

DuxLegis[®]

Attorneys



IPAY ATTENTION

Gateway to IP World

Newsletter | Issue 37 | January 2026



In This Issue

- EDITORIAL
- NEW INDIA'S PATENT MOMENT: INSIDE THE IPO ANNUAL REPORT 2024-25
- AMENDMENT TO SECTION 4 OF THE PATENTS ACT
- IP SNIPPETS



EDITORIAL

Welcome to the first newsletter of 2026 and the 37th edition of the DuxLegis Newsletter.

As we begin this new year, we are pleased to align our publication with the WIPO theme for 2026: “IP and Sports: Ready, Set, Innovate!” In celebration of this global focus, all issues from the 37th to the 48th edition will spotlight the intersection of intellectual property and sports, exploring how innovation, technology, design, data, and commercial rights are reshaping the future of athletic performance and the sports industry worldwide.

Our lead article in this edition, as well as the design of our front page, pays tribute to this inspiring WIPO theme. Throughout the year, we will continue to examine how IP frameworks are supporting advancements in sports science, equipment design, digital broadcasting, fan engagement, sports analytics, AI-driven training, and more.

In this edition, you will also find:

- Key highlights from recent IP decisions in India, UAE, APAC, and the U.S.
- Global updates on patent, trademark, and design law
- Developments at the intersection of AI, data, and IP
- Insights from our international offices and contributors

Our goal remains consistent: to deliver clear, practical, and forward-looking analysis that supports your work and enhances your understanding of the evolving IP landscape.

We thank you for your continued engagement with the DuxLegis Newsletter. Your feedback helps us grow, innovate, and serve you better every year.

Wishing you a productive and inspiring 2026 ahead.

With warm regards,



Divyendu Verma

Chief Editor,
DuxLegis Newsletter – IPay Attention!

AIN'T BACKING DOWN - COME WHAT MAY

DUXLEGIS LEADS THE WAY IN 2026!

*When pathways change and futures call,
When rising tides unsettle all,
When shadows stretch and doubts stand tall,
We rise as one - we do not fall.*

*In every brief, in every fight,
We guard the truth, protect what's right.
Across each shore, through day and night,
Our purpose burns with steady light.*

*With trust as root and skill our crown,
With friendship strong and fears cast down,
DuxLegis moves - renowned, renowned -
Together bold, ain't backing down.*

*As seasons turn and hopes renew,
We share our strength, our gratitude too.
May 2026 bring skies more blue,
And every dream find its way through.*

Warmest wishes a bright New Year, 2026!

~ From all of us at DuxLegis





NEW INDIA'S PATENT MOMENT: INSIDE THE IPO ANNUAL REPORT 2024-25



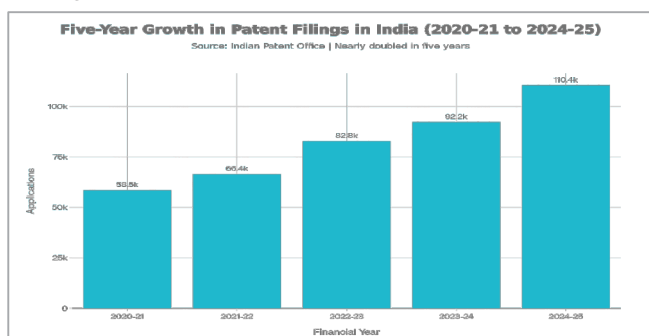
Divyendu Verma

Managing Partner

India's latest IP data point to a system in transition: patent, design, trademark, GI and copyright filings have all registered strong growth in 2024-25, with domestic applicants now driving a clear majority of patent activity and the IP office operating with a healthy revenue surplus. The trajectory is consistent with a policy climate that has given intellectual property a higher political and administrative priority over the past decade, while also reflecting the efforts of universities, startups, MSMEs and IP officials across the country.

INDIA'S PATENT MOMENT:

Under the visionary leadership of Prime Minister Office and the effective execution of policy by the Minister of Commerce and Industry, intellectual property has moved from the margins of policymaking to the very core of India's growth narrative. The 2024 - 25 Annual Report of the Office of the CGPDTM, which was released earlier this week, reads almost like a balance sheet of that strategic choice.



Patent filings have risen sharply - from 58,503 in 2020-21 to 110,375 in 2024-25, representing an increase of nearly 89% in just five years, with the current year alone recording a 19.75% growth over 2023-24. Equally noteworthy is the surge in filings of Indian origin, which now stand at 68,201 applications, accounting for 61.79% of total filings, up from 55.96% the previous year. This shift clearly signals that domestic innovators have decisively overtaken foreign applicants within India's own patent system.

The headline numbers tell a striking story:

- Patents filing rose from 58,503 filings in 2020-21 to 1,10,375 in 2024-25, with a 19.75% jump over 2023-24 alone.
- Designs filing increased from 14,241 to 43,005 over the same period, with a 41.52% rise in 2024-25.
- Trademark filings crossed 5.5 lakh (5,52,190) in 2024-25, roughly 16% higher than the previous year, while GIs and copyrights also showed steady, sustained growth.

On the financial side, IP administration generated revenue of about INR 1,449.47 crore (Apprx USD 173 million) in 2024-25, up 7.14% year-on-year, against expenditure of about 295.67 crore, leaving the system significantly revenue-surplus and capable of funding further modernization.

Domestic Innovation at the Centre Stage:

The most striking structural change is the rising contribution of Indian applicants. Domestic patent filings reached 68,201 in 2024-25, accounting for 61.79% of total applications, up from 55.96% in 2023-24 and continuing a multi-year shift towards resident-driven innovation.

**Several trends underpin this:**

- a) State-level spread: Tamil Nadu leads with 15,440 filings by Indian applicants, followed by Karnataka (8,371), Maharashtra (7,893), Uttar Pradesh (5,703), Punjab (4,461) and Telangana (4,293). This is a clear indication that patent activity is now anchored across multiple regional hubs rather than a few metros.
- b) Category-wise growth: Filings by natural persons, startups, small entities and educational institutions all show an upward trajectory, with 2,680 applications from startups, 2,575 from small entities and 37,681 from educational institutions (Indian and foreign combined) in 2024-25.
- c) Academic leadership: Lovely Professional University (2,241 applications), Saveetha Institute of Medical and Technical Sciences (2,038), the IITs collectively (1,740) and several private universities and deemed universities figure among the top filers, highlighting how quickly IP has moved into the academic mainstream.

This shift reflects both policy signals - such as fee concessions, expedited examination categories and awareness missions - and the growing confidence of domestic institutions and firms in using the patent system as a tool of strategy rather than merely of compliance.

Governance Reforms and Institutional Capacity:

The report emphasizes that the growth in filings has been accompanied by deep changes in how the IP system is administered. Over the last decade, and particularly with the Patents Rules amendments in 2016, 2019, 2020, 2021 and 2024, procedures have been simplified, timelines tightened and incentives aligned in favour of e-filing and faster examination.

KEY DEVELOPMENTS INCLUDE:**1) Rule changes and new instruments:**

- a) The 2024 amendments introduced Certificates of Inventorship (around 850 issued during the year), fully online pre-grant opposition and a grace-period mechanism via Form 31, aiming to make the system more predictable and user-friendly while maintaining safeguards.
- b) Expedited examination has been opened to a wider set of categories - startups, SMEs, women applicants, government-linked institutions and PPH cases - with 7,154 expedited examination requests filed and 3,349 grants in 2024-25, many within about a year from request.

2) Human resource strengthening:

- a) A major internal reorganization of the Indian Patent & TM Office in 2023 where the Government has promoted nearly 370 examiners as Controllers that was one of most exciting and contributing factor to the record disposal of 1.26 lakh patent applications and over 1 lakh grants in 2023-24.
- b) Recruitment of 550 new Examiners of Patents and Designs has been completed, with 407 examiners undergoing a 16-week induction programme "Bouddhik Aagman" and expected to start contributing significantly from the second half of 2025-26.

3) Digital and transparency initiatives:

- a) AI-based trademark search, the IP Saarthi chatbot, a publicly accessible IP Dashboard and cloud migration of major systems are reshaping how applicants and officials interact with the registry.
- b) A daily "Jan Sunwai" open-house conference and a single-window IT helpdesk have pushed



the grievance-redressal disposal rate above 95%, while RTI-related disclosures and dashboards have increased transparency in day-to-day functioning.

These reforms are the work of the IP offices themselves - CGPDTM, patent and trademark offices, RGNIIPM and supporting units - operating under the policy framework set by the Department for Promotion of Industry and Internal Trade (DPIIT) and, ultimately, the Union government.

POLITICAL CONTEXT AND THE ROLE OF LEADERSHIP:

The Indian government's overall economic and innovation agenda - expressed through initiatives such as *Startup India, Digital India, Make in India* and the vision of *Viksit Bharat 2047* - forms an important backdrop to these administrative changes. Over the past decade, intellectual property has moved higher on the policy agenda, and the report repeatedly links IP reforms to broader goals of self-reliance, technology-led growth and global competitiveness.

At the same time, the annual report is careful to attribute progress to a constellation of performers:

- The annual report acknowledges the guidance of DPIIT, collaboration with other ministries and support from industry, academia and the creative community, underlining that the system's performance depends on both policy direction and stakeholder uptake.
- Large gains in domestic filings by educational institutions and startups are tied to instruments such as the National Intellectual Property Awareness Mission (NIPAM), TISCs/TTOs, IP Manthan and outreach through Atal Innovation Mission and MSME IP facilitation centres, which work across party lines and electoral cycles.
- Internationally, India's activism at WIPO - on the Genetic Resources and Traditional Knowledge Treaty (GRATK 2024), the Riyadh

Design Law Treaty (DLT 2024), and standard-setting in PCT and classification - reflects a long-standing diplomatic position that predates the current term, but has clearly been stepped up in recent years.

In this sense, central leadership, including the Prime Minister office, has provided the political cover and priority that complex institutional reforms require, while the day-to-day execution has rested with specialized agencies and a growing cadre of trained IP officials. The result is an IP system that is visibly more confident and globally engaged than a decade ago, without losing sight of development concerns such as access, traditional knowledge and MSME participation.

OTHER NOTEWORTHY DEVELOPMENTS FROM THE ANNUAL REPORT:

Beyond headline filing statistics, the annual report contains several additional developments that are politically and professionally significant. These elements round out the picture of a system that is becoming more sophisticated, not merely larger.

1) International cooperation and South-South leadership:

- a) India concluded or operationalised work plans and MoUs with EUIPO, DKPTO, JPO, UKIPO, Rospatent, the Italian office and others, centring on training, best-practice exchange, AI use, design law and GI protection.
- b) At WIPO, India played a central role in the Diplomatic Conference on the GRATK Treaty and in discussions on PCT reforms, SEPs/FRAND and IP enforcement, often acting as a bridge between developed and developing countries.

2) PCT and global filings by Indians:

- a) PCT applications filed by Indian applicants via the Indian Receiving Office rose to 2,600 in 2024-25, up from 1,209 in 2023-24, with Jio Platforms, TVS Motor and CSIR among the



leading filers, signalling that Indian entities are positioning themselves in global value chains.

3) Awareness and education:

- a) NIPAM has provided IP awareness to more than 2 million students across around 4,600–7,000 institutions, reaching all states and union territories, while IP Manthan and CIPAM-led programs have targeted MSMEs, law-enforcement agencies and universities.
- b) A new LL.M. in Intellectual Property Law and Management at NLU Delhi, developed with WIPO and CGPDTM, underlines the institutionalization of IP expertise in legal education.

4) Cultural and language initiatives:

- a) The Trade Marks Registry, Kolkata received a first prize from the Town Official Language

Implementation Committee for implementing the Official Language Policy, and parliamentary inspection of language use underscores the continuing effort to make IP administration linguistically inclusive.

Taken together, these developments show a system that is expanding in volume, diversifying in its user base and maturing in its institutional choices. The government's role - at political, policy and administrative levels - has been important in setting direction and providing resources; the equally important story in the 2024-25 report is how quickly Indian innovators, universities, startups and public institutions have responded to that enabling environment by actually using the IP system at scale.

Reference: IPO Annual Report 2024-25 published on December 17, 2025. It can be accessed here: https://ipindia.gov.in/writereaddata/Portal/Images/pdf/English_Annual_Report_2024-25.pdf



AMENDMENT TO SECTION 4 OF THE PATENTS ACT

The Sustainable Harnessing and Advancement of Nuclear Energy for Transforming India Act, 2025 (SHANTI Act), enacted on December 20, 2025, marks a decisive shift in India's nuclear policy. It amends Section 4 of the Patents Act, 1970 by replacing the absolute ban on nuclear energy patents with a system of qualified permissibility for peaceful uses,

subject to national security clearances. By introducing a specialized screening mechanism linked to Section 38 of the SHANTI Act, the law authorizes the Central Government to allow patents for inventions “for the peaceful uses of nuclear energy and radiation.





IP SNIPPETS:

PATENT CASES:

NOVO NORDISK AS.  (Plaintiff) vs DR.

REDDYS LABORATORIES LIMITED & ANR.  (Defendant)

CASE NO.: CS(COMM) 565/2025 & CRL.M.A. 21608/2025 I.A. 14076/2025 I.A. 17699/2025 I.A. 17802/2025 I.A. 18374/2025 I.A. 19205/2025 I.A. 19361/2025

DECIDED ON: 02nd December, 2025

The present suit has been filed by the plaintiff restraining the defendant from infringing plaintiff's patent. The plaintiff alleges that the defendant were manufacturing the impugned drug in India which a compound in plaintiff's patent and also exported it without authorization.

The plaintiff argued that the damages would not be adequate remedy and permitting manufacture would irreversibly erode its exclusive rights. The plaintiff states that the defendants previously tried to sought a license but failed to "clear the way" before commencing manufacture, which denotes that they were aware about the plaintiff's patent. The defendant countered that they were not selling the impugned drug in India and exported it only where plaintiff had no patent. The defendant challenged the validity of the subject patent on multiple grounds alleging that Semaglutide a compound of the impugned drug was priorly known in multiple prior arts.

The Hon'ble Delhi High Court analysed the matter and stated that the plaintiff failed to make a prima facie case for the grant of interim injunction. The Hon'ble Court accepted the undertaking by the defendant, permitting them to manufacture the impugned drug in India and export where the plaintiff do not hold patent rights, as plaintiff is not manufacturing and only importing to India. The Hon'ble Court dismissed the captioned application by stating that the observations are only prima facie and limited to the present interim application, without bearing on the merits of the case, which shall be decided independently at trial.

MEDILABO RFP INC (Appellant) vs THE CONTROLLER OF PATENTS 

medilabo RFP (Respondents)

CASE NO.: C.A.(COMM.IPD-PAT) 16/2024

DECIDED ON: 24th November, 2025

In the present case the appellant challenged the impugned order passed by the respondent for rejecting their patent application under section 3(i) of the Patent act. The appellant contented that the respondent failed to recognize that the claimed application pertains to a composition and not a method of treatment. The appellant stated that the claimed application discloses a 'kit' a product including medicinal agent of claim 1. The respondent countered that the claimed composition of the appellant's application has been rejected because the dosage regimen attracts section 3(i) of the Act under the method of treatment. The respondent further alleged that the claimed application does not have any technical effect.

The Hon'ble Delhi High Court observed that the impugned order passed by the respondent failed to provide the details of how the claimed invention is a composition and not a method of treatment, and how the boundaries of claim extend to the "method of treatment". The recitation of the unit number of components in the claim cannot make it ineligible under section 3(i) of the Patent Act. The Hon'ble Court further stated that the respondent cannot determine the patentability under section 3(i) without considering the amended claims and examining the same from the specification. The Hon'ble Court clarified that the respondent shall decide the claimed application as per the law without being influenced by the Court's observation and concluded by setting aside the impugned order and remanding the matter for fresh consideration.



TRIDENT LIMITED (Appellant) vs CONTROLLER OF PATENTS (Respondents) 

CASE NO.: C.A.(COMM.IPD-PAT) 162/2022

DECIDED ON: 24th November, 2025

The present appeal has been filed by the appellant against the respondent for rejecting the appellant's





patent application under section 2(1)(j) of the Act. The appellant contended that none of the prior arts individually or in combination discloses or teach the limitations of the revised claims of the subject application. The appellant cleared that the homogenous distribution of pores between fibers and not towards homogenous distribution of fibers. The respondent countered that the appellant failed to provide any data to claim "homogeneous distribution" which is against the natural belief and expectation. The respondent submits that the prior arts discloses similar process as in the subject application and the appellant has failed to establish 'homogeneous distribution of pores across the radial cross-section of yarn'. And the patent rights cannot be granted for invalidated and hypothetical assumptions.

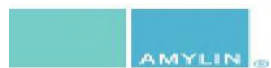
The Hon'ble Delhi High Court examined the subject application and stated that the appellant had addressed the exemplary manufacturing parameters used to manufacture yarn/fabric in accordance with the teaching of the claimed/subject invention. The respondent ignored the exemplary manufacturing parameters and the details of the "homogeneous distribution" in the subject application. The Hon'ble Court concluded by setting aside the impugned order due to various infirmities and remanded the matter back to the different respondent for fresh consideration.



AMYLIN PHARMACEUTICALS, LLC AND ANR. (Appellant) vs ASSISTANT CONTROLLER OF PATENTS AND DESIGNS

CASE NO.: C.A.(COMM.IPD-PAT) 76/2022

DECIDED ON: 24th November, 2025



The appellant filed an appeal against the respondent for passing an impugned order rejecting the appellant's patent application under section 2(1)(ja) and 3(d) of the Act. The appellant argued that the respondent failed to cite any closest prior art and provide any reasonable submissions against the subject invention. The appellant further contended that the respondent also failed to consider the data highlighting better efficacy of the formulation as illustrated in the subject invention and simply passed the impugned order. The respondent countered that the subject application is obvious considering the

cited prior arts and lacks inventive step.

The Hon'ble Delhi High Court analysed the prior arts against the subject application and noted that the subject invention is obvious to PSITA and lacks inventive step. The Hon'ble Court states that the respondent rightly refused the subject application for lack of inventive step under section 2(1)(ja) of the Act. The Hon'ble Court concluded by maintaining the impugned order passed by the respondent and dismissing the present appeal.



M/S.RALLIS INDIA LIMITED (Appellant)



vs 1.DEPUTY CONTROLLER OF PATENTS AND DESIGNS (Respondent 1), M/S.HARYANA PESTICIDE MANUFACTURES ASSOCIATION (HPMA) (Respondent 2) AND 3.MR. CHIMANBHAI CHAUHAN (Respondent 3)

CASE NO.: C.M.A.(PT) No. 21 of 2024

DECIDED ON: 20th November, 2025

The appellant filed an appeal against the respondent 1 for rejecting their patent application under the ground of lack of novelty, inventive step and non-patentability under section 3(d) and 3(e), the respondent 2 filed an opposition challenging claims under Sections 25(1)(b) to 25(1)(f) and respondent 3 filed an opposition challenging under Section 25(1)(b) to 25(1)(g). The appellant argued that the cited prior art is invalid since its provisional disclosure only disclose suspo-emulsion (SE) formulation. The formulation disclosed in the prior art is materially different compared with the appellant's patent application. The appellant further stated that the respondent 1 failed to consider any findings raised in the replies and written submission to the pre-grant opposition as well as the affidavits and experimental data which demonstrates the difference and synergy were ignored. The respondents maintained that the claimed formulation in the appellant's invention is obvious and anticipated in view of the cited prior art, having no technical advancements.

The Hon'ble Madras High Court noted that the provisional specification of the prior art only discloses the SE formulation, it failed to claim priority for emulsifiable concentrate (EC) formulation. The Hon'ble Court stated that the respondent 1 failed to consider the relevant



document and affidavit submitted by the appellant. The Hon'ble Court concluded by setting aside the impugned order and remanding the matter back for fresh consideration by the different officer.



TRADEMARK CASES

DELHI PUBLIC SCHOOL SOCIETY (Plaintiff) vs DELHI PUBLIC SCHOOL INTERNATIONAL BHIWADI AND ORS. (Defendants)

CASE NO.: CS(COMM) 1247/2025 & I.A. 29031/2025, I.A. 29035/2025

DECIDED ON: 8th December 2025

The Plaintiff instituted the present suit seeking an ex-parte ad-interim injunction against the defendants for infringement and passing off of its well-known trademarks and logos associated with "DELHI PUBLIC SCHOOL", "DPS", and its distinctive shield and leaf logos "



". The Plaintiff contended that the defendants were operating a school under the name "DELHI PUBLIC SCHOOL INTERNATIONAL" and using "DPS" along with deceptively similar logos, falsely representing an association with the plaintiff's network of schools. The Defendants did not appear before the Hon'ble Delhi High Court despite service of summons and notice.

The Hon'ble Delhi High Court observed that the impugned marks were deceptively identical to the plaintiff's well-known marks and that this was a clear case of triple identity, namely similarity of marks, identical services, and identical consumer base. The Hon'ble Delhi High Court held that the defendants' adoption was neither honest nor bona fide and that continued use would cause irreparable harm to the plaintiff. Accordingly, the Hon'ble High Court granted an *ex-parte ad-interim injunction* restraining the defendants from using the impugned marks in any manner and directed suspension of the infringing domain name. The Hon'ble Court concluded that the plaintiff, being the prior user and registered proprietor, was entitled to immediate protection against misuse of its well-known educational brand.



KATARIA JEWELLERY INSURANCE CONSULTANCY (Plaintiff) vs KATARIA INSURANCE BROKERS PVT. LTD. (Defendant)

CASE NO.: I.A.-1663-2021 in COMIP 215/2021

DECIDED ON: 8th December 2025

In the present matter, the plaintiff instituted a suit seeking injunction against the defendant, alleging infringement and passing off of its registered trademark "KATARIA/



". The Plaintiff contended that it was the prior adopter and registered proprietor of the trademark "KATARIA", which had acquired substantial goodwill and reputation through continuous and extensive use. Defendant's use of the mark "KATARIA INSURANCE" in its corporate name "KATARIA INSURANCE BROKERS PRIVATE LIMITED" and business activities in the insurance broking sector, which, according to the plaintiff, created a false impression of association and origin. The plaintiff further submitted that such use diluted the distinctiveness of its registered mark.

The Defendant contended that the use of word "KATARIA" was bona fide derived from their surname and its corporate identity, and that there was no likelihood of confusion or deception. The Defendant also raised objections regarding maintainability and sought to justify its adoption as independent and without intent to infringe.

The Hon'ble Bombay High Court observed that the plaintiff was the registered proprietor of the trademark "KATARIA" and that the defendant's use of an identical mark for similar services was *prima facie* likely to cause confusion and deception among consumers. The Hon'ble Court held that adoption of an identical trademark in the same commercial field could not be justified on the basis of corporate naming alone and amounted to infringement. Accordingly, the Hon'ble Court granted interim relief restraining the defendant from using word "KATARIA". The decision reiterates that use of an identical registered trademark in the same line of business, even as part of a corporate name, will attract injunctive relief to prevent consumer confusion and dilution of trademark rights.






ITC LIMITED & ANR. (Plaintiffs) vs ADYAR GATE HOTELS LIMITED (Defendant)

CASE NO.: CS(COMM) 119/2025 with I.A. 3768/2025, I.A. 9893/2025, I.A. 16691/2025, I.A. 23352/2025
DECIDED ON: 04th December 2025

In the present suit the plaintiff seek protection for their trademark “DAKSHIN/  ” against

the defendant, used in relation to restaurant and hospitality services. The plaintiffs contended that they are the proprietors and long-standing users of the mark “DAKSHIN/  for their

well-known South Indian specialty restaurants operating under ITC Hotels. Defendant's use of the identical mark “DAKSHIN” for its restaurant services amounted to trademark infringement, passing off, and dilution of the plaintiffs' goodwill. The defendant contested that

“DAKSHIN/  ” is a descriptive or

geographical term meaning “South” and therefore incapable of exclusive appropriation. It was contended that the defendant had been using the mark in good faith and that no monopoly could be claimed over a commonly used word, particularly when used to describe South Indian cuisine.

The Hon'ble Delhi High Court observed that although the word “DAKSHIN” may have a dictionary meaning, its long, continuous, and extensive use by plaintiffs in the hospitality sector had resulted in the mark acquiring *secondary meaning and distinctiveness*. The Hon'ble Court held that in trademark law, even descriptive or dictionary words are entitled to protection once they become source identifiers. The Hon'ble Court further noted that in the restaurant and hospitality industry, brand recall plays a crucial role and the use of an identical mark for identical services is bound to cause confusion. The defendant's adoption of the mark “DAKSHIN” was found to be prima facie likely to mislead consumers into believing an association with plaintiff's established restaurant brand. The Hon'ble Delhi High Court passed an order in favour of plaintiffs, restraining defendant from using the mark “DAKSHIN/  ” or any other mark  deceptively similar thereto in relation to restaurant or hospitality services.

EDIBLE PRODUCTS (INDIA) LIMITED (Appellant) vs SHALIMAR CHEMICAL WORKS PRIVATE LIMITED (Respondent)

CASE NO.: FMAT No. 189 of 2024, IA No: CAN 2 of 2024 CAN 3 of 2024
DECIDED ON: 03rd December 2025



The present appeal has been filed by the appellant in a suit for infringement against a temporary injunction order granted by the Commercial Court. The appellant contended that the plaintiff/respondent failed to satisfy the classical *Trinity Test* required for a passing off action. The shape and colour of the bottles were generic, functional, and common to trade, incapable of exclusive protection. The appellant's product was marketed as hair oil, whereas the respondent dealt in edible oil, reducing any likelihood of confusion.

The plaintiff/respondent argued that they had prior and continuous use of the distinctive bottle trade dress for several years, resulting in significant goodwill. The overall get-up, colour combination, bottle shape, and packaging adopted by the appellant were deceptively similar and intended to ride upon the respondent's reputation. Difference in classification or end-use of goods is immaterial where deception is apparent from the trade dress.


The Hon'ble Divisional bench of Calcutta High Court held that in a passing off action, the overall impression created on the mind of an average consumer with imperfect recollection must be assessed rather than dissecting individual elements of the packaging. The Hon'ble Court emphasized that trade dress must be examined as a whole, including bottle shape, ribbed texture, colour scheme, and visual depiction. Applying the Trinity Test, the Hon'ble Court held that the plaintiff had established goodwill, the defendant's packaging was likely to cause confusion and deception, and such deception would inevitably cause damage to the plaintiff's goodwill. The Hon'ble Calcutta High Court dismissed the appeal filed by appellant and affirmed the order of temporary injunction passed by the Commercial Court.





CHEMCO PLASTIC INDUSTRIES PVT LTD. (Plaintiff) vs M/S CHEMCO PLAST (Defendant)

CASE NO.: IA NO. 2165 of 2024 in COMIP/80/2024
DECIDED ON: 3rd December 2025

In the present matter, the Plaintiff instituted a suit against the defendant alleging infringement and passing off of its registered trademark “CHEMCO/ ”, contending that the defendant was carrying on an identical business of plastic goods under the deceptively similar mark “CHEMCO PLAST”. The Plaintiff asserted prior adoption and long-standing use of “CHEMCO”, claiming that the mark had acquired substantial goodwill and reputation in the plastic manufacturing industry. It was argued that the defendant's adoption of the impugned mark was dishonest and intended to trade upon the plaintiff's established reputation, leading to consumer confusion.


The Defendant asserted prior and bona fide use of the mark “CHEMCO”, contending that the mark was adopted independently and was in use prior in point of time to the plaintiff. The Defendant further raised technical objections relating to priority of adoption, delay, and acquiescence, and argued that the plaintiff was not entitled to exclusive rights over the mark in light of the defendant's alleged earlier use.

The Hon'ble Bombay High Court observed that the competing marks were structurally, visually, and phonetically similar and were used for identical goods and trade channels, thereby satisfying the test of deceptive similarity. The Hon'ble Court held that adoption of the dominant mark “CHEMCO” by the defendant was prima facie dishonest and amounted to infringement and passing off. Accordingly, the Hon'ble Court granted an injunction restraining the defendant from using “CHEMCO PLAST” or any other mark deceptively similar to the plaintiff's trademark. The decision reinforces the principle that adoption of an essential and dominant feature of a prior registered trademark for identical goods will invite strict injunctive relief.



GANRAJ ENTERPRISES (Appellant) vs LAND MARK CRAFTS LTD & ANR. (Respondents)

CASE NO.: C.A.(COMM.IPD-TM) 164/2022 &
CRL.M.A. 10597/2024, I.A. 22465/2022, I.A. 7890/2025
DECIDED ON: 2nd December 2025

The Appellant filed an appeal in Hon'ble Delhi High Court challenging the rejection of its rectification petition seeking cancellation of the respondent's registered trademark “HP” in Class 6. The dispute arose between two entities dealing in self-drilling screws and blind rivets, where the appellant claimed rights in the mark “HP+/”, while the respondent asserted prior rights in the word mark “HP”, tracing use back to 1995 through its predecessor entities and subsequent corporate restructuring.

The Appellant contended that the respondent had falsely claimed prior use since 1995, obtained registration through misrepresentation, and that the earlier registration carried a **territorial limitation restricted** to Uttar Pradesh. It was argued that despite this restriction, the respondent was unlawfully enforcing its mark against the appellant's use in Maharashtra. The Respondent, on the other hand, asserted continuous and uninterrupted prior use of “HP”, supported by invoices dating back to 2006, subsequent pan-India registration without territorial limitation, and contended that the appellant was a much later adopter whose own trademark applications had been refused or abandoned.

The Hon'ble Delhi High Court held that the respondent was the prior adopter and user of the mark “HP”, and that the territorial restriction attached to one registration could not automatically be imported into a separate later registration for the same mark. The Hon'ble Court further observed that disputes regarding alleged fraudulent user claims and *inter-se* territorial enforcement were already pending before the Commercial Court and could not form the sole basis for rectification. While recognizing the appellant's locus as a “person aggrieved,” the Hon'ble Court found no merit in the rectification grounds raised. Accordingly, the Hon'ble Court dismissed the appeal and upheld the Registrar's order.





COPYRIGHT CASES

ZEE ENTERTAINMENT ENTERPRISES LIMITED (Plaintiff) vs MOHALLA TECH PRIVATE LIMITED (Defendant)

CASE NO.: CS(COMM) 745/2023 & I.A. 7189/2024

DECIDED ON: 08th December 2025



<https://sharechat.com/news/announcements/>

In the present suit, the plaintiff filed a commercial suit against the defendant, the owner of the platforms *ShareChat* and *Moj*, seeking a *permanent injunction* to restrain copyright infringement on the defendant's platforms. Plaintiff contended that despite termination of the License Agreement and UCRS Agreement plaintiff's repertoire continued to be made available through the defendant's in-built music library on *ShareChat* and *Moj*, enabling users to exploit plaintiff's works without authorization. Since the infringing content was accessible and used by users in Delhi, part of the cause of action arose within the jurisdiction of the Hon'ble Delhi High Court.

The defendant sought return of the plaint under Order VII Rule 10 CPC, contending lack of territorial jurisdiction on the ground that earlier agreements conferred exclusive jurisdiction on Mumbai Courts, neither party had offices in Delhi, and mere accessibility of the platforms in Delhi was insufficient to establish jurisdiction.

The Hon'ble Delhi High Court held that jurisdiction must be determined solely on the basis of the plaintiff averments. The Hon'ble Court observed that the present suit was one for copyright infringement, not for breach of contractual obligations, and therefore the exclusive jurisdiction clauses in the expired agreements were irrelevant. The Hon'ble Court further emphasized that in cases of online copyright infringement, cause of action arises at every place where the infringing content is accessible and used. Since the defendant's platforms were accessible in Delhi and users in Delhi could access and upload infringing content, a part of the cause of action clearly arose within Delhi, conferring territorial

jurisdiction on the Delhi High Court under Section 20(c) CPC. The Hon'ble Delhi High Court dismissed the defendant's application under Order VII Rule 10 CPC and held that it has *territorial jurisdiction* to entertain the suit.



STAR INDIA PRIVATE LIMITED (Plaintiff) vs CRICHD-LIVE.TOP & ORS. (Defendants)

CASE NO.: CS(COMM) 1094/2024 & I.A. 47492/2024

DECIDED ON: 03rd December 2025



<https://commons.wikimedia.org/wiki/>

In the present suit the plaintiff filed a commercial suit against multiple defendants for illegally streaming live cricket matches of the *India Tour of Australia 2024–2025* and *Big Bash League 2024–2025*. Plaintiff contended that it holds exclusive media and broadcast rights for the events in India and South Asia, and the defendant websites were rogue, anonymous platforms engaged in piracy for commercial gain. Their actions infringed statutory broadcast reproduction rights under Section 37 of the Copyright Act. The defendants neither appeared nor filed written statements despite service.

The Hon'ble Delhi High Court observed that the defendants were clearly infringing plaintiff's exclusive rights and had deliberately chosen not to contest the proceedings, even after interim injunctions and domain blocking orders. The Hon'ble Court further noted that directing ex-parte evidence would serve no purpose when the plaint is duly verified and supported by affidavits. The continued infringement was held to cause irreparable harm and revenue loss to the plaintiff. The Delhi High Court decreed the suit in favour of plaintiff and granted a *permanent injunction* against Defendants, restraining them from hosting, streaming, or making available the copyrighted cricket events in any manner.





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

Editor in Chief
Divyendu Verma

Sub - Editor
Priti More

Content Editor
Sahana Mabian

Designer
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.

© 2025-26 DUXLEGIS

This Newsletter is published by DuxLegis Attorneys from 902, Kamdhenu Commerz, Sector 14, Kharghar, Navi Mumbai, Maharashtra, India on 14th January, 2026.