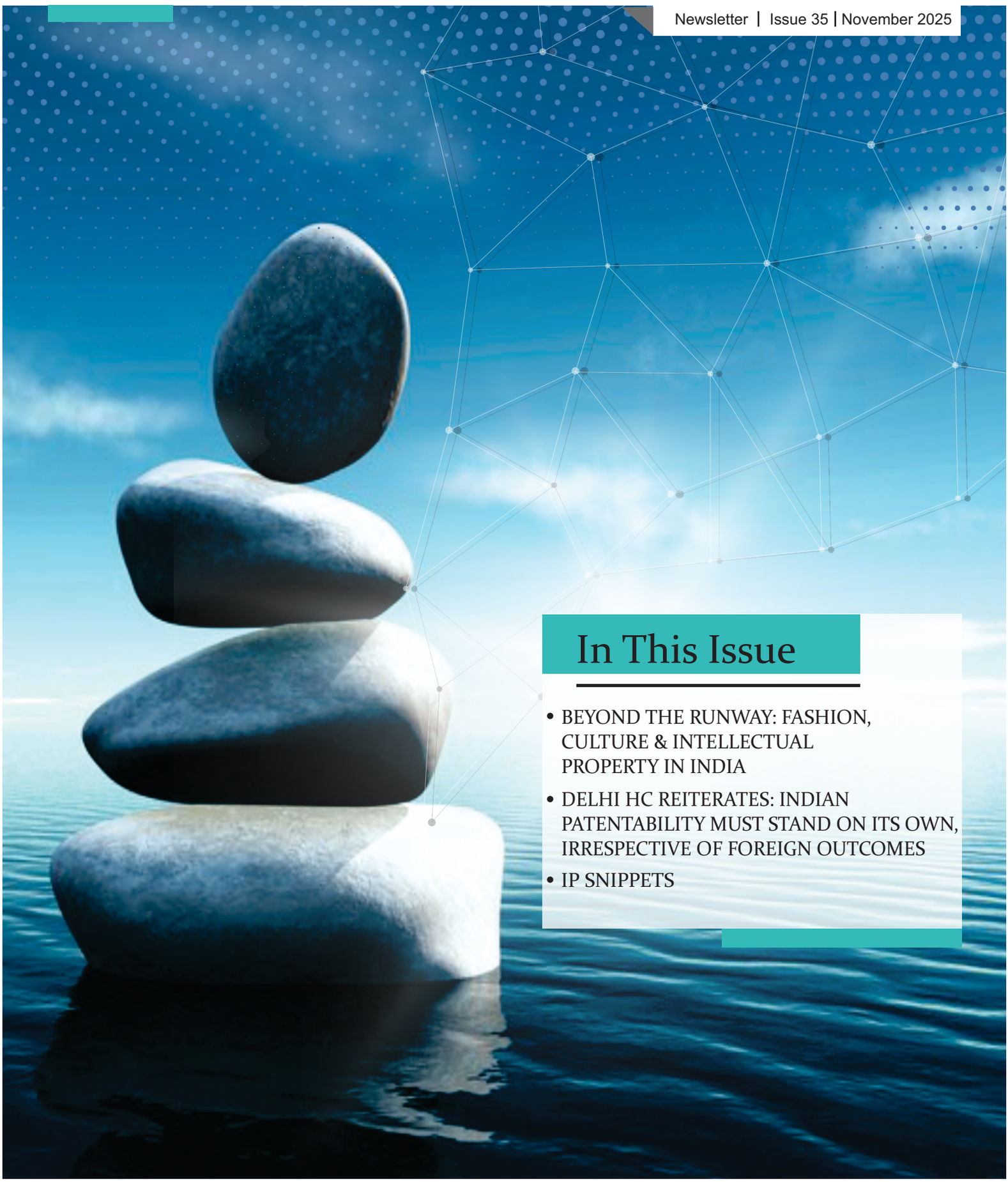
DuxLegis
Attorneys

IP AY ATTENTION

Gateway to IP World

Newsletter | Issue 35 | November 2025



In This Issue

DuxLegis
Attorneys

IP AY ATTENTION
Gateway to IP World

BEYOND THE RUNWAY: FASHION, CULTURE & INTELLECTUAL PROPERTY IN INDIA

- ByAnanya Sinha - By Manya Verma

How Culture is Fashion?

While the world culture is complex and encompasses shared beliefs, values, customs, behaviors and social norms, fashion is a reflection of society's identity, values and beliefs, thus the two words are definitely interconnected. The word "culture" is derived from the Latin word "colere," which means to cultivate or take care of. It is inherently linked to the Proto-Indo-European root, which has a broader meaning of "to move." In a plain sense, the meaning and objective of culture is to spread the identity of a group of people and inspire and get inspired from other ideas presented by other cultures. What we adorn presently reflects our culture as it has evolved over a period of time. This article examines the extent to which Indian cultural expressions - particularly through fashion - are protected under domestic and international intellectual property law, with a focus on Geographical Indications (GIs) and the gaps in legal protection.

https://www.instagram.com/p/DKCxckMzPoj/

India is a culturally rich country, with facades of diversity changing at every state border. This has led to immense exchange, transfer, and influence of cultural diversity. Globalization has been a pivotal element in bringing two or more cultures across the globe. Besides the IT sector, the fashion industry has observed a significant rise in cultural amalgamation. It has even led to widespread representation of global fashion at world level.

In the Met Gala 2025, Bollywood actress, Alia Bhatt, walked the ramp in a lehenga-like saree designed and curated by a premium Italian fashion brand, **"Gucci".** The significant partnership between Gucci and the Indian origin actress is a moment of proof that highlights the significance of cross-border cultural ties in the fashion industry.

While there are a lot of such instances that represent Indian culture on global stages, the fundamental question that arises is *"to whom are these rights vested?"* and *"how are such expressions protected?".* The IP laws governing both nations play a significant role in executing these agreements, but what lies primarily is the question, how are these culturally protected within their country of origin?

Inherently, the consequent interplay of fashion amalgamating with culture lies in geographical indicators. A geographical indicator is a sign possessed on products that hold a specific geographical origin and own qualities or a reputation that are crucially relevantly attributable to that origin. For example, besides the Asian region, you will not find people wearing a Sari (Sari (also called sharee, saree or sadi) is a drape (cloth) and a women's garment in the Indian subcontinent. It consists of an un-stitched stretch of woven fabric arranged over the body as a dress, with one end attached to the waist, while the other end rests over one shoulder as a stole; taken from Wikipedia). It is elemental in connecting a product to a particular place, recognizing its distinctiveness that is linked to its geographical origin. It is dialectical in the **Geographical Indications of Goods (Registration and Protection) Act, 1999,** which came into effect on September 15, 2003. This act provides for the registration and protection of geographical indications, safeguarding the unique identity and reputation of products originating from specific geographical locations. At majority, classic examples of famous Indian GI tag in fashion are inclusive of the following, *Mysore silk, Kashmiri pashmina, kanjeevaram sarees etc..*

In a recent case, the Hon'ble Bombay High Court addressed a public interest litigation concerning **Prada's** alleged unauthorized use of Kolhapuri Chappal deisgn, a product significantly protected by a GI in India. The PIL was dismissed, citing the registered proprietors must be the ones seeking

redress, the case highlighted the importance of GI protection and the mechanisms for the enforcement those rights.

Geographical Indications – Indian Statute and the Trips Agreement

Geographical Indication, is defined under section 2(1)(e) of the act as , *"geographical indication, in relation to goods, means an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating, or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin and in case where such goods are manufactured goods one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, region or locality, as the case may be."*

Intrinsically, GI captures the quality, reputation, or other features of a product, which are essentially to its origin. GIs are generally applied for agricultural output, handicrafts, textiles, and other traditional products that have acquired recognition over time. The mere exceptions of GI include personal designs, common or generic names that have lost cultural importance to the origin, services of any sort and lastly, trademarks. In plain words, a GI tag is a culture-based method of craftsmanship and in most cases represents and protects the history, skill, and tradition of a group. A notable one is Darjeeling Tea, which gets international recognition for its taste and quality attributed to its specific climatic and geographical properties of the area of Darjeeling.

To legally codify and safeguard such origin-based products in India, the ***Geographical Indications of Goods (Registration and Protection) Act, 1999*** was enacted with effect from 15th September 2003. The main objectives of the legislation was

- to grant legal status to GIs in India,
- safeguard the interest of authentic producers,
- avoid misuse of registered GIs, and
- maintain the cultural and craft heritage of India.

The Act is complemented *by the Geographical Indications of Goods (Registration and Protection) Rules, 2002,* and their amendment in 2020. All these regulatory frameworks together ensure that the rights conferred under GI protection are joint exclusive rights enjoyed by the artisans, producers, curators, craftsmen communities within the niche geographical area.

Globally, ***The TRIPS (Trade-Related Aspects of Intellectual Property Rights)*** agreement was signed to establish minimum standards for intellectual property rights protection across member countries of the World Trade Organization (WTO). The primary objectives involved included the

- reduction of trade barriers,
- promotion of technological innovation, and
- ensuring fair trade practices related to intellectual property.

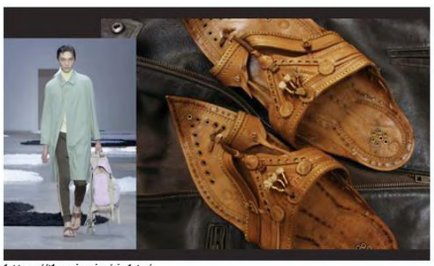
Articles 22 to 24 of the TRIPS Agreement outline the framework for Geographical Indications (GIs) protection. It mandates member countries to impose legal measures against misleading or unfair use of GIs that could confuse consumers or amount to unfair competition and extends enhanced protection specifically to wines and spirits, prohibiting even translated or modified uses of their GI names a level of protection not granted to other products such as handicrafts, textiles, or traditional footwear. It sets out exceptions and negotiation terms, including provisions for prior use and generic terms. However, despite this framework, significant enforcement challenges remain, especially in cross-border contexts.

The Kolhapuri Chappal Saga

The **PRADA–Kolhapuri case** is a graphic illustration of the legal vacuum that pervades the protection of traditional, non-agricultural GIs at the international level. On June 22, 2025, PRADA launched a new toe ring sandals collection during its Spring/Summer Men's Collection in Milan. The sandals looked incredibly similar to the authentic Kolhapuri chappal, which is a handmade leather sandal hailing from the Indian states of Maharashtra and Karnataka. During that time, no credits were shared explicitly by the company and that had caused significant outrage among the netizens. The Italiano fashion brand was accused of blatant copy and the brand accused of ***Cultural Appropriation.*** Overall, the brand was highly criticized for demeaning, discrediting and displaying the brand image in dark light.

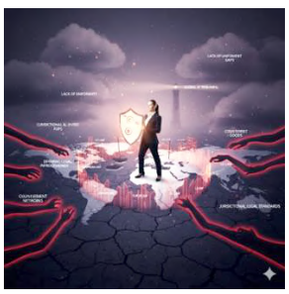
Kolhapuri chappals are safeguarded under a GI registration obtained in 2009, jointly held by two government-owned corporations: Leather Industries Development Corporation of Maharashtra Ltd. (LIDCOM) and Leather Industries Development Corporation of Karnataka Ltd. (LIDKAR) these Sandals are not just practical items; they are a representation of age-old

craftsmanship based on distinctive regional methods of leather tanning, dyeing, and stitching.


https://thewire.in/rights/

The design controversy about PRADA is a matter of utmost ethical concern, especially concerning cultural appropriation and the absence of global enforcement systems for Indian GIs. Since the Kolhapur chappal is not registered as a GI in the European Union, the Indian GI holders cannot file formal infringement proceedings based on EU law. Along with that a PIL was filed in the Bombay High Court, which was dismissed as the act clearly stated the proprietors to claim directly at first-hand. This illustrates a key weakness in the current TRIPS framework, which does not ensure automatic recognition or protection of GIs across jurisdictions. It even establishes the setback in protection of IP within the country.

Challenges of Extra-Territorial Enforcement



India's primary challenge lies in the lack of extra-territorial enforceability of its Geographical Indication (GI) rights. Since GI protection is inherently territorial, enforcement beyond national borders depends on **three key factors:** *obtaining foreign registration, securing recognition through trade agreements, and ensuring cooperation from foreign courts in actions against infringing parties.*

Without foreign registration or mutual recognition, Indian producers often face unauthorized use of their Geographical Indications (GIs) in overseas markets for instance, the sale of "Darjeeling-style tea" outside the EU. To address this, several enforcement mechanisms can be leveraged:

Bilateral Trade Agreements (BTAs) allow for tailored GI protection; for example, the ongoing EU–India *Broad-based Trade and Investment Agreement (BTIA)* negotiations have seen India advocate for broader recognition and protection of its GIs within the EU. A finalized agreement could establish mutual GI lists and stronger legal remedies.

WTO Dispute Settlement: WTO members have the option of pursuing disputes under TRIPS if a fellow member does not fulfill their GI commitments. Such action, however, is lengthy and relies on robust political will and legal tactics. India has not yet filed a WTO GI-related dispute, although that remains an option.

Comparatively, **The European Union's GI system** is the strongest in the world, boasting a centralized registration system, effective ex officio enforcement, and more than 3,500 registered GIs (including Indian ones such as Darjeeling Tea). India's GI regime, by contrast, is well-developed domestically but has no powers of enforcement offshore without support from treaties or registrations in foreign jurisdictions.

Additionally, the Geneva Act of the Lisbon Agreement, administered by WIPO, offers a possible - but under-utilized - avenue for international GI registration and mutual recognition. However, accession costs, complex filing requirements, and limited country participation present significant obstacles for Indian stakeholders.

Cultural Appropriation Vs. Ethical Collaboration: Legal Distinctions in Fashion

According to jurisprudential theory, cultural appropriation is when organizations outside of a marginalized culture unlawfully or exploitatively use aspects of that culture, like traditional motifs, textiles, or symbols, frequently for financial advantage. It brings up moral and legal issues pertaining to benefit-sharing, ownership, and identity. In contrast, cultural appreciation entails equitable collaboration, respectful engagement, and acknowledgment of source communities all of which guarantee that cultural custodians maintain their agency and are fairly compensated. The difference is in credit and consent: appreciation works in collaborates with inclusion, whereas appropriation extracts without acknowledgment.

The growing conflict between international fashion collaborations and the rights of traditional artisan communities was brought to light by the **Sanganeri GI dispute** involving **Sabyasachi Mukherjee and H&M's *"Wanderlust"* collection.** The collection allegedly used Sanganeri block print motifs, a craft registered as a Geographical Indication (GI), without giving due credit or involving the Sanganer, Rajasthani artisans, which sparked the controversy. Despite being marketed as being influenced by Indian crafts, the collection allegedly included digitally created designs instead of real handmade prints, which sparked claims of cultural appropriation and deception. The lack of strong **benefit-sharing mechanisms** in the Indian fashion and intellectual property ecosystem is highlighted by this incident. However, best practices for benefit-sharing can be drawn from models such as the Nagoya Protocol under the Convention on Biological Diversity, which mandates fair and equitable sharing with source communities. A similar approach could guide Indian fashion collaborations.

A robust benefit-sharing framework would guarantee that the originating communities receive just compensation, credit, and potentially joint ownership of intellectual property when designers or corporations commercially exploit traditional knowledge or cultural expressions. Direct financial royalties, co-branding agreements, technology transfer, skill-development initiatives, or donations to community welfare funds are some examples of benefit-sharing arrangements. Fashion houses and artisan groups could work more transparently and with greater due diligence if the Traditional Knowledge Digital Library (TKDL) is integrated for crafts and designs. A comprehensive *sui generis* legal framework that not only safeguards traditional cultural expressions but also guarantees that artisans take an active role in the commercial success of their heritage is desperately needed in India, as the Sanganeri controversy essentially demonstrates.

Conversely, the **Dior x Chanakya School** of Craft partnership is a prime example of ethical involvement, combining Indian craftsmanship with international luxury through open recognition, respect for one another, and equitable remuneration for craftspeople.

The distinction between ethical collaboration and cultural appropriation in fashion ultimately comes down to morality and legality, striking a balance between artistic freedom and cultural integrity and making sure that heritage is valued as a shared resource rather than as a resource that is exploited.

Conclusion

The ongoing conflict between moral wrongs and legal remedies in the global fashion industry is highlighted by the Prada–Kolhapuri chappal case. This case serves as an example of how traditional crafts, despite having legal protection at home, are still subject to cultural appropriation and deception in global marketplaces without reciprocal enforcement measures.

India needs to take a more strategic and multi-layered approach to policymaking in order to close this gap. In order to guarantee that Indian crafts and artisanal goods are given legally binding protection in other countries, it should first advocate for increased GI recognition in trade talks. Second, to allow for the mutual recognition of GIs and expedite legal action against foreign infringing entities, bilateral enforcement frameworks must be put in place. Third, in order to safeguard Traditional Cultural Expressions (TCEs), India should strive for a sui generis system that guarantees artisan communities' collective rights, attribution, and equitable benefit-sharing. Lastly, ethical fashion certifications or labels, similar to "Fair Trade," that identify companies dedicated to openness, equitable remuneration, and cultural sensitivity should be supported by the government and industry stakeholders. A comprehensive strategy needs to harmonize GI protection with trademark and design rights, and this must ensure that fashion products derived from traditional culture are not only recognized as GIs but are also protected against dilution through trademark registration by foreign entities and design piracy.

References:

https://spicyip.com/2025/07/the-devil-wears-kolhapuri-or-prada-understanding-gi-law-cultural-appropriation-more.html

https://fashionlawjournal.com/increasing-focus-on-heritage-geographical-indications-and-beyond/

https://www.wto.org/english/res_e/booksp_e/casestudies_e/case16_e.htm

https://uja.in/blog/legal-chronicle/an-overview-of-geographical-indications-in-india/

https://economictimes.indiatimes.com/industry/cons-products/fashion-/-cosmetics-/-jewellery/prada-denies-kolhapuri-gi-violation-in-rs-500-crore-legal-row/articleshow/122785966.cms?from=mdr

https://www.scconline.com/blog/post/2025/07/19/bom-hc-kolhapuri-chappal-gi-violation-prada-dismissed/

https://faolex.fao.org/docs/pdf/gha168849.pdf

https://www.archedu.org/blog/the-influence-of-cultural-diversity-on-fashion/

DELHI HC REITERATES: INDIAN PATENTABILITY MUST STAND ON ITS OWN, IRRESPECTIVE OF FOREIGN OUTCOMES

- By Sahana Mabian

C.A.(COMM.IPD-PAT) 13/2024 with I.A. 8216/2024

Decided on: September 11, 2025

SAINT GOBAIN GLASS FRANCE (Appellants) vs. ASSISTANT CONTROLLER OF PATENTS AND DESIGNS & ANR. (Respondent)

INTRODUCTION:

In the present case the Delhi High Court has passed an order in the matter of SAINT GOBAIN GLASS FRANCE (Appellants) vs. ASSISTANT CONTROLLER OF PATENTS AND DESIGNS & ANR. (Respondent) by dismissing the appeal and holding on to the analysis of the respondent for rejecting the subject patent application titled 'Material comprising a stack of thin layers' under the ground of lack of inventive step as per Section 2(1)(ja) of the Act.

BACKGROUND:

The Appellant filed the Indian patent application no. 201717045317 as a national phase application under Patent Cooperation Treaty *(hereinafter referred as 'PCT')* by claiming priority from the French application. The Appellant made submission along with claims amendment against the substantive objections including lack of novelty and inventive step under Section 2(1)(j) and 2(1)(ja), non-patentability under Section 3(d) and lack of clarity under Section 10(4)(c) and 10(5) of the Patent Act. Further the Respondent 2 filed a pre-grant opposition, correspondingly the Appellant filed a response. The Respondent 2 also shared additional prior art with the Controller and the Appellant. The hearing notice was issued, and the Appellant filed a Written submission *(hereinafter referred as 'WS')* along with the amended specifications and an affidavit of expert. Adjacently, another hearing notice was issued reiterating the objections of the previous hearing notice and amended claims along with affidavit submitted by the Appellant.

The hearing was held, and the Respondent passed an impugned order refusing the subject patent application under the ground of lack of inventive step under Section 2(1)(ja) of the Act and under Section 25(1) (e) of the Act.

CONTENTIONS BY THE APPELLANT:

The Appellant contended that the Respondent failed to acknowledge the technical advancement of the claimed invention and passed the impugned order by emphasizing that:

1. The Respondent 'cherry-picked' various constituents and wrongly concluded that the subject application lacks inventive step. There was also no consideration of the completed specification and the associate advantages.
2. The Respondent further failed to justify the mosaicking of the cited prior art documents. In all the Respondent did not provide a well-reasoned order and also failed to correctly apply the well-settled test of inventive step.
3. There was also no insufficiency of disclosure in the specification of the subject patent application.

CONTENTIONS BY THE RESPONDENT 1:

The Respondent countered the Appellants allegation and stated that the subject patent application was refused only after conducting thorough examination and the Respondent also considered each and every documents submitted by the appellant before passing the impugned order. The Respondent further stated that the subject patent application was refused on the basis of 'lack of inventive step' and not due to insufficiency of disclosure. Additionally, the Respondent countered the Appellant's reliance that the corresponding application were granted in foreign jurisdictions including the European Patent Office cannot be considered because Patent rights are territorial in nature and their grant in any one of the jurisdictions cannot bind the Controller.

CONTENTIONS BY THE RESPONDENT 2:

The Respondent 2 states that the Respondent 1 has correctly analyzed the subject patent application by applying the five-step framework for assessing inventive step as presented in ***F. Hoffmann-La Roche Ltd v. Cipla Ltd.*** The Respondent 2

states that the combined teaching of the prior art documents clearly discloses the inventiveness of the subject patent application and also makes the invention obvious to a person skilled in the art.

COURT'S ANALYSIS:

The Delhi High Court observed the following matter and stated that the Respondent has rightly analyzed the subject patent application with respect to the cited prior art documents as the Appellant failed to demonstrate the technical advancement of the claimed invention. The Hon'ble Court noted that the data submitted by the Appellant in the expert affidavit is not consistent with the subject patent application and hence detracts the technical advancement and undermines the Appellant's own case. The Hon'ble Court further stated that mosaicking of prior arts is allowed when multiple prior arts are considered relating to the inventive concept of the subject patent application. The Hon'ble Court compared the Indian Patent law with other major foreign jurisdiction and stated that the Indian Patent Law has higher standard of *'person skilled in the art'* and the Respondents has relevantly objected the same in present matter as the Appellant failed to show any unexpected effect preventing a skilled person from combining these teachings. Additionally, the Hon'ble Court states that patent rights are territorial in nature therefore even if the subject patent application has granted in France, it cannot have any effect in India, as each country requires an **independent assessment of novelty, inventive step and industrial applicability** as per their own statutory standards. The Hon'ble Court concluded by dismissing the present appeal and refused the subject patent application under the ground of lack of inventive step under section 2(1)(ja) of the Act and also directed the Respondents to show the status of the subject patent application as 'Pending' on the website.

CONCLUSION:

Perusing through all the above matters, the Hon'ble Delhi High Court performed pointwise analysis of the present subject patent application and acknowledged lack of inventiveness under section 2(1)(ja) of the Patent Act as directed by the Respondent in the impugned order. While assessing the patentability it is mandatory to highlight the technical advancement and effect when compared with the prior art documents. The Applicant cannot achieve their patent rights only on the criteria that the patent application has been granted in any other jurisdiction because the patent rights are territorial in nature and the patent is independently assessed based on their own statutory standards. Therefore, the grant of patent in other jurisdiction cannot influence the decision in India.

IP SNIPPETS:

PATENT CASE:

ABBVIE IRELAND UNLIMITED COMPANY (Petitioner) vs CONTROLLER GENERAL OF PATENTS, DESIGN, TRADEMARK AND GEOGRAPHICAL INDICATIONS & ORS. (Respondents)

CASE NO.: W.P.(C)-IPD 58/2025, CM 242/2025 & CM 243/2025
DECIDED ON: 10th October 2025

The petitioner filed a writ petition challenging multiple pre-grant opposition under Section 25(1) of the Patents Act, 1970 against their patent application. The petitioner argued that multiple oppositions filed at the patent office were frivolous and filed by 'Benami Opponent' and the patent office issued the formal notice mechanically without any application of mind. The petitioner further stated that there have been excessive delay in concluding the hearings and deciding the matter. The respondent stated that the hearings were already underway and out of all the opponents one opponent had withdrawn.

The Hon'ble Delhi High Court noted the procedural delays caused by the respondent and accordingly emphasized the need for procedural fairness and timely adjudication. The Hon'ble Court directed the respondent to continue hearing as per scheduled dates and to issue a consolidated reasoned order on all the pending pre-grant opposition by 31 December 2025. The Hon'ble Court concluded by disposing of the petition.

SEQUENOM INC & ANR. (Appellants) vs THE CONTROLLER OF PATENTS (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 13/2022 and C.A.(COMM.IPD-PAT) 448/2022
DECIDED ON: 09th October 2025

The appellants challenged the refusal of two Indian patent applications relating to non-invasive prenatal screening (NIPT) methods by the respondent under section 3(i), 3(b), 3(d) and lack of inventive step of the Indian Patent Act 1970. The appellants argue that the claimed inventions are screening (NIPT) methods and not diagnostic methods. The appellants state that the claimed invention identifies candidates for confirmatory tests and therefore the product/tool claims are patentable, and the claimed invention cannot be refused under section 3(i). The respondent states that the claimed invention effectively determine presence or absence of fetal abnormalities including sex-linked markers and thus cannot be patented and excluded by section 3(i) amounting towards diagnostic process.

The Hon'ble Delhi High Court observed the following matter and stated that the product, tool or the device are patentable whereas the process claims that by themselves yield a diagnosis or tangible result for treatment are excluded from patentability under section 3(i) of the Patent Act, 1970. The Hon'ble Court further stated that the method which eliminates the need for further confirmatory testing or yields a decisive positive/negative finding falls within the exclusion from patentability, therefore the claimed invention cannot be patented under section 3(i). The Hon'ble Court upheld the respondent decision rejecting the appellants' patent applications and dismissing the present appeals.

TAPAS CHATTERJEE (Appellant) vs ASSISTANT CONTROLLER OF PATENTS AND DESIGNS & ANR. (Respondents)

CASE NO.: LPA 836/2023, CM APPL. 66718/2023, CM APPL. 66719/2023, CM APPL. 66720/2023, CM APPL. 66721/2023 & CM APPL. 66722/2023
DECIDED ON: 06th October 2025

The appellant filed an appeal against an impugned order passed by the respondents for rejecting the appellant's patent application. In the present subject matter, the Council of Scientific and Industrial Research (CSIR) had filed for pre-grant opposition against the appellant's patent application, and the respondents passed the impugned order by upholding only the objection relatable to Section 25(1)(e) and Section 25(1)(f) read with Section 3(d) of the Indian Patent Act, 1970.

The appellant argued that the process included in the subject patent application yields potash and other value-added products and achieves **Zero Liquid Discharge (ZLD)** using an innovative sequence of steps which differs from cited prior arts. The respondents countered that the steps are standard chemical-plant operations which are already disclosed in prior arts, also the claims are obvious and amount to mere use of known processes lacking inventiveness under section 3(d).

The Hon'ble Delhi Hight Court noted the impugned order lacks reasoning and therefore ordered a *de novo* reconsideration. The Hon'ble Court concluded by rejecting the section 3(d) objection against the appellant's patent application and directed a fresh and reasoned evaluation by

following all the due procedure and remitted the matter for re-adjudication within six months.

F. HOFFMANN-LAROCHEAG & ANR. (Plaintiffs)

vs

NATCO PHARMA LIMITED (Defendant)

CASE NO.: CS(COMM)567/2024
DECIDED ON: 26th September 2025

In the present case, the plaintiffs filed a suit against the defendant restraining them from manufacturing or marketing the plaintiff's patented product. While the earlier matter was still pending, the defendant filed an application under section 151 CPC to place an affidavit by their vice president of IPR stating that the company had received request to conduct academic clinical trials of Risdiplam and wished to submit relevant details in a sealed cover to avoid contempt of the existing *status quo* order.

The Hon'ble Delhi High Court observed that the Division Bench had already reserved the judgement in the appeal against the earlier interim order and the *status quo* remained operative. The Hon'ble Court stated that the proposed affidavit was unnecessary and irrelevant to the pending issue. Therefore, the Hon'ble Court dismissed the defendant's application and concluded by maintaining the interim directions unchanged.

CARL FREUDENBERG KG & ORS. (Plaintiffs) vs FNG CLEAN AND HYGIENE PRIVATE LIMITED & ANR. (Defendants)

CASE NO.: CS(COMM) 564/2025
DECIDED ON: 11th September 2025

The plaintiffs filed the present suit restraining the defendants from infringing their granted patent titled *"Synthetic Broom,"*. The plaintiffs alleges that the defendants are commercially manufacturing and selling a broom titled "Sir Prize No Dust Broom", which infringes the plaintiffs' patent. The plaintiffs filed an application seeking an appointment of a local commissioner to conduct search-and-seizure operations at the defendant's premises. Accordingly, the local commissioner visited the defendant's premises for inspection, and the local commissioner shall file their Reports within two (2) weeks of executing the commission.

Subsequently the plaintiffs and defendants reached an amicable settlement. The Hon'ble Delhi High Court heard both parties (plaintiffs and defendants) and is satisfied that the said compromise satisfies the requirement of Order XXIII Rule 3 CPC. The Hon'ble Court concluded by disposing all pending applications and directed a full refund of court fees to the plaintiffs.

TRADEMARK CASES

THE INDIAN HOTELS COMPANY LIMITED (Plaintiffs) vs VIVANTA STAYS & ORS. (Defendants)

CASE NO.: CS(COMM) 1109/2025 & I.A. 25754-25760/2025
DECIDED ON: 17th October 2025

In the present suit the plaintiff a Tata Group company and proprietor of the well-known hotel brand '**VIVANTA**', filed a suit against defendants for trademark infringement and passing off. The plaintiff alleged that the defendants had dishonestly adopted its well-known registered mark '**VIVANTA**' to run a business of luxury villas and real estate under names such as "Vivanta Stays" and "Vivanta Realty / misleading customers into believing that these were associated with plaintiff hotel chain. Despite being served with cease-and-desist notices, Defendant No. 1 continued using **VIVANTA** on its website and social media to promote vacation stays, and Defendant No. 2, though previously undertaking cease usage, appeared to be aiding the infringement through Defendant No. 1. No counsel appeared for the defendants during the hearing.

The Hon'ble Delhi High Court noted that the plaintiff's mark '**VIVANTA**' enjoys immense goodwill and reputation globally and that the defendants' adoption of an identical mark was dishonest and intended to deceive consumers. The use of **VIVANTA** for similar hospitality services, vacations, and real estate clearly infringed the plaintiff's rights and risked misleading the public. The Hon'ble Delhi High Court emphasized that **VIVANTA** is a well-known trademark protected under Indian law, and unauthorized use by defendants showed deliberate and fraudulent conduct. The Hon'ble Court granted an ex-parte ad-interim injunction restraining defendants from using the marks **VIVANTA STAYS, VIVANTA REALTY**, or any deceptively similar mark in any form online or offline. The injunction effectively safeguarded the plaintiff's well-known trademark from further misuse.

KHADI AND VILLAGE INDUSTRIES COMMISSION (Plaintiffs) vs SA SERVICES GRAMODYOG SANSTHA AND ORS. (Defendants)

CASE NO.: CS(COMM) 1123/2025 & I.As. 25965-68/2025
DECIDED ON: 16th October 2025

In the present suit the plaintiff filed a suit against defendants seeking a permanent injunction restraining them from infringing its registered trademark "

KHADI',  and 

" The action was prompted by the defendants' sale of cosmetic products such as soaps, shampoos, and lotions under the mark "**KHADI TRADITIONAL** / 

using the domain name www.khaditraditional.com and various social media handles, which were deceptively similar to plaintiff well-known "**KHADI**" mark. Plaintiff argued that while the defendants once held a limited certificate to use the **KHADI** mark for textiles, they had misused the certification by applying the mark to cosmetics a class of goods for which they were never authorized. Despite plaintiff cease-and-desist notice and clarification, the defendants continued to market products under the impugned mark and even sought its registration. No counsel appeared for the defendants during the proceedings.

The Hon'ble Delhi High Court observed that the plaintiff's "**KHADI**" mark has acquired a well-known trademark status, enjoying immense goodwill across India. The Hon'ble Court held that the defendants' use of "**KHADI TRADITIONAL**" subsumed the plaintiff's mark entirely, leading to a high likelihood of consumer confusion and noted that the limited authorization granted to the defendants for textile use could not extend to cosmetics or justify the creation of a deceptively similar mark. The Hon'ble Court emphasized that the defendants' actions amounted to riding upon the reputation and goodwill of the plaintiff's brand with the intent to mislead the public into believing an association or approval by plaintiff. The Hon'ble Court found a strong prima facie case in favor of plaintiff consequently, granted an ex-parte ad-interim injunction.

FULLIFE HEALTHCARE PVT LTD & ANR. (Plaintiffs) vs MEESHO TECHNOLOGIES PVT. LTD. & ORS. (Defendants)

CASE NO.: FAO(OS) (COMM) 20/2020, CM APPLs. 61732/2024, 61733/2024, 17866/2025 & 27609/2025
DECIDED ON: 25th September 2025

In the present case the plaintiffs filed a suit against the defendant for systematic trade-mark infringement, passing off and sale of counterfeit nutraceutical/health-care products bearing the registered "**CHICNUTRIX**" family of marks on the defendant platform. The plaintiff said that counterfeit listings were repeatedly detected despite takedown requests, causing loss of goodwill, consumer deception and risk to public health. The Plaintiffs assert defendant has been repeatedly notified yet has failed to permanently prevent re-listings. Defendant maintains that it has acted promptly to deactivate listings when informed and that it does not itself manufacture or directly sell the accused goods.

On a prima facie review of pleadings and documents, the Hon'ble Delhi High Court was satisfied that Defendant Nos.2–12 are engaged in marketing and selling counterfeit products bearing the **CHICNUTRIX** marks and that the Plaintiffs' reputation and public interest given the healthcare nature of the goods warranted interim protection. The Hon'ble Delhi High Court accepted the comparative product evidence showing deceptive similarity and noted re-listings on the platform despite prior enforcement efforts and granted ad-interim relief in favour of the Plaintiffs. Defendants were restrained from manufacturing, selling or dealing in counterfeit products bearing the plaintiffs' **CHICNUTRIX** marks or deceptively similar trade dress.

COPYRIGHT CASES

VISHAL SAKHLA AND OTHERS (Petitioners) vs SA SERVICES GRAMODYOG SANSTHA AND ORS. (Respondents)

CASE NO.: MISC. CRIMINAL CASE No. 26737 of 2023
DECIDED ON: 16th October 2025

In the present case the petitioners filed a petition under Section 482 of the Code of Criminal Procedure seeking to quash FIR No. 285/2023, registered at Police Station Thatipur, Gwalior. The FIR alleged offences under Section 63 of the Copyright Act, 1957 and Section 33EEC of the Drugs and Cosmetics Act, 1940. The petitioners claimed they were engaged in the legitimate sale of Ayurvedic products and had been falsely implicated in connection with counterfeit goods purportedly similar to those of "**M Satyam Pharmacy.**"

The petitioners argued that the search and seizure operations were conducted illegally without following the mandatory procedure prescribed under Sections 22 and 23 of the Drugs and Cosmetics Act, as no Drug Inspector or proper authorization was involved. They contended that the police had no jurisdiction to register the FIR since prior sanction

from the competent authority was required, and there was no registered copyright of "**M Satyam Pharmacy.**" They claimed malicious intent behind the FIR, relying on the Supreme Court's ruling in State of Haryana v. Bhajan Lal (1992).

In response, the respondents opposed the plea, asserting that Section 63 of the Copyright Act is a cognizable offence, thereby empowering the police to investigate. They relied on M/S Knit Pro International v. State of NCT of Delhi (2022) and Union of India v. Ashok Kumar Sharma (2021) to argue that the police could investigate such cases even if they incidentally involved other offences under non-cognizable laws like the Drugs and Cosmetics Act. They further emphasized that copyright registration is not mandatory for initiating criminal proceedings, as held in K.C. Bokadia v. Dinesh Chandra Dubey (1999).

The Hon'ble Gwalior High Court noted that the FIR clearly disclosed a cognizable offence under Section 63 of the Copyright Act, punishable by up to three years' imprisonment, and thus fell within the police jurisdiction. The Hon'ble Court reaffirmed that copyright protection arises from authorship, not registration, making the petitioners' argument untenable. The Hon'ble Court further observed that Section 32(3) of the Drugs and Cosmetics Act expressly permits police investigation when the alleged act also constitutes a cognizable offence under another law. The Hon'ble Court held that allegations regarding procedural irregularities or *mala-fide* intent were matters for trial, not grounds for quashment at the threshold.

Applying the principles laid down in State of Haryana v. Bhajan Lal, The Hon'ble Court found no reason to exercise inherent powers under Section 482 CrPC. The Hon'ble Court concluded that the FIR discloses sufficient material indicating prima facie offences and that the investigation could not be halted merely on technical objections. Accordingly, the petition was dismissed, upholding the legality of the FIR and allowing the investigation to proceed.

HRITHIK ROSHAN (Plaintiffs) vs ASHOK KUMAR/JOHN DOE & ORS. (Defendants)

CASE NO.: CS(COMM) 1107/2025 & I.A. 25665-25667/2025
DECIDED ON: 15th October 2025

In the present suit the plaintiff filed a suit before the Delhi High Court against defendants seeking a permanent injunction for misappropriation of his personality and publicity rights, infringement of copyright and performer's rights, and passing off. The suit was prompted by the defendants' misuse of his name, voice, likeness, and other personality traits through Artificial Intelligence (AI), deepfakes, morphed videos, vulgar memes, and unauthorized sale of merchandise that exploited his identity for commercial gain without consent. The plaintiff contended that his image, voice, and reputation were being unlawfully exploited through AI-generated and obscene content, causing not only reputational damage but also loss of endorsement income. He emphasized that his personality forms valuable intellectual property, and any unauthorized use diluted his goodwill and deceived his fans. The appearing defendants submitted that they would comply with the Hon'ble Court's directions and take down specified infringing URLs or posts, subject to identification of exact links. Some argued that entire fan pages should not be taken down unless specific infringing content was identified.

The Hon'ble Delhi High Court observed that plaintiff, having achieved immense fame and goodwill, was entitled to control the commercial use of his persona. The Hon'ble Delhi High Court relied on precedents such as D.M. Entertainment v. Baby Gift House, Anil Kapoor v. Simply Life India, and Jackie Shroff v. The Peppy Store, reiterating that unauthorized commercial use of a celebrity's likeness constitutes infringement of publicity rights. The Hon'ble Delhi High Court recognized that plaintiffs name, image, voice, and likeness are protectable attributes forming part of his personality rights, and misuse of these through AI or other technological tools violated his statutory and moral rights, causing irreparable harm to his reputation.

The Hon'ble Delhi High Court granted an ex-parte ad-interim injunction restraining defendants from using plaintiff name, image, voice, likeness, or any other persona attributes for commercial purposes, particularly through AI, deepfakes, GIFs, or other morphing techniques. The Hon'ble Delhi High Court directed several defendants to take down infringing URLs, block access to apps and websites, and furnish Basic Subscriber Information (BSI) of offenders within three weeks. The order ensured immediate protection of the actor's personality rights and set strict timelines for compliance.

MR. AR RAHMAN (Appellant) vs USTAD FAIYAZ WASIFUDDIN DAGAR & ORS. (Respondents)

CASE NO.: FAO(OS) (COMM) 86/2025 & CM APPL. 27354/2025
DECIDED ON: 24th September 2025

In the present case, the appellant challenged the Single Bench's interim order dated 25.04.2025, which had arisen from a suit filed by the respondent alleging that the appellant's song "Veera Raja Veera" (from Ponniyin Selvan – II) had incorporated and commercially exploited the Dagar family composition "Shiva Stuti" without authorization or attribution, and seeking, inter alia, recognition of copyright

and moral rights, along with injunctions and appropriate credits.

Appellant argued that the material is part of the Dagarvani/Dhrupad tradition (public domain or scenes-à-faire), stage performances do not equal authorship of the underlying composition, many disciples/other artists have performed similar renditions, and the respondent has not proved prima facie authorship or originality.

Respondent contented that the "Shiva Stuti" bandish/composition (dated to the 1970s and evidenced by a 22-June-1978 Amsterdam performance and CD) is an original work of the Junior Dagar Brothers and the copyright is devolved to the plaintiff. The impugned song reproduces the soul, swar patterns and 10-beat taal of that composition and therefore amounts to infringement and breach of moral rights.

The Single Judge at interim stage accepted the respondent evidence (CD, inlay card, family letters and the 1978 performance) as sufficient at a prima facie stage to treat the composition as an original work by the Junior Dagar Brothers, and granted interim relief requiring credit changes, deposits and costs.

The Division Bench of Hon'ble Delhi High Court disagreed on principle: while recognizing that Indian classical works may be fixed by performance and can be protected, the Hon'ble bench held that evidence of mere performance cannot automatically be equated with authorship of the musical composition. The learned Single Judge had conflated performance with composition and failed to apply the correct burden/filtering principles (i.e., filter out genre-mandated, unprotectable raga elements before comparison). For these reasons the Hon'ble High Court found the interim finding of authorship to be unsustainable as a matter of law at the interlocutory stage.

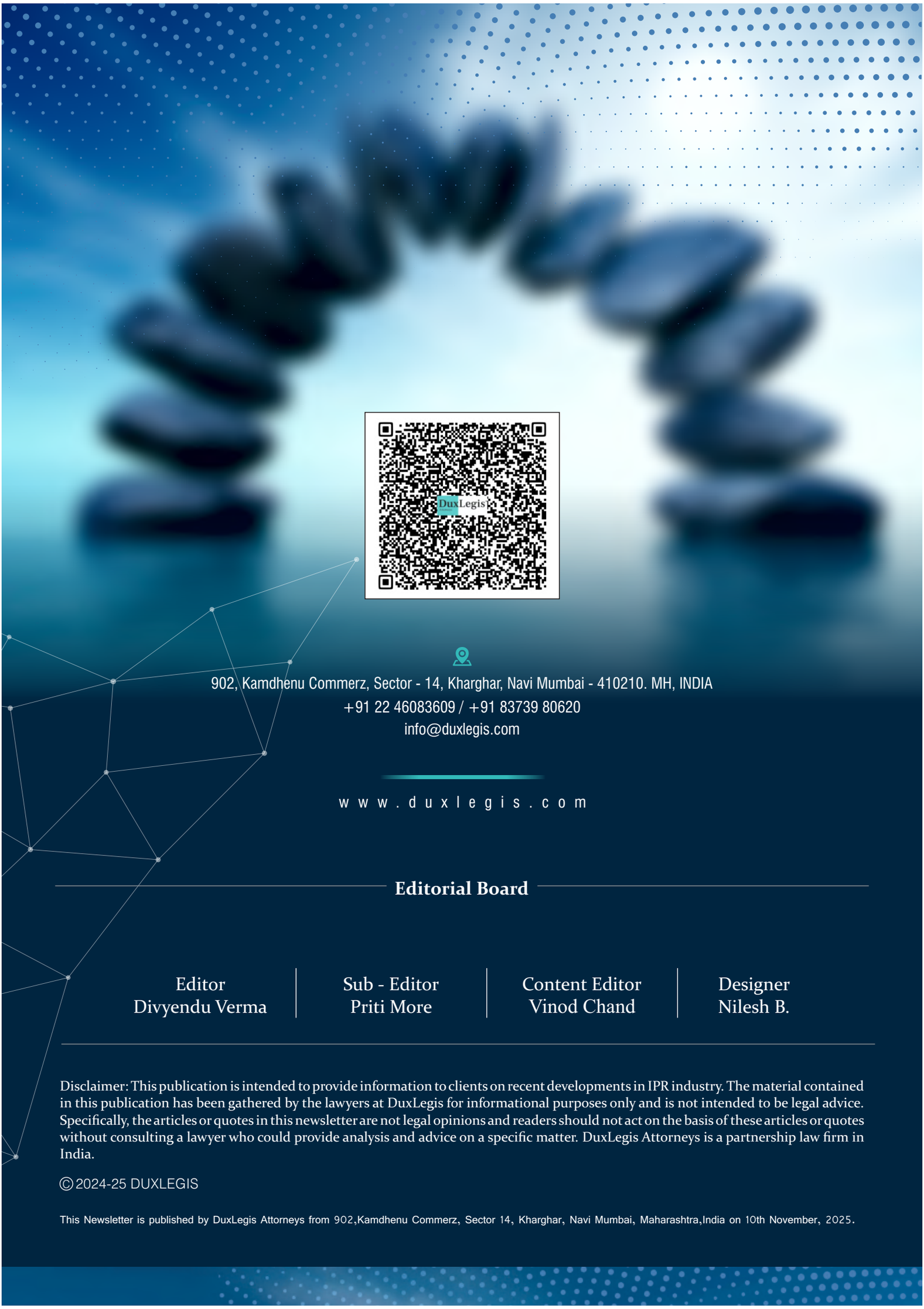
The Division Bench allowed the appeal quashed and set aside the Single Judge's interim order, dismissed the respondent interlocutory application and disposed of pending applications holding that the respondent had not established a prima facie case of authorship for "Shiva Stuti" such as to sustain the interim relief. The Hon'ble Court clarified it was deciding the prima facie/interim question only and did not finally adjudicate merits which may be examined at trial with leading evidence.

UNIVERSAL CITY STUDIOS PRODUCTIONS LLLP & ORS. (Plaintiffs) vs ISAIDUB.SPOT & ORS. (Defendants)

CASE NO.: CS(COMM) 1009/2025 & I.A. 23855-60/2025
DECIDED ON: 23rd September 2025

In the present suit the plaintiffs sued the defendants seeking permanent injunctions, rendition of accounts and ancillary reliefs for large-scale online piracy. Plaintiffs argued that the listed websites are substantially engaged in infringing activities (hosting/streaming/reproducing/communicating plaintiffs' cinematograph works without authorisation) and the takedown notices were sent but no action taken the infringement continued an urgent ad-interim relief is necessary to prevent irreparable loss. Only one defendant (No.42) responded at the interlocutory stage claiming it merely indexes publicly available content and does not host files. Other defendants had not engaged meaningfully in the record.

The Hon'ble Delhi High Court accepted that plaintiffs had established a prima facie case and that balance of convenience and risk of irreparable harm favoured immediate relief. Emphasising the "hydra-headed" and dynamic nature of online piracy, the Hon'ble Court endorsed and shaped a strong, practical remedy a 'Dynamic+ injunction' allowing plaintiffs to add mirror/redirect/alphanumeric variants and seek extension of the injunctive relief quickly to newly discovered infringing permutations. The Hon'ble Court also required plaintiffs to file an "Evidence Key" / convenience volume and left procedural safeguards (e.g., route for wrongly blocked non-infringing sites to apply for modification). The Hon'ble Court granted ad-interim relief in favour of the plaintiffs, directed to lock/suspend the listed domains and hand over registrant details to plaintiffs within 72 hours. The Hon'ble Court directed DOT and MeitY to issue notifications calling upon ISPs to block the sites within 72 hours.



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

www.duxlegis.com

Editorial Board

This Newsletter is published by DuxLegis Attorneys from 902,Kamdhenu Commerz, Sector 14, Kharghar, Navi Mumbai, Maharashtra,India on 10th November, 2025.