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FROM WILLOW TO WEARABLES: IP AND CRICKET IN AN INNOVATION-DRIVEN SPORTS ECONOMY

Aligning WIPO theme for 2026 with the ICC Men's T20 World Cup



Divyendu Verma

Cricket has evolved from a tradition-bound sport into a technology-intensive global industry. Equipment engineering, biomechanical analytics, broadcast technologies, and data-driven fan engagement now define competitive and commercial success. Coinciding with the ICC Men's T20 World Cup 2026 in India, the World Intellectual Property Organization's (WIPO) World IP Day theme - "*IP and Sports: Ready, Set, Innovate!*" - offers a timely lens to examine how intellectual property (IP) rights underpin innovation in cricket. This article adopts a dual perspective: that of a sport enthusiast concerned with performance and safety, and an IP attorney focused on legal protection and commercialization. Through analysis of granted and published patents, design registrations, and real-world industry practices, it demonstrates that cricket's future is inseparable from strategic IP governance.

I. Introduction: Cricket as an IP-Intensive Industry:

Cricket in 2026 is a hybrid of hardware, sensors, software and global media. Modern cricket operates at the intersection of athletic performance, engineering precision, and global media economics. From cricket bat manufacturing and protective equipment to ball - tracking systems and data-rich broadcasts, innovation in cricket has become systemic rather than incidental. The readers will be surprised to know that each layer of this innovation stack generates protectable subject matter: technical inventions, aesthetic designs, proprietary datasets, and

confidential methodologies.

WIPO's World IP Day 2026 foregrounds this reality by explicitly linking IP rights with sports innovation. Cricket, particularly in the fast-paced T20 format - where 8 hours of day long competition is jammed packed in 3 hours - exemplifies how IP functions as both an incentive for research and a mechanism for market control. The ICC Men's T20 World Cup 2026, hosted in India and Sri Lanka from February 06 to March 08, 2026, will showcase not only elite athletic talent but also the embedded technologies and IP strategies that sustain the modern game¹.

II. The Technological Transformation of Cricket:

The evolution of cricket equipment represents a paradigm shift from traditional artisanal craftsmanship to precision-engineered systems grounded in materials science and biomechanics. Historically, cricket bat manufacturing relied on experiential knowledge - hand-selected English willow, manual shaping by master craftsmen, and intuitive tuning based on decades of practice. Contemporary bat production, however, integrates finite element modeling (FEM), impact biomechanics analysis, and computational design to optimize performance parameters that were previously left to chance.

Modern cricket bats are now designed as precision-engineered systems where energy transfer efficiency, vibration damping characteristics, and structural durability can be quantified through empirical testing. Finite element analysis allows manufacturers to simulate ball-bat impacts at speeds up to 35 m/s, applying orthotropic material models to the blade and linear elastic models to the handle to predict coefficient of restitution (COR) and apparent coefficient of restitution (ACOR) along the bat's entire striking surface. Research has validated FE models that accurately predict the location and size

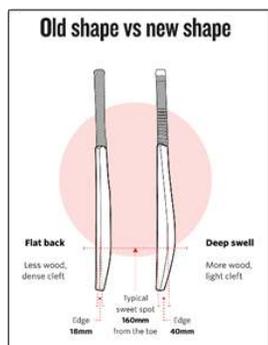


of the "sweet spot" - the optimal striking zone where maximum energy transfer occurs with minimal vibrational loss².

III. Patent Protection Landscape:

This technological transformation has generated substantial patent activity in measurable technical effects. US Patent Application - US5816963A (filed in January 1997) demonstrates "isoharmonic" design principles where the natural frequency of vibration modes is matched to ball-contact duration to improve coefficient of restitution. Another US Patent Application - US4186923A (filed in August 1978) protects sweet spot optimization through strategically positioned rear-surface depressions that alter blade thickness distribution. Vibration damping technologies, exemplified by an US granted Patent US10245488B1 (granted in April 2019), employ multi-material damping sections with specific Shore hardness values (70A-100A for primary damping, 20A-40A for secondary damping) to absorb impact energy across different frequency ranges.

Smart cricket bat technology (US20220314086A1 – filed in September 2020) integrates accelerometer, gyroscope, and magnetometer sensors with pressure-sensitive textile matrices to measure velocity changes, angular speed, and orientation during cricket shots and therefore, generating quantifiable performance metrics. Alternative construction patents cover modular designs using aluminum, carbon fiber, and glass composites that allow customization while maintaining performance standards.

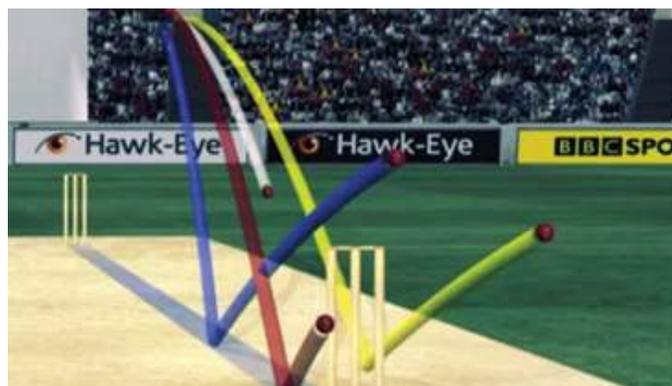


The patent eligibility of these innovations rests on demonstrable technical effects: increased rebound efficiency quantified through COR measurements, reduced vibrational transmission measured in frequency response testing, enhanced durability validated through impact cycle analysis, and optimized weight distribution verified through moment of inertia calculations. These empirically testable parameters distinguish modern engineering-based patents from earlier design-only claims, and thus, establishing cricket equipment as fertile ground for IP protection where craft intuition has been replaced by measurable scientific principles.

IV. Ball-Tracking and Decision-Support Systems:

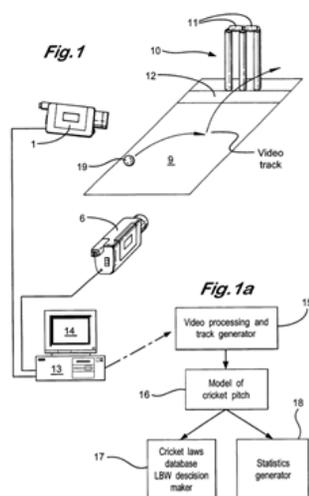
Ball-tracking technology, most famously commercialized through systems commonly known as "Hawk-Eye", relies on multi-camera triangulation, high-frame-rate video capture, and predictive algorithms to reconstruct a ball's three-dimensional trajectory. These systems assist match officials in leg-before-wicket (LBW) decisions and enhance broadcast visualization. Early patent filings, including GB2357207A and WO2001041884A1, disclose video processing systems capable of determining ball position and predicting future trajectory based on observed motion vectors.

These filings reveal how classical physics models are integrated with computer vision techniques to achieve reliable prediction under real-time constraints.





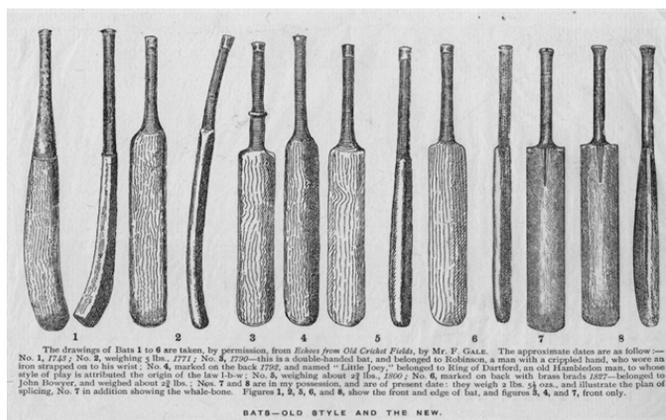
The commercial success of ball-tracking systems lies not merely in the patented algorithms but in a bundled IP strategy: patents protect core technical concepts, trade secrets preserve calibration and optimization methods, and licensing agreements govern deployment across stadiums and broadcasters. The acquisition of Hawk-Eye Innovations by Sony illustrates how sports-specific IP matures into globally scalable technology platforms³.



V. Designs, Safety Equipment, and Aesthetic Control:

Cricket isn't just played - it's branded and visual. Protective equipment in cricket such as helmets, pads, gloves must balance safety performance with visual identity. Structural innovations that reduce impact forces or rotational acceleration may qualify for patent protection if supported by biomechanical evidence. Conversely, ornamental features such as

helmet silhouettes or pad layouts are typically protected through registered design rights.



UK filings like GB2478698A and related international applications demonstrate how impact-detecting arrangements in sports bats and equipment are claimed at the interface of function and form. The strategic challenge lies in delineating what is functional (and thus patentable) versus what is aesthetic (and thus registrable as a design).



VI. Broadcast Rights, Data Ownership, and Digital IP:

A major commercial battleground is match data. Ball-by-ball telemetry and derived analytics (for example, expected-trajectory overlays, bowling release profiles, and player workload time series) are monetizable assets. Leagues and broadcasters treat raw feeds, processed data and enriched media as licensed goods - not public domain facts. Contracts - rather than statutory IP alone - often determine who may redistribute or commercialize these datasets.

At large events like the T20 World Cup, exclusive



broadcast licenses bundle audiovisual rights with controlled data feeds. The licensing terms define whether third-party apps, fantasy platforms or analytics vendors may ingest and resell derived products. Because database and copyright law vary across jurisdictions, leagues typically use contractual exclusivity and technical API controls to preserve revenue streams and to prevent unauthorized commercial reuse. The 2026 T20 World Cup will be a test case where data governance agreements will shape everything from highlight packages to betting and fantasy market streams.

VII. Trade Secrets and Competitive Advantage:

Not all innovation is patented. Teams routinely rely on trade secrets to protect proprietary training algorithms, workload-management models, and scouting methodologies. From a sport-science perspective, the uniqueness of longitudinal datasets and validation protocols often outweighs the novelty of the algorithm itself. However, reliance on third-party analytics platforms introduces legal risk. Without robust confidentiality and data-ownership clauses, teams may inadvertently relinquish control over their most valuable intangible assets.

VIII. Patentability Challenges in Sports Technology:

Sports inventions frequently face objections based on lack of inventive step, as improvements are often incremental. Patent applicants must therefore emphasize unexpected technical effects, supported by rigorous experimental data. Controlled laboratory testing, high-speed motion analysis, and statistically significant performance improvements can be decisive during prosecution of the Patent Applications. For sport scientists collaborating with patent attorneys, early alignment between experimental design and claim strategy is critical.

IX. Conclusion: Innovation Requires Capture:

Cricket's transformation into a technology-driven industry underscores a central lesson of WIPO World IP Day 2026: innovation without protection is commercially fragile. Whether through patents on

smart equipment, designs on visual identity, or contracts governing data, IP rights enable the conversion of scientific insight into sustainable value.

As the T20 World Cup 2026 unfolds, spectators will witness not only athletic excellence but also the visible outcomes of years of protected innovation. For inventors, teams, and policymakers alike, the message is clear - in modern cricket, **intellectual property is not ancillary to the game; it is part of the playing field itself.**

References:

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2. White Paper on “Finite element model of a cricket ball impacting a bat”. Link: https://shura.shu.ac.uk/8205/1/allen,fauteux-brault,james-,curtis_-_finite_element_model.pdf
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THE SUSTAINABLE HARNESSING AND ADVANCEMENT OF NUCLEAR ENERGY (SHANTI) ACT, 2025: BALANCING INNOVATION AND SECURITY



Sahana Mabian

India's nuclear energy sector has been governed by the **Atomic Energy Act, 1962**, intending *development, control and use of the atomic energy* for the welfare of the people along with other peaceful purposes and connected matters. The framework ensured strong control over production and usage of the atomic energy, control over radioactive substances, restriction on disclosure of information and many more. As per section 20 of the **Atomic Energy Act, 1962**, there was a complete ban on grant of an invention relating to atomic energy. An invention which in opinion of the Central Government falls or relate to the production, control, use or disposal of atomic energy or for mining and any other activity involving radioactive substances were completely banned from grant by the Indian Patent Office. However, over the time period India's energy needs, climatic conditions and advancements in nuclear technology has exponentially expanded. Adjacently the role of nuclear applications in healthcare, agriculture and various other industries imposes a need for an updated, modernized and a well-supported framework for promoting and protecting innovation and development all together.

Therefore, to support India's development and transition, the Ministry of Law and Justice passed the **SUSTAINABLE HARNESSING AND ADVANCEMENT OF NUCLEAR ENERGY FOR TRANSFORMING INDIA (SHANTI) ACT, 2025 (No. 39 of 2025)** on December 20, 2025. The Act promotes

nuclear energy and ionising radiation for its application in various sectors with responsible expansion of nuclear power, high safety regulation and encouraged research and innovation for the purpose of welfare of the people of India by maintaining boundaries for its safe and secure utilization.

One of the major amendment and advancement made in the 2025 Act is creating a controlled interface between intellectual property law and nuclear regulation by permitting patents for peaceful nuclear inventions while reserving sensitive or strategic/national security implications under the guidance of the Central Government. The Act expanded the scope of nuclear energy in various sector including energy, healthcare, agriculture, hydrogen, AI, and industry. **The Section 4 of the Patent Act 1970** has amended and substituted to-

"4. Inventions relating to nuclear energy.—The patents may be granted for inventions relating to nuclear energy subject to the provisions of this Act and section 38 of the Sustainable Harnessing and Advancement of Nuclear Energy for Transforming India Act, 2025."

Even though the scope for nuclear based invention has expanded, the 2025 Act has maintained a controlled and fenced interface between Intellectual property rights and nuclear regulation. By permitting patents for peaceful nuclear invention while also reserving and segregating the non-patentable invention for holding sensitivity or national security implications conceived by the Central Government. Introduction of the licensing along with safety authorisation framework draws clarity and limitation prohibiting public and environment risk. Detailed procedures are prescribed for application, grant, renewal, suspension or cancellation of license along with necessitude timelines and terms and conditions, by correspondingly prioritizing national security, public safety and environment protection.



KEY FEATURES ADAPTED BY THE 2025 ACT:

1. A person is permitted to carry out research, development, design and innovation related to the nuclear energy and radiation limited to its peaceful use for safeguarding except for the activities reserved for the Central Government.
2. The Central Government regulates patent grant for invention relating to nuclear energy and radiation holding exception for invention that is sensitive or have national security implications. Any person or Controllers can seek directions from the Central Government before publicly disclosing such inventions. The Central Government have complete authority to control over the nuclear and radiation facilities, materials, equipment and related products.
3. Introduction of a licensing-based regulatory model and safety authorisation framework.
4. Persons namely any Department of the Government of India or a joint venture with Government or any other company and any other person permitted by the Central Government are eligible to apply for licence to the Central Government for activities including setting up and operating nuclear power plant, fuel fabrication plant, import and export of nuclear material, equipment and other related technologies. Each activity must be strictly under the surveillance and control of the Central Government. The person must strictly operate within the purpose and terms and conditions of the license.
5. The Atomic Energy Regulatory Board (AERB) frames necessary measures to secure ensure use of radiation and nuclear energy for the health of the workers, the public and the environment.
6. The Central Government hold power to issue warning, temporarily suspend, seal any premises and seize, retain and dispose of any article or take control over any material or plant, if it has reasonable grounds to believe occurrence of violation of this Act or any rules, security measures, terms and conditions as mentioned in the license.
7. Nuclear damage suffered within the territory of India, any specified maritime areas, Indians registered ships or aircrafts and in a territory of a foreign State resulting from a nuclear incident in India, whoever suffers nuclear damage shall be entitled to claim compensation.

8. An application for compensation shall be made by an injured person, property owners, legal representative of the deceased or authorised agent and the right shall extinguish within 10 years in case of damage to property and 20 years in case of personal injury.
9. An adjudicating officer imposes penalty by determining the nature, gravity, repetition and consequences of the breach or violation, which effects the public or environment, submission of false statement or unauthorized handling of nuclear material shall be punishable with imprisonment or fine or with both.

CONCLUSION:

The Act represents controlled evolution in India's nuclear energy sector, by building a secure and controlled framework and institutional strengthening. While also maintaining robust safeguards for safety, public interest, and national security. The Act permits patents for peaceful nuclear based invention and adjacently reserves sensitive or strategic technologies under the guidance of the Central government.





CRO-CHEERS: AIPLA COMMUNITY SERVICE EVENT 2026

As part of its ongoing commitment to public service and intellectual property awareness, **DuxLegis Attorneys** conducted a Community Service Event on behalf of the **American Intellectual Property Law Association (AIPLA)** on January 17, 2026, at Kharghar, Navi Mumbai. The event blended learning, creativity, and community engagement, reflecting the firm's belief in making knowledge meaningful and accessible.

The program began with a warm welcome from **Ms. Ananya Sinha**, IP Associate at DuxLegis Attorneys, who introduced the firm and shared the vision behind the initiative. She highlighted the importance of intellectual property awareness in today's innovation-driven world and spoke about how empowering communities with knowledge can spark creativity and confidence.

Following this, **Ms. Priti More**, Associate Partner at DuxLegis Attorneys and an AIPLA member, introduced the **American Intellectual Property Law Association**, emphasizing its mission, educational initiatives, and global efforts toward public service. She also highlighted the **Women in IP Committee**, underscoring its role in fostering inclusivity, leadership, and collaboration in the intellectual property space.



A highlight of the day was the felicitation of **Mr. Kunal Choursia**, recognized for sharing his expertise and time with the community through a hand-

on *crochet workshop*. The acknowledgment celebrated not only his teaching but also the value of creative skill-sharing as a tool for building connection and engagement.

The interactive crochet workshop, led by Mr. Kunal and Ms. Bhoomika, spanned three hours of lively learning. Participants explored various crochet techniques, practiced new stitches, and supported one another in a collaborative, encouraging environment. Laughter, curiosity, and a sense of accomplishment filled the room, and each participant received a certificate recognizing their engagement and contribution to the community spirit of the event.



The day concluded with a heartfelt vote of thanks from **Ms. Sahana Mabian**, who expressed appreciation to the speakers, workshop facilitators, organizing team, and participants for their enthusiastic support. She also acknowledged AIPLA's commitment to community service and IP awareness, which formed the foundation of the initiative.





IP SNIPPETS:

PATENT CASES:

HIROTSU BIO SCIENCE INC (Appellant) vs ASSISTANT CONTROLLER OF PATENTS AND DESIGNS (Respondent)



CASE NO.: C.A.(COMM.IPD-PAT) 45/2023
DECIDED ON: 17th January, 2026

In the present appeal the appellant has challenged the respondent for refusing the appellants patent application under Section 3(i) of the Act. The appellant argued that the respondent failed to appreciate the claims are directed to an “in vitro method for detecting cancer”, it does not involve any step of diagnosis, treatment or medical decision-making on a human or animal body. And therefore, the said application cannot be rejected under Section 3(i). The respondent countered that the said application discloses a method for detecting and characterizing cancer type in human which is excluded from patentability under Section 3(i). Section 3(i) excludes both *in vivo* and *in vitro* methods.

The Hon’ble Delhi High Court observed that the complete specification of the said application discloses screening in the amended claims, and it results in accurate identification of the cancer which cannot be allowed under section 3(i). The Hon’ble Court further stated that the impugned order rightly rejected the said application, by providing appropriate reason for the claimed method to be a diagnostic method. The Hon’ble Court concluded by dismissing the appeal and upholding the impugned order passed by the respondent.



ZYDUS LIFESCIENCES LIMITED (Appellant)
zydus vs E. R. SQUIBB AND SONS, LLC &
Dedicated To Life

ORS. (Respondent)
SQUIBB

CASE NO.: CMA(PT) No.: FAO(OS) (COMM) 120/2025, CM APPL. 44383/2025, CM APPL. 44386/2025 & CM APPL. 44388/2025
DECIDED ON: 12th January, 2026

The appellant has filed an appeal against the respondent for alleging an infringement suit and restraining the appellant from manufacturing or releasing their product which is essential for treatment of a wide variety of life threatening carcinomas. The learned single judge passed an order restraining appellant from manufacturing or selling the drug.

The appellant contended that no product-to-claim mapping was performed as their product was not commercially available, and this method is specifically required for analyzing a patent infringement suit. The learned single judge stated that the respondent performed complete mapping of the suit patent with their (respondent) invention Nivolumab as given in INN.

The Hon’ble Delhi High Court examined the matter and stated that the analysis of the patent infringement must be based on the product-to-claim mapping which was absent, it cannot be decided on the assumption and presumption. The Hon’ble Court further stated that it would be erroneous to injunct the appellant from releasing their product in market. The Hon’ble Court allowed the appeal and declined grant of an interim injunction restraining the appellant and further directed the appellant to file audited accounts of the amounts earned by the sale of the patented product till its expiry date.



STEIGERWALD ARZNEIMITTELERWERK GMBH (Appellant) vs ASSISTANT CONTROLLER OF PATENTS AND DESIGNS (Respondents)

CASE NO.: C.A.(COMM.IPD-PAT) 423/2022
DECIDED ON: 09th January, 2026

The present appeal filed by the appellant against the respondent for rejecting their patent application on the ground of lack of novelty and inventive step under Section 2(1)(j) of the Act. The appellant contended that the impugned order is a non-speak-



ing order, the respondent has failed to understand the gist of the said application. The appellant further stated that the said application is novel, inventive and unique in comparison with the cited prior arts, the impugned order lacks reasoning or justification and how the PSITA would be motivated to arrive at the said application. The respondent countered by presenting similarity of the said application with the cited prior arts, disclosing no new or inventive use. The respondent stated that the appellant failed to submit technical advancement of the said application compared to the prior art, therefore it lacks inventiveness as per Section 2(1)(j) of the Act.

The Hon'ble Delhi High Court analyzed the matter and noted that the respondent failed to disclose the similarity between the said application and the prior arts. The Hon'ble Court further stated that the impugned order failed to show any motivation or reasoning how the said application is obvious. The Hon'ble Court concluded by setting aside the impugned order and remanding the matter back for fresh consideration directing to pass a detailed order with adequate reasoning.



OCV INTELLECTUAL CAPITAL LLC (SR. NO.246/2016/PT/KOL) (Appellant) vs THE CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADEMARKS (Respondent)



CASE NO.: CMA(PT) No.: IPDPTA/34/2022
DECIDED ON: 06th January, 2026

The present appeal has been filed by the appellant against the respondent for rejecting the appellant's patent application for lack of novelty under section 2(1)(j), lack of inventive steps under section 2(1)(ja) and non-patentable subject matter under section 3(e) of the Act. The appellant contended that the respondent overlooked the technical and scientific data that they relied on and simply passed an unreasoned impugned order. The appellant further stated

that the said application holds technical and economic advancement over the cited prior art documents, also there is no consideration of synergism under section 3(e) of the Act. The respondent submitted that the impugned order is adequately reasoned.

The Hon'ble Calcutta High Court analyzed the matter and noted that the appellant has researched in the direction which the prior arts suggested was disadvantageous, the same issue has been specified in Written Submissions and technical and scientific data submitted by the appellant which was not considered by the respondent. This factor should have been considered in the non-obviousness analysis. The Hon'ble Court further stated that the impugned order is unsupported by any reasons and on how the alleged prior arts maps to the claims of the said application. The Hon'ble Court concluded by setting aside the impugned order and remanded the matter for reconsideration.



STEER ENGINEERING PRIVATE LIMITED (Appellant) vs JOINT CONTROLLER OF PATENTS AND DESIGNS (Respondent(s))



CASE NO.: CMA(PT) No. 54 of 2024
DECIDED ON: 05th January, 2026

In the present case the appellant challenged the impugned order passed by the respondent for rejecting their patent application under section 2(1)(ja), Section 59(1) and 16(2) of the Act. The appellant argued that amendment of claims by incorporating features already disclosed in the specification is allowed u/s 59(1). The appellant further argued that the respondent had flawed while examining the amended claims and the patent is mechanically rejected.

The Hon'ble Madras High Court observed that the patent application being a divisional application, the appellant did not disapprove the overlapping



features in the present invention and the parent application. The Hon'ble Court noted that the scope of the amended claims are already covered by the parent application which was the major finding of the respondent due to which the said application was rejected. The Hon'ble Court concluded by upholding the impugned order as satisfactory according to the Patent Act and dismissed the present appeal.



TRADEMARK CASES

KARNATAKA COOPERATIVE MILK PRODUCERS FEDERATION LIMITED (Appellant) vs VINOD KANJI SHAH & ORS. (Respondent)

CASE NO.: (T)CMA(TM) 112/2023
DECIDED ON: 19th January 2026

In this present appeal, appellant had challenged the trade mark registrar order for allowing "NANDINI / *nandini*" mark to be register in class 3 for *agarbatti* and *dhoop*. The second respondent (Trade mark registrar) has rejected the opposition of appellant on grounds that the mark "NANDINI / *nandini*" is individual name and cannot be claimed exclusively.

The appellant argued that their mark is well known and widely used in southern states of India for dairy products. The first respondent has copied the trade mark exactly without any suffix or prefix can cause confusion among their customers. Whereas the first respondent chose not to contest the appeal, second respondent argued on dissimilarity between the product category and "NANDINI / *nandini*" being a common individual name.

The Hon'ble Madras High Court held that considering appellant's long-standing use of mark and its huge reputation with mark "NANDINI / *nandini*" permitting exact similar type of mark to be registered is wrong in law. The Hon'ble Court referring to apex court's judgment regarding same the appellant, noted

that the mark "NANDINI / *nandini*" used by first respondent is in same style and phonetically similar in all small letters, without adding any suffix or prefix. This makes offending mark deceptively similar and can cause confusion among customers of appellant.



ALKEM LABORATORIES LIMITED (Plaintiff) vs PREVEGO HEALTHCARE AND RESEARCH PVT LTD (Defendant)

CASE NO.: CS(COMM) 84/2025
DECIDED ON: 17th January 2026

In the present suit plaintiff has alleged infringement of its registered mark "A TO Z /  / "

against the defendant. It was alleged that defendant's mark "MULTIVEIN AZ / " is disptively, phonetically similar and causing confusion among the cutomer.

Plaintiff's contentions was that their mark is being used continuously and extensively since 1998 and has adopted different variations of "A TO Z" mark. Hence the use of any mark containing element "A TO Z" is violation of their right.

In defence, defendant argued that the mark "A TO Z" is common and descriptive expression generally used in trade to denote comprehensiveness. One cannot claim common expressions. Also it was proved that plaintiff's device mark was opposed since 2007 and this fact was concealed proving the dishonesty.

Hence the Hon'ble Delhi High Court held that english alphabets and commonly used expressions such as "A TO Z" are *publici juris* and cannot, by themselves, be granted exclusivity unless distinctiveness is clearly established. The Hon'ble Court held that the mark "A TO Z" lacked inherent distinctiveness under Section 9(1)(b) and (c) of the Trade Marks Act, 1999, and that no case of infringement or passing off was made out. Accordingly, the Hon'ble Court declined to grant relief in favour of the plaintiff, reiterating that generic or descriptive expression cannot be monopolised as trademarks.





IMPRESARIO ENTERTAINMENT AND HOSPITALITY PVT. LTD. (Plaintiff) vs M/S THE SHAKE SOCIAL THROUGH ITS PROPRIETOR (Defendant)

CASE NO.: CS(COMM) 121/2025, I.A. 3774/2025 & I.A. 3777/2025

DECIDED ON: 9th January 2026

In the present suit plaintiff alleged infringement and passing off of its registered trademark “**SOCIAL / S(#)CIAL**”, contending that the defendant was operating hospitality services under the mark “**THE SHAKE SOCIAL /** ”.

The Plaintiff contended that the defendant’s use of the impugned mark was dishonest and intended to ride upon the reputation of “**SOCIAL**”, particularly as both parties offered identical services through common trade channels. Despite service of notices, the defendant failed to appear before the Hon’ble Court.

The Hon’ble Delhi High Court held that the defendant’s use of “**THE SHAKE SOCIAL**” amounted to infringement and passing off, being deceptively similar and used for identical services. The Hon’ble Court permanently restrained the defendant from using the impugned mark and declared “**SOCIAL**” as a well-known trademark under the Trade Marks Act, 1999. The ruling underscores that dishonest adoption of a dominant brand element in identical services will invite strict protection.



MR. ABHIMANYU PRAKASH & ORS. (Appellants) vs FERRERO S.P.A & ORS. (Respondents)

CASE NO.: RFA(OS)(COMM) 1/2026 & CM APPL. 331/2026

DECIDED ON: 6th January 2026

In the present appeal, the Respondents had instituted a commercial suit alleging infringement and passing off of their registered trademark “**NUTELLA / nutella** ” and its distinctive glass jar shape. The

dispute arose from the Appellants’ manufacture and sale of empty glass jars that were identical to the popular “**NUTELLA**” jar, which were being offered and marketed as “**NUTELLA glass jars**” through websites and online platforms. The suit resulted in a permanent injunction against the appellants, along with directions concerning seizure and disposal of the infringing jars. Hence appellants challenged the single bench order before this division bench.

The respondents contended that they are the registered proprietors of the “**NUTELLA**” trademark and the jar shape mark, which enjoys extensive goodwill and reputation in India since 2009. It was argued that the appellants were “**knowing infringers**”, as the jars were deceptively similar in shape, size, and overall appearance, and their conduct showed clear awareness of the respondents’ proprietary rights. The appellants, on the other hand, argued that the jars were generic glass containers capable of being used for other purposes such as packaging honey, jams, or pickles, and sought modification of the order directing handover of seized jars to the respondents.

The Hon’ble Delhi High Court held that the jars had already been conclusively found to be infringing and that the appellants were knowing infringers, leaving no scope to permit alternate use of the seized goods. Relying on Sections 28 and 135 of the Trade Marks Act, 1999, the Hon’ble Court modified the earlier order to clarify that the seized jars could only be handed over to the respondents for the sole purpose of destruction and not for charitable or commercial reuse.



PEOPLE INTERACTIVE INDIA PRIVATE LIMITED (Plaintiff). vs AMMANAMANCHI LALITHA RANI & ORS. (Defendant)

CASE NO.: COMIP 225/2015

DECIDED ON: 6th January 2026

In the present suit, the plaintiff instituted a suit alleging infringement and passing off of its registered trademark “**SHAADI.COM / shaadi.com**”, contending that the defendants were providing matrimonial services under deceptively similar domain



name “www.getshaadi.com” and marks “getshaadi.com”.

The plaintiff contended that the defendants’ adoption of confusingly similar domain names for identical matrimonial services was dishonest and intended to exploit the plaintiff’s well-established reputation, causing consumer confusion in the online space. The Defendants were using the Plaintiff’s trademark as meta-tags and keywords, resulting in massive diversion of internet traffic. The defendants failed to appear or contest the proceedings and were proceeded against ex-parte.

The Hon’ble Bombay High Court observed the mark “SHAADI.COM” had, through long and extensive use, acquired *secondary meaning and distinctiveness* exclusively associated with the plaintiff. The Hon’ble Court held that the defendants’ use amounted to infringement and passing off, restrained them from using deceptively similar marks and domain names, and formally recognised “SHAADI.COM” as a well-known trademark under the Trade Marks Act, 1999.



YAMAHA HATSUDOKI KABUSHIKI KAISHA (Appellant) vs MR. DEVENDER KUMAR AND ANR. (Respondents)

CASE NO.: TMA/6/2021

DECIDED ON: 6th January 2026

In this present appeal filed by appellant against an order of the Trade Marks Registry refusing registration of its mark “**TRICITY**” in Class 12 for motorcycles, scooters and related vehicles. The appeal arose from an order dated 12 March 2021, by which the Examiner rejected appellant’s application under section 11(1) of the Trade Marks Act, 1999, citing similarity with earlier marks and likelihood of confusion, without furnishing detailed reasons.

Appellant contended that the refusal order was arbitrary and violated principles of natural justice, as it merely recorded a conclusion without explaining how the mark was confusingly similar, despite “**TRICITY**” already being registered in respect of different categories of goods. It was argued that the examiner failed to consider appellant’s detailed

replies to the First Examination Report and ignored the settled requirement that administrative authorities must pass reasoned, speaking orders.

The Hon’ble Calcutta High Court agreed with contentions of appellant, observing that the impugned order contained no reasoning and failed to disclose the basis for arriving at the conclusion under Section 11(1). Relying on settled jurisprudence, the Hon’ble Court held that both judicial and administrative orders must clearly explain the “why” behind the “what.” Accordingly, the refusal order was set aside and the matter was remanded to the controller for fresh consideration after granting a proper hearing.



IPCA LABORATORIES LIMITED (Plaintiff) vs ANROSE PHARMA (Defendant)

CASE NO.: COMIP SUIT NO. 77/2013

DECIDED ON: 5th January 2026

In the present suit, plaintiff instituted a commercial IP suit alleging infringement and passing off of its registered trademark “**ZERODOL**” against defendant, which was marketing medicinal products under the mark “**ZEROVOL-P**”. The suit arose from the defendant’s use of the impugned mark for identical pharmaceutical goods, namely pain relief and pain management medicines. The defendant chose not to appear or contest the proceedings, resulting in the suit being treated as undefended.

The plaintiff argued that “**ZEROVOL-P**” was visually and phonetically deceptively similar to the plaintiff’s registered mark, with the dominant part being nearly identical, and that such adoption was dishonest and intended to trade upon the plaintiff’s reputation. Given that the rival products were medicinal preparations, the plaintiff emphasized the heightened risk of confusion and potential harm to public interest.

The Hon’ble Bombay High Court accepted the plaintiff’s evidence, holding that the marks were deceptively similar when viewed as a whole and used for identical goods, and that the defendant’s adoption was subsequent, unauthorised, dishonest, and without any justification. The Hon’ble Court decreed the



suit in favour of the Plaintiff, granting a permanent injunction restraining infringement and passing off, directing delivery up and destruction of infringing material, and awarding ₹15 lakh as costs, noting the defendant's conduct and the stricter standard applicable to pharmaceutical trademarks. The ruling reiterates that deceptive similarity in medicinal trademarks will attract stringent injunctive relief.



**MR. SUMIT VIJAY & ANR. (Appellants) vs
MAJOR LEAGUE BASEBALL PROPERTIES INC.
& ANR. (Respondents)**

CASE NO.: LPA 475/2025, CM APPLs. 45526/2025 &
45579/2025

DECIDED ON: 5th January 2026

The present appeal arises from the rectification petition filed by the respondent/petitioner against the appellant, seeking cancellation of the trademark "BLUE JAY" under Section 57(2) of the Trade Marks Act, 1999. Aggrieved by the Single Bench order, the present appeal was filed by the appellant challenging the cancellation of the trademark.

Appellant challenged the cancellation of trade mark on grounds that the mark "BLUE JAYS/  " is

not having reputation or use in India. They also contended that the appellant's "BLUE JAY" mark was registered in 1998, and there was no reputation or goodwill for respondent in India at that time. Respondents in their defense emphasized their worldwide presence in baseball community and priority in adoption.

The Hon'ble Delhi High Court agreed with the appellant's contentions and stated that no case of trans-border reputation of the "BLUE JAYS" mark in India was made out. The appellant's mark was registered in the year 1998 when there was no presence of the respondent in India. The Hon'ble Court also pointed out that baseball is not a famous sport in India. Further, the respondent did not make out any case of bad faith against the appellant. Hence, the Hon'ble Court set aside the impugned order and restored the appellant's "BLUE JAY" mark in the Trade Marks Register.





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