the obligations stipulated in the provisions of CPC as applicable to commercial suits." The Hon'ble Court concluded by dismissing the present suit for non-filing of the orders dated April 18, 2025 and August 21, 2025 and advised Plaintiff to file a fresh suit along with full disclosure of the suppressed orders.

BOEHRINGER INGELHEIM INTERNATIONAL GMBH & ANR. (Plaintiff) vs FEMILAB HEALTHCARE & ANR. (Defendants)

CASE NO.: OMP No.1085 of 2024 in COMS No.24 of 2024
DECIDED ON: 29th August, 2025

In the present case the plaintiff submitted that the interim granted to them should be allowed to continue even after the expiry of their patent term on March 11, 2025 in order to protect their patent from infringement. On December 20204, the Court granted an interim injunction restraining the defendants from infringing the plaintiff's patent.

The Hon'ble High Court of Himachal Pradesh stated the interim order that was passed in favour of the plaintiff cannot be operated after the expiry of the patent. The Court further stated that the interim relief is granted to the patent holder to ensure that their patent is protected during the life span of the patent i.e., for 20 years from the date of application and once the patent expires the interim cannot be further allowed to continue. The Hon'ble Court concluded by disposing the application and vacating the granted interim protection.

NATURAL MEDICINE INSTITUTE OF ZHEJIANG YANGSHENGTANG CO. LTD. (Appellant) vs 1. THE DEPUTY CONTROLLER OF PATENTS AND DESIGNS AND 2. THE CONTROLLER OF PATENTS (Respondents)

CASE NO.: (T)CMA (PT) No.171 of 2023
DECIDED ON: 12th August, 2025

The appellant has filed an appeal against the respondents challenging the impugned order rejecting the appellant's patent application. The appellant states that they had shared two sets of claims by email to the respondent which was accepted by them. The appellant further states that the subject invention was granted in multiple jurisdictions, yet the same claims were rejected here. The appellant contended that the impugned order failed to provide any reasons for rejecting the amended claims. The respondent countered that the claims were amended beyond the scope of the complete specification including the originally filed claims and the claims filed by the appellant were different from the claims approved by the respondent. The appellant had combined the two sets of claims accepted by the respondent and filed it along with the written submission.

The Hon'ble Madras High Court observed that the impugned order was passed on the basis that the approved claims did not match with the claims submitted by the appellant. Additionally, the Hon'ble Court states that the impugned order cannot be sustained due to the absence of any strong reason to support the given conclusion in the impugned order. The Hon'ble Court concluded by setting aside the impugned order and remanding the matter for reconsideration by a different officer.

TRADEMARK CASES

EXOTIC MILE (Appellant) vs IMAGINE MARKETING PVT LTD (Respondent)

CASE NO.: FAO(OS) (COMM) 20/2020, CM APPLs. 61732/2024, 61733/2024, 17866/2025 & 27609/2025
DECIDED ON: 15th September 2025

In the present suit the appellant have appealed against the impugned order by the single judge of Hon'ble Delhi High Court. The respondent filed suit against appellant alleging passing off and deceptive similarity between "

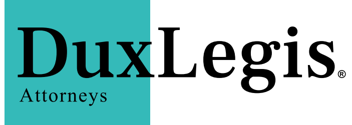
and

,

" marks, logos, and taglines

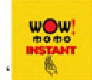
Respondent claimed prior use and reputation and argued that the mark have phonetic and visual similarity (**BOAT vs. BOULT**), similar logos, and deceptive tagline **"UNPLUG YOURSELF"** similar to **"PLUG INTO NIRVANA"**. Appellant denied similarity and argued that the mark **BOULT** was coined independently, highlighting differences in logos/taglines, and claimed honest adoption and extensive market presence.

The Hon'ble Division Bench of Delhi High Court noted that the Single Judge wrongly granted injunction on the tagline **"UNPLUG YOURSELF"** without such a prayer. However, it upheld the injunction against use of appellant's contested marks/logos due to phonetic and visual similarity creating likelihood of confusion. On **GOBOULT**, the Hon'ble Court clarified there was **no injunction** since it was not challenge before the learned Single Judge. The Hon'ble Court partly allowed the appeal quashing the injunction on the tagline but maintaining injunction against appellant contested marks.



WOW MOMO FOODS PRIVATE LIMITED (Plaintiff) vs WOW BURGER & ANR. (Defendants)

CASE NO.: CS(COMM) 1161/2024 & I.A. 48983-48984/2024
DECIDED ON: 12th September 2025

' ', ' ', '  ' VS ' '/ ' ',

In the present suit the Plaintiff filed suit against **WOW BURGER** for infringing its trademark by using the term "**WOW**" for identical food services. Plaintiff sought to protect its "**WOW!**" series of marks (**like WOW! MOMO, WOW! CHINA**)

Plaintiff claimed that they had coined "**WOW!**" in 2008, built strong goodwill, and obtained trademark registrations for several "**WOW!**" formative marks and also argued that "**WOW Burger**" was deceptively similar and would confuse consumers. The defendants did not appear or contest despite being served multiple notice.

The Hon'ble Delhi High Court held that "**WOW**" is a common English exclamation, laudatory in nature, and incapable of being monopolized. Plaintiff had no standalone registration for "**WOW**" or "**WOW Burger**," only for composite marks like "**WOW! MOMO.**" The Hon'ble Court stressed that generic/descriptive words cannot be claimed exclusively unless proven to have acquired distinctiveness. The Hon'ble Court refused interim injunction in favour of the plaintiff and held that **WOW MOMO** could not restrain others from using "**WOW**" in isolation, as it was not distinctive enough to merit monopoly.

GAURAV SINGHAL (Plaintiff) vs JATIN JAIN (Defendant)

CASE NO.: CS(COMM) 927/2025
DECIDED ON: 01st September, 2025

The present suit was filed by plaintiff against defendant for manufacturing & selling counterfeit products under identical mark **SPARK INDIA** with deceptively similar packaging, causing confusion and loss of reputation.

Plaintiff argued that they are the proprietor of registered copyright in trade dress/packaging. Defendant have copied packaging and deceiving even dealers and have done repeated infringement despite earlier assurance.

The Hon'ble Delhi High Court found Defendant's packaging to be a *"slavish imitation"* of Plaintiff's trade dress. *Prima facie* infringement and passing off established and noted that irreparable harm will caused if injunction denied. The Hon'ble Delhi High Court restrained defendant from manufacturing/selling products under '**SPARK INDIA**' or deceptively similar packaging and granted **injunction** in favour of Plaintiff.

COPYRIGHT CASES

JIOSTAR INDIA PRIVATE LIMITED (Plaintiff) vs VEGAMOVIES.YACHTS & ORS. (Defendants)

CASE NO.: CS(COMM) 977/2025
DECIDED ON: 12th September, 2025

The present suite was filed to restrain defendants from unauthorized streaming, downloading, and communication of *Jolly LLB 3* ahead of its theatrical release (19.09.2025), which would cause irreparable financial and copyright loss.

The plaintiff asserted exclusive worldwide distribution rights over the film and contended that any online leak would result in substantial financial losses. The defendants, however, opposed the request for real-time blocking orders, arguing that such relief was unwarranted since the film did not constitute a live event.

The Hon'ble Delhi High Court held that piracy websites pose a recurring and significant threat to copyright. Recognized need for "Dynamic+ injunction" covering not only current but also future rogue websites identified during the proceedings. Futher said that swift blocking is necessary to protect investment and rights. Plaintiff given liberty to notify new rogue websites for immediate blocking. The Hon'ble Delhi High Court granted *Injunction* in favour of Plaintiff.

ASHIM GHOSH (Plaintiff) vs M/S MADRAT GAMES PVT. LTD. (Defendant)

CASE NO.: CS No. 31/2021
DECIDED ON: 11th September, 2025

In the present suit the Plaintiff a multimedia artist and inventor, sued defendant under the Copyright Act, alleging that their board game "**AKSHARIT**" was an unauthorized adaptation and infringement of his Hindi word board game

series "**SHABDKOSHISH I, II, III**"

Plaintiff claimed originality and copyright ownership on his board game series and sought injunction, damages, as well as delivery-up of infringing goods. Defendant denied infringement, claimed **AKSHARIT** was independently created with innovations to make Hindi word games playable, and argued that plaintiff's game lacked originality as it was itself an adaptation of Scrabble.

The Hon'ble District Court analyzed whether AKSHARIT was an adaptation of **SHABDKOSHISH**. The Hon'ble Court examined the originality of plaintiff's work and defendant's innovations (such as transparent tiles, modified board design, and diacritic handling). The Hon'ble Court emphasis that mere similarity in concept does not amount to infringement unless substantial copying of expression is proven. The Hon'ble Court dismissed the plaintiff's claim of copyright infringement, holding that **AKSHARIT** was an original, independently developed game. The injunction and damages were refused, and the suit was decided in favour of the defendant.

ABHISHEK BACHCHAN (Plaintiff) vs THE BOLLYWOOD TEE SHOP & ORS. (Defendants)

CASE NO.: CS(COMM) 960/2025
DECIDED ON: 10th September, 2025

https://www.livehindustan.com/

In the present suit the plaintiff filed a suit against defendants alleging unauthorized commercial exploitation of his personality rights through T-shirts, mugs, posters, wallpapers, and even AI-generated videos depicting him in inappropriate ways

Plaintiff claimed infringement of his trademarks, copyright, publicity/personality rights, and passing off. Emphasized that his name, image, and persona have immense goodwill and commercial value, and their misuse causes deception and reputational harm. Defendants argued they were only intermediaries/platforms (like Google/YouTube), not directly responsible for content.

The Hon'ble Delhi High Court noted that unauthorized use of a celebrity's persona especially for merchandise, AI-generated content, or explicit depictions violates their publicity rights. The Hon'ble Court relied on earlier precedents (like *Anil Kapoor v. Simply Life India*) to stress that fame cannot be exploited without consent and that AI misuse poses a serious reputational risk. The Hon'ble Court restrained the defendants from selling or publishing infringing products and content using plaintiff's name, image, or persona without authorization, including John Doe defendants operating anonymously.

AISHWARYA RAI BACHCHAN (Plaintiff) vs AISHWARYAWORLD.COM & ORS. (Defendants)

CASE NO.: CS(COMM) 956/2025
DECIDED ON: 09th September, 2025

https://www.livehindustan.com/

In the present suit the Plaintiff sued the defendant an organization misusing her name. The complaint was for false impersonation, selling products using her name/photos, AI chatbots impersonating her, and deepfake videos portraying her in obscene and misleading contexts.

Plaintiff stated her global reputation as a celebrated actor and brand ambassador and argued that unauthorized use of her image, voice, or likeness causes deception, violates her publicity rights, and tarnishes her dignity. Defendants contended they were intermediaries and not the creators of infringing content.

The Hon'ble Delhi High Court found that the misuse of her identity especially through fake websites, fraudulent organizations, and sexually explicit AI content amounted to serious violations of her publicity rights, passing off, and unfair competition. Such acts harm goodwill and public trust. The Hon'ble Court granted injunction restraining defendants from hosting, selling, or circulating any unauthorized content or merchandise using her name, image, likeness, or persona, including deepfake and chatbot impersonations.

902, Kamdhenu Commerz, Sector - 14, Kharghar, Navi Mumbai - 410210. MH, INDIA
+91 22 46083609 / +91 83739 80620
info@duxlegis.com

w w w . d u x l e g i s . c o m

Editorial Board

Editor	Sub - Editor	Content Editor	Designer
Divyendu Verma	Priti More	Vinod Chand	Nilesh B.

Disclaimer: This publication is intended to provide information to clients on recent developments in IPR industry. The material contained in this publication has been gathered by the lawyers at DuxLegis for informational purposes only and is not intended to be legal advice. Specifically, the articles or quotes in this newsletter are not legal opinions and readers should not act on the basis of these articles or quotes without consulting a lawyer who could provide analysis and advice on a specific matter. DuxLegis Attorneys is a partnership law firm in India.

© 2024-25 DUXLEGIS

This Newsletter is published by DuxLegis Attorneys from 902,Kamdhenu Commerz, Sector 14, Kharghar, Navi Mumbai, Maharashtra,India on 6th October, 2025.