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DEFINING TRADEMARK BOUNDARIES: THE LACOSTE v. CROCODILE INTERNATIONAL DECISION IN INDIA



Vikas Anil Awale

A long-running trademark dispute between global apparel brands Lacoste and Crocodile International Pte. Ltd. has culminated in a significant judgment by the Delhi High Court addressing competing crocodile device marks in the apparel industry. The litigation, which traces its origins back more than two decades, raised important questions concerning trademark infringement, the territorial scope of coexistence agreements, protection of identical device marks, and the evidentiary standards required to establish passing off.

The central issue before the Hon'ble Court was whether Crocodile International's crocodile device mark could lawfully coexist with Lacoste's well-known crocodile device mark in the Indian market. While Crocodile International relied on a historical coexistence agreement, Lacoste argued that the agreement did not extend to India and that the use of a similar device mark created a likelihood of consumer confusion.

In resolving the dispute, the Delhi High Court examined issues relating to the similarity of device marks, the doctrine of initial interest confusion, and the territorial limits of contractual arrangements governing trademark use. The decision offers valuable guidance for brand owners and practitioners on the protection and enforcement of device marks in India.

Case Background:

The dispute arose from the use of competing **crocodile device marks** by two apparel companies operating in the global fashion industry. **Lacoste**, a French brand founded in 1933, is widely recognised for its iconic crocodile logo, which has become a distinctive symbol closely associated with the brand's identity and reputation worldwide.

On the other hand, Crocodile International Pte. Ltd., a Singapore-based company, has also marketed apparel and related goods bearing a crocodile device mark. The parties had previously entered into a coexistence agreement intended to regulate the use of their respective crocodile logos in certain jurisdictions. The dispute emerged when Crocodile International began marketing its products in India through local distributors using a crocodile device mark. Lacoste challenged this use, asserting that the coexistence arrangement did not extend to India and that Crocodile International's mark was deceptively similar to its own well-known crocodile device mark. As a result, Lacoste initiated legal proceedings before the Single Judge bench of Delhi High Court, alleging trademark infringement, copyright infringement, and passing off.

The present judgment arises from cross appeals filed by both parties against the decision of the learned Single Judge of the Hon'ble Delhi High Court, who had partly allowed the claims in the underlying suit. While certain reliefs were granted in favour of Lacoste, other findings were adverse to it, leading both parties to challenge different aspects of the decision before the Division Bench. As a result, the terminology in the judgment alternates between *plaintiff/defendant* (as in the original suit) and *appellant/respondent* (as in the appeals), which may appear interchangeable. For ease of reference,



the Division Bench continues to refer to the parties as Lacoste (plaintiff) and Crocodile International Pte. Ltd. (defendant), consistent with their roles in the original proceedings. Accordingly, the same terminology has been continued in this article.

ISSUES BEFORE THE COURT:

Left or Right? When Two Crocodiles Collide



This case raised several important questions concerning trademark and copyright law. At the heart of the dispute was whether Crocodile International's use of a crocodile device mark on apparel and related goods infringed Lacoste's rights in its crocodile logo in India.

Issue 1: Are the Two Crocodiles Confusingly Similar?

Issue 2: Did the 1983 Coexistence Agreement Extend to India?

Issue 3: Does the Use of the Crocodile Device Amount to Trademark Infringement?

Issue 4: Has Lacoste Established Passing Off in India?

Issue 5: Whether the crocodile device amounted to a copyright infringement?

Issue 6: Was the Single Judge correct in granting accounts and costs?

PLAINTIFF'S CONTENTIONS: CLAIMING THE CROCODILE



Lacoste contended that it is the prior adopter of the famous crocodile device mark, which has acquired significant goodwill and reputation worldwide, including in India. It was submitted that the mark serves as a distinctive identifier of Lacoste's products and enjoys a strong association with the brand in the minds of consumers.

Lacoste submitted that the crocodile device mark used by Crocodile International Pte. Ltd. was decep-

tively similar to its own mark and was likely to cause confusion among consumers, particularly since both marks were used in relation to identical goods such as apparel and clothing accessories. It was further argued that minor differences in orientation, posture, or artistic detailing of the crocodile were insufficient to distinguish the marks when viewed from the perspective of an average consumer with imperfect recollection.

With respect to the **1983 coexistence agreement**, Lacoste asserted that the agreement did not extend to India and that Crocodile International had no contractual right to use its crocodile device mark in the Indian market. Lacoste emphasised that trademark rights are territorial in nature and any permission under the agreement was limited to specifically identified jurisdictions.

Lacoste also contended that it had built substantial goodwill and reputation in India over the years, and that the Crocodile International's use of a similar device mark amounted to **passing off**, misleading consumers into believing an association with Lacoste. Additionally, it was argued that the crocodile logo constituted an artistic work protected under copyright law, and that the Crocodile International's logo amounted to a reproduction of the essential features of that work amounting to infringement of its copyrights.

DEFENDANT'S CONTENTIONS: A CROCODILE OF THEIR OWN



Crocodile International denied all allegations of infringement and asserted its independent rights in the crocodile device mark. The Crocodile International contended that it had been using its mark in several jurisdictions for a considerable period and had acquired statutory and common law rights in its own logo. The core foundation of the Crocodile International's argument was the **1983 coexistence agreement**, which, according to them, permitted both parties to use their respective crocodile device marks in designated territories. It was argued that this agreement reflected a mutual understanding between the parties and allowed parallel use of similar marks, thereby negating any claim of exclusivity by Lacoste.



The Crocodile International further argued that the two-crocodile logos were visually distinguishable, particularly on account of differences in orientation, design, and artistic representation. It was submitted that the Crocodile International's crocodile faced in the opposite direction and had distinct stylistic features, which were sufficient to avoid confusion among consumers. With regard to passing off, Crocodile International contended that Lacoste had failed to establish sufficient goodwill and reputation in India through admissible evidence. It was also argued that there was no likelihood of confusion in the market, and that consumers of such branded apparel were discerning and capable of distinguishing between the two marks. On the issue of copyright, the Crocodile International submitted that the representation of a crocodile is a common idea and that any similarity arose from the natural depiction of the animal, thereby limiting the scope of copyright protection.

COURT'S ANALYSIS: TERRITORY MEETS TRADEMARK

The Hon'ble Delhi High Court's division bench dealt with the issues step by step, beginning with the Crocodile International's reliance on the **1983 coexistence agreement**. The Court carefully examined the agreement and held that it was strictly territorial, and India was not included within the permitted regions. It rejected the argument that India could be impliedly covered, reiterating that trademark rights are territorial, and any contractual permission must be clearly and specifically granted. As per the Contract law it is mandatory to have a clear expressed acceptance of offer by second party. The Court followed the settled position that rights in one jurisdiction do not automatically extend to another. Accordingly, Crocodile International Pte. Ltd. could not rely on the agreement to justify use of its mark in India.

The Hon'ble Court then moved to the issue of similarity between the competing crocodile device marks. Relying on established principles laid down in cases such as *Parle Products v. J.P. & Co. and Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd.*, the Court reiterated that marks must be compared based on their **overall impression** and

not by placing them side by side to find differences. Applying this test, it found that both marks depicted a crocodile in a similar posture and structure and were used on identical goods. The Hon'ble Court noted that:

- minor differences in orientation (left-facing vs right-facing) are not decisive, and
- the test is of an average consumer with imperfect recollection.

On this basis, the Hon'ble Court held that the marks were deceptively similar.

Following this, the Court addressed the likelihood of confusion and accepted that such similarity would lead to confusion in the market. It also recognised the concept of initial interest confusion, holding that even a momentary confusion at the first stage of consumer interaction is sufficient for infringement. The Crocodile International's argument that consumers of premium apparel are careful and discerning was not accepted, as the Court clarified that the standard is not of a highly cautious buyer but of an ordinary purchaser in real market conditions.

The Hon'ble Court further examined the nature of the Crocodile International's use and drew a distinction between a **composite mark** (word + device) and a **standalone device mark**. It observed that even if the Crocodile International had earlier used or been permitted to use a composite mark, this did not give it the right to use the crocodile device independently, especially when such use directly overlaps with the Lacoste's core visual identity. This strengthened the finding of trademark infringement.

On the issue of passing off, however, the Hon'ble Court took a stricter view. While acknowledging the global reputation of Lacoste, it held that the Lacoste must prove **goodwill in India through admissible evidence**. The Court found shortcomings in the Lacoste's evidence, particularly non-compliance with the requirements of Section 65B of the Evidence Act for electronic records. As a result, the claim of passing off was not fully established, showing that even well-known brands must meet procedural evidentiary standards.



Lastly, on copyright, the Hon'ble Court recognised that the crocodile logo is an **artistic work** but also noted that a crocodile is a natural figure and some similarity is inevitable. Despite this, it found that the Crocodile International's logo reproduced the **essential features and expression** of the Lacoste's artistic work, thereby supporting a finding of copyright infringement.

Before granting relief, the Court also considered certain ancillary issues raised by the Crocodile International, including the defence of **acquiescence**. The Crocodile International argued that Lacoste had, over the years, been aware of its use of the crocodile device and had not taken timely action. The Court, however, rejected this contention, holding that mere delay does not amount to acquiescence, especially in the absence of clear evidence of consent or encouragement. It was noted that the parties had been involved in disputes across jurisdictions, and therefore, the Lacoste's conduct could not be construed as acceptance of the Crocodile International's use in India. On the issue of relief, the Court upheld the single bench order for grant of **accounting of profits**, recognising it as an appropriate remedy in cases of trademark infringement to prevent unjust enrichment. On the question of costs, the Court examined the submissions of Crocodile International Pte. Ltd., which relied on Section 35(3)(a) of the Code of Civil Procedure, 1908 contending that the delay in the proceedings was primarily attributable to the Lacoste. Considering that the suit had been partly decreed in favour of the Crocodile International, along with the eleven-year delay by Lacoste in examining a key witness, the Court held that it would not be just to saddle the Crocodile International with the entirety of the costs. Accordingly, the findings of the learned Single Judge imposing costs were set aside, and the issue was decided in favour of the Crocodile International.

In conclusion, the Hon'ble Court held that the Crocodile International's use of the crocodile device in India was unlawful and granted relief in favour of the Lacoste, including:

- a permanent injunction restraining use of the mark in India.

- accounting of profits arising from the infringing use.

Overall, the decision reinforces key principles of trademark law such as **territoriality, overall similarity test, and likelihood of confusion**, while also highlighting the importance of clear contractual drafting and proper evidentiary compliance.

CONCLUSION:

The decision of the Delhi High Court's Division Bench offers several practical lessons for brand owners and practitioners navigating cross-border trademark disputes. First, it underscores the importance of precision in drafting coexistence agreements, ambiguity in territorial scope can lead to prolonged and costly litigation decades later. It also highlights that device marks, especially those built around common elements, must be carefully designed and consistently used, as minor stylistic differences may not be sufficient to avoid infringement. This case is a reminder that global reputation alone is not enough, rights must be established and proven within each jurisdiction through proper and admissible evidence. Court's approach to passing off underscores the importance of proper evidentiary compliance, even for well-known brands. Finally, the case illustrates that trademark enforcement is not merely about ownership, but about how rights are structured, documented, and defended over time, particularly in markets where multiple players may claim parallel histories. For businesses expanding across jurisdictions this judgment serves as an important reminder to adopt clear contractual arrangements, consistent enforcement strategies, and robust evidentiary practices when operating across multiple jurisdictions.

References:

- **LA Chemise Lacoste and Anr. Vs Crocodile International Pte. Ltd. & Anr.** [RFA(OS)(COMM) 18/2024 & CM APPL. 56314/2024 and RFA(OS)(COMM) 10/2025 & CM APPL. 26249/2025] <https://indiankanoon.org/doc/8149560/>
- **Image Reference:** <https://en.wikipedia.org/> and <https://crocodilebd.com/>





PROOF OF RIGHT: DELHI HIGH COURT REAFFIRMED APPLICANT'S RIGHT



Sahana Mabian

C.A.(COMM.IPD-PAT) 10/2025
Decided on: 24th December, 2025

**NIPPON STEEL CORPORATION (Appellant) Vs
THE CONTROLLER OF PATENTS (Respondent)**

INTRODUCTION:

Delhi High Court has passed an order in the matter of *NIPPON STEEL CORPORATION (Appellant) Vs THE CONTROLLER OF PATENTS (Respondent)* by allowing the appeal and setting aside the impugned order and directed the respondent to grant the subject patent titled "*HIGH-STRENGTH STEEL SHEET AND MANUFACTURING METHOD OF HIGH-STRENGTH STEEL SHEET*"

BACKGROUND:

In the present case to meet the requirement of Proof of Right under Section 7(2) of the Patents Act, 1970, the Appellant submitted Form 1 executed by all the inventors except of Mr. Kohichi Sano (hereinafter referred as "Mr. Sano") as Mr. Sano passed away. The Appellant submitted a stamped declaration enclosing 'Basic Regulations regarding Intellectual Property' (hereinafter referred as "Basic Regulations") mentioning that all the inventions conceived by the Appellant's employees will be assigned to the Appellant itself. Further, while filing the reply to the objection related to the proof of right in the First Examination Report (FER), the Appellant informed the Respondent that they have met the requirement of proof of right under Section 7(2) of the Act.

Further while filing the written submission to the oral hearing, the Appellant has submitted the affidavit including an Employer-Employee Agreement (hereinafter referred as "EE Agreement") dated 01.07.2021 between the Appellant and Mr. Sano to demonstrate that the Intellectual Property Rights arising from Mr. Sano's employment would be assigned to the Appellant. Yet the Respondent refused the subject application and passed an impugned order holding that the Appellant did not file the proof of right as per section 7(2) of the Patents Act, and accordingly failed to satisfy the requirements of Sections 6(1)(b) and 6(1)(c) of the Patents Act.

CONTENTIONS BY THE APPELLANT:

The Appellant submitted that to meet the requirement of Section 7(2) of the Act, they have already filed the proof of right along with the declaration enclosing the Basic Regulations on the Appellant's letter head. The declaration clearly demonstrates that as per the corporate policies all Intellectual Property Rights (hereinafter referred as "IPR") including patents originated from the employees of the company vests with the company under the provisions of Article 8 of the Basic regulations. The Appellant filed six different patent applications with the same four inventors and have attached the same declaration and EE Agreement as filed in the present case which are all now granted. The Appellant contented that:

1. The Respondent has erred while passing the impugned order stating that the EE agreement cannot be considered as the valid proof of right. Whereas in actual the employment agreement is considered as the valid proof of right, providing a fresh assignment deed or executed form 1 cannot be considered to be feasible due to particular facts and circumstances of the case.
2. The Respondent also placed their reliance on section 6(1)(b) and 6(1)(c) of the Act. The Appellant submits that as per the EE agreement, declaration



and internal corporate policy of the Appellant, any IPR created by the employer during their employment period vests in the company. Therefore, as per section 6(1)(b), the Appellant is entitled to apply for patent and section 6(1)(c) holds no relevancy with respect to the present case.

3. The Respondent has also irrelevantly placed their reliance on section 68 pertaining to assignment of a “granted patent”, which also cannot be applied on the present pending patent application.

The Appellant relied on the **Manual of Patent Examining Procedure, (MPEP) Ninth Edition, (Revision 01.2024) of the United States Patent and Trademark Office (USPTO), which accepts assignment for an assignee and employment agreement as an evidence of ownership.**

CONTENTIONS BY THE RESPONDENT:

The Respondent countered that till hearing the Appellant did not inform the Delhi Patent Office about the demise of inventor Mr. Sano nor any death certificate were filed in respect of the same. The said facts were only disclosed through Written submission, whereas the declaration about the demise was already submitted to the US Patent Office. The acceptance of document for the Appellant varies for each country, in India declaration of death is not sufficient, as per section 6(1)(c) and the Appellant must submit an assignment from the legal representative of the deceased inventor. The Respondent further stated that there is no provision in the Patent Act which validates the acceptance of EE agreement as a proof of right, without specific mention of the IPR transfer for that specific invention and also there was no mention of Article 8 of the Basic Regulation in the as submitted EE Agreement. Therefore, EE agreement cannot be considered as a valid proof of right under section 7(2) of the Act. Thus, the Respondent retains that they have rightly rejected the subject application under sections 6(1)(b), 6(1)(c) and 7(2) of the Act.

COURT’S ANALYSIS:

The Hon’ble Delhi High Court observed the following matter revolving around the acceptance of a

valid document to comply with the requirement of proof of right under section 7 of the Patents Act, 1970. The Respondent rejected the subject application on the basis of non-submission of valid proof of right. But the Appellant has submitted original and the English translation of the EE Agreement, which was signed by the guarantor, Mr. Yoshinibu Sano. The Hon’ble Court noted that the Respondent erred by relying upon section 68 because an assignment of a patent / a share in a patent / a mortgage / license / the creation of any other interest in a patent is possible only once the patent is granted and the present matter is for the assignment to apply for patent and not for assignment of patent. The Hon’ble Court further states that section 6(1)(b) of the Patents Act, 1970 nowhere bars the assignee from filing the EE agreement to comply with the requirement of filing proof of right under section 7(2). The provision under Chapter No. 0300 of the Manual of Patent Examining Procedure (supra) allows assignment for an assignee and employment agreement as acceptable evidence for claiming ownership. Therefore, the EE agreement submitted by the Appellant sufficiently establishes and addresses the ownership of the IPR vested and is acceptable as a valid document to comply with the requirement of section 7(2) of the Act. The Hon’ble Court further states that Respondent’s observation in the impugned order is incorrect. The Hon’ble Court allowed the present appeal and set aside the impugned order and directed the Respondent to grant the subject patent.

CONCLUSION:

Perusing through the above matter, the Delhi High Court marked a significant clarification In Indian Patent law regarding submission of a valid “proof of right” under section 7(2) of the Patents Act, 1970. The Hon’ble Court positively determined that when Employer–Employee Agreement is read along with the internal corporate policies evidencing vesting of intellectual property constitutes sufficient proof of ownership for filing a patent application. The Hon’ble Court has reinforced a logical and realistic approach for patent filing, ensuring that the substantive rights are not defeated by procedural formal requirements, particularly in cases involving deceased inventor.





AIPLA ASIA PACIFIC COMMITTEE DELEGATION 2026 TO TAIPEI AND NEW DELHI: STRENGTHENING GLOBAL IP COLLABORATION

The recent delegation of the American Intellectual Property Law Association (AIPLA) Asia Pacific Committee (APC), led by President Salvatore Anastasi, marked a significant milestone in fostering international cooperation and dialogue across key intellectual property jurisdictions. Spanning Taipei and New Delhi, the visit combined high-level institutional engagements, academic exchanges, and cultural experiences.

Taipei: A Strong Start to International Engagement

Day 1 - March 16:

The delegation commenced its Taipei program at the Taiwan Patent Attorney Association headquarters, where an open meeting - attended both in person and virtually - set the tone for meaningful engagement. This was followed by an important interaction with the Director General and officials of the Taiwan Intellectual Property Office, offering valuable insights into Taiwan's evolving IP ecosystem. The day concluded with a graciously hosted dinner by Lee & Li.



Day 2 - March 17:

The second day featured a deep dive into cutting-edge innovation at the Industrial Technology

Research Institute (ITRI) in Hsinchu County, highlighting Taiwan's leadership in technology development. This was followed by an engaging academic seminar at National Yang Ming Chiao Tung University, fostering dialogue between practitioners and academia.



The Taipei leg concluded with a warm reception hosted by TWPAA, with special thanks to President Augustus and his team for their seamless coordination and outstanding hospitality.

New Delhi: Expanding Engagements in India

Following a highly successful Taipei program, the delegation transitioned to India on March 18, arriving in New Delhi amid challenging weather conditions. Despite late arrivals, the delegation began its engagements with remarkable energy.

Day 3 - March 19:

The first day in India began with a visit to the United States Embassy New Delhi and the USPTO IP Attaché Office, where the delegation engaged with Jonathan Heimer, along with USPTO representatives Shilpi Jha and Dinesh Sharma.



A delegation lunch hosted by LKS facilitated informal yet meaningful exchanges. The delegation then visited Vanijya Bhavan (Commerce House), where they met the Hon'ble Minister of Commerce and Industry Shri Piyush Goyal, along with Himani Pande and senior officials, engaging in forward-looking discussions on India's IP landscape.



At the Delhi High Court, the delegation observed proceedings before the IP Division and had the honour of interacting with Hon'ble Chief Justice Devendra Kumar Upadhyaya and distinguished judges including C. Hari Shankar, Jyoti Singh, and Tushar Rao Gedela.

President Anastasi shared insights into AIPLA's work and U.S. litigation practices, followed by an address from the Hon'ble Chief Justice, who also felicitated APC Chair Sang Yoon Kang. The day concluded with a dinner hosted by Chadha & Chadha.



Day 4 – March 20:

The second day in India began with a visit to the US-India Business Council, hosted by Dr. Brajesh Barse, where President Anastasi delivered a presentation on subject matter eligibility.



At FICCI, the delegation engaged with IP Committee leadership, including Rajiv Agrawal, Suvashis Choudhary, and Ameet Datta, with APC Chair Sang Yoon Kang presenting developments in U.S. IP law.

Following a lunch hosted by LexOrbis, the delegation visited the Indian Patent Office and met Unnat Pandit, discussing India's rapid growth in IP filings. A highly engaging session followed with Vinamra Mishra and officials from the Ministry of MSME, alongside ASSOCHAM, focusing on MSME-driven IP initiatives.

The day concluded with a farewell dinner at Roma, hosted by Divyendu Verma, Priti More, and the team at DuxLegis Attorneys. Special thanks were



extended to Praguna S Sambyal from KAnalysis for exceptional logistical support throughout the delegation.



Day 6 - March 21: Cultural Diplomacy at the Taj Mahal

The delegation concluded its India visit with a cultural excursion to the iconic Taj Mahal, a UNESCO World Heritage Site and one of the Seven Wonders of the World.

The journey began early from New Delhi, with breakfast at the historic Jaypee Palace Hotel - notably the venue of the 2001 Agra Summit between Atal Bihari Vajpayee and Pervez Musharraf.



Delegates explored the architectural brilliance of the Taj Mahal and visited a traditional workshop to witness intricate marble inlay craftsmanship. The day concluded with lunch at SALT Café & Kitchen before returning to New Delhi.

Concluding Remarks:

This delegation marked several firsts for AIPLA and reinforced the importance of cross-border collaboration in intellectual property law. From high-level governmental interactions to academic engagement and cultural exchange, the visit successfully strengthened relationships across jurisdictions and set the stage for continued cooperation in the Asia-Pacific region.





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03:00PM ONWARDS.
ACHARYA CAMPUS, BENGALURU
RSVP at info@duxlegis.com






IP SNIPPETS:

PATENT CASES:

NOVO NORDISK A/S (Appellant)  **vs DR REDDYS LABORATORIES LIMITED & ANR.**

(Respondents)  **Dr.Reddy's**

CASE NO.: FAO(OS) (COMM) 204/2025 & CM APPL. 78607/2025


DECIDED ON: 9th March 2026

The appellant filed an appeal to challenge the single judge's order refusing grant an interim injunction against the respondent from manufacturing appellant's subject patent. The appellant states that the respondent had initially passed the statement that they would not sell Semaglutide in India, but they did not dispute the fact they were importing and exporting Semaglutide, infringing the subject patent. Further to which the respondent contested the subject patent is invalid under clauses (a), (e), (f) and (k) of Section 64(1) of the Act. The respondent contended that the subject patent is vulnerable to invalidity on the ground of anticipation by prior claiming. The appellant countered that Semaglutide cannot be treated as invalid.

The Hon'ble Delhi high Court examined that five inventors were common to the genus patent (prior art) and the subject patent so the aspect of obviousness would be viewed from the perspective of a "person in the know", rather than a "person skilled in the art". And by view of "person in the know", Semaglutide would be obvious from the teaching contained in the genus patent and therefore the subject patent is invalid under section 64(1)(f). The Hon'ble Court states that there is no reason to disturb the impugned judgement passed by the Ld. Single Judge. Therefore, the Hon'ble Court concluded by dismissing the present appeal.



CRYSTAL CROP PROTECTION LTD (Appellant)
vs ASSISTANT CONTROLLER OF PATENTS

AND DESIGNS & ORS. (Respondents)  **CRYSTAL**

CASE NO.: C.A.(COMM.IPD-PAT) 19/2023 & I.A. 20715/2025

DECIDED ON: 28th February 2026

The appellant filed an appeal against the respondent for rejecting their patent application under section 2(1)(ja), section 25(1)(e) and section 3(e) of the Patent Act, 1970.

The appellant states that the respondent 2 (Haryana Pesticides Manufactures' Association) had several occasions to file additional documents at the various stages of pre-grant opposition yet they delayed filing the same showing lack of diligence over a period of several years. Also, the respondent and respondent 2 failed to discuss on how table 1 of the complete specification fails to indicate synergism. The appellant states that the cited prior art is not relevant, therefore the subject application is inventive and non-obvious. The respondent 2 counter argued that the appellant has purposely suppressed the additional document which qualifies as a valid prior art to mislead the Patent Office. The respondent 2 countered that the appellant failed to produce experimental data showcasing technical advancement of the subject application over the cited prior arts. Also, the subject application is barred from patentability under section 3(e) for being a mere admixture of the known substances. The respondent 2 states that "*The findings recorded by the learned Controller are cogent, well-reasoned, and based on proper appreciation of the material on record.*"

The Hon'ble Delhi High Court observed that the impugned order passed by the respondent is well reasoned and does not contain any infirmities. The Hon'ble Court states that the cited prior arts together can reach to the invention of the subject application when read by the person skilled in the art (PSITA), proving lack of inventive step and the data submitted by the appellant to demonstrate the synergistic effect is also not sufficient. Also, the respondent correctly objected the subject application under section 3(e) for non-patentability. Accordingly, the Hon'ble Court allowed the additional documents submitted by the respondent 2 to be taken on record and concluded by dismissing the present appeal.





**DAIKIN INDUSTRIES LTD (Appellant) vs THE CONTROLLER OF PATENTS & ANR. (Respondents)** 

CASE NO.: C.A.(COMM.IPD-PAT) 56/2024
DECIDED ON: 26th February 2026

The present appeal has been filed by the appellant challenging the impugned order passed by the respondent rejecting their patent application due to lack of novelty. The appellant states they have filed an auxiliary request along with the written submission proposing that their amended claims are identical to the claims granted by the US patent office by also considering the cited prior art D1. The Appellant further states that the proposed amendments should be allowed as it falls with the scope of section 59 of the act and accordingly the subject application should be granted. The respondent stated that if warranted the claims amendments can be carried out at the appellant stage.

The Hon'ble Delhi High Court analysed the current matter and stated that the proposed claims amendment does not broaden the scope of the unamended claim, and its subject matter is also disclosed in the as filed specification. Therefore, the proposed claims amendment is allowed within the scope of section 59 of the act. The Hon'ble Court concluded by partially allowing the present appeal and remanding the matter back for taking fresh decision after issuing fresh hearing notice.

**NOVARTIS AG & ORS. (Plaintiffs)**  **vs**
NATCO PHARMA LIMITED (Defendant) 

CASE NO.: CS(COMM) 62/2019
DECIDED ON: 26th February 2026

In the present suit the plaintiff restrained the defendant from infringing plaintiff's patent application. The defendants filed their counterclaim seeking revocation and declaration of non-infringement. However, the infringement suit and defendant's counter claim for revocation of the patent were deemed infructuous as the term of the patent got expired during the pendency of these proceedings.

Both plaintiff and defendants agreed to settle their disputes and accordingly incorporated the term of settlements by releasing and discharging each other from any of the claims, cost, damage or any other action in relation to the suit and counter claim. Hence, the suit is disposed by recording the settlement between the plaintiff and defendant.

**BOEHRINGER INGELHEIM PHARMA GMBH AND CO KG (Appellant) vs ASSISTANT CONTROLLER OF PATENTS AND DESIGNS (Respondents)** 

CASE NO.: LPA 129/2025, CM APPL. 10551/2025
DECIDED ON: 24th February 2026

The appellant challenged the maintainability of the revocation petition filed by the respondents. The appellant argued that the revocation petition cannot continue once the invalidity of the patent was raised as a defence in an infringing suit and after the patent has expired. Because if the revocation petition is allowed to proceed it can result into conflicting judgements in suit and in revocation petition. The respondents countered that the revocation and section 107 defence raised in a suit proceeding, both hold different consequences. If revocation petition succeeds it would entirely erase the existence of patent whereas an invalidity defence under section 107 can challenge specific patent claims being used against them. The respondents further countered that section 64 revocation petition can also survive even after the expiry of the suit patent, as it holds a standalone right.

The Hon'ble Delhi High Court analysed the above matter and stated that the revocation proceeding (section 64) and invalidity defence (section 107) are both different, having different consequences. The Hon'ble Court also stated that the revocation petition can continue even after the patent expiry as the cause of action survives. The Hon'ble Court concluded by dismissing the present appeal and ruling in favour of the respondents by allowing the proceedings of revocation petition.





TRADEMARK CASES

CROCODILE INTERNATIONAL PTE. LTD. (Appellant) vs LA CHEMISE LACOSTE AND ANR (Respondents)

CASE NO. : RFA(OS)(COMM) 18/2024 & CM APPL. 56314/2024
DECIDED ON: 9th March 2026



In the present appeal the appellant and respondent filed cross appeals against a judgement concerning the use of a crocodile device mark in India. The respondent (plaintiff before the Single Judge) alleged that the appellant's use of a standalone crocodile device was deceptively similar to its registered mark and amounted to infringement. The appellant claimed that its use was *bona fide* and permitted under prior co-existence arrangements, and further argued the absence of confusion, independent creation, and acquiescence by the respondent. On this the respondent contended that no valid agreement permitted such use in India, and that the appellant's mark was substantially similar, causing confusion and infringing both trademark and copyright.

The Hon'ble Delhi High Court observed that the alleged agreements did not extend to India and did not grant any enforceable right to use the impugned mark. The Hon'ble Court found rival marks to be conceptually and visually similar, likely to cause confusion, and rejected the plea of independent creation. The Hon'ble Court also held that acquiescence was not established but found insufficient proof of goodwill to sustain passing off. Accordingly, the Hon'ble Court held in favour of the respondent on infringement and granted a permanent injunction restraining the appellant from using the impugned mark, while dismissing the passing off claim and setting aside the order on costs.



WESTERN DIGITAL TECHNOLOGIES INC. & ANR. (Appellants) vs GEONIX INTERNATIONAL PRIVATE LIMITED, THROUGH ITS DIRECTORS, MR. GAURAV JAIN MR. SAURABH JAIN & ANR. (Respondents)

CASE NO.: FAO(OS) (COMM) 146/2024 and connected matters
DECIDED ON: 9th March 2026

The Appellants filed suits against the respondents alleging infringement, passing off, and "reverse passing off" in relation to refurbished hard disk drives originally manufactured by the appellants. The respondents purchased end-of-life drives, removed the appellants' marks, refurbished them, affixed their own branding, and sold them.

The appellants contended that such acts amounted to infringement due to alteration and impairment of the goods, misrepresentation as new products, and reverse passing off harming their goodwill. The respondent/s argued that the goods were lawfully acquired, no marks of the appellants were used at the time of sale, and refurbishment improved utility without causing confusion.

The Hon'ble Delhi High Court held that "reverse passing off" is not recognised in Indian trademark law and, even otherwise, its ingredients were not satisfied. It further observed that infringement requires use of the appellants' mark, which was absent since the respondents removed such marks before sale. There was no evidence of impairment or damage to goodwill, and lawful acquisition was established. No *prima facie* case of infringement or passing off was made out. The appeals were dismissed, and the respondent/s were permitted to continue sale subject to disclosure conditions.



RAJEEV PRAKASH AGARWAL (Plaintiff) vs TATA PLAY LIMITED AND OTHERS (Respondents)

CASE NO.: I. A. (L) NO. 597 OF 2025 IN COMMERCIAL IP SUIT (L) NO. 257 OF 2025
DECIDED ON: 7th March 2026

In the present suit, the plaintiff filed a suit against the respondents seeking injunction for infringement and passing off, restraining use of the mark "ASTRO DUNIYA". The plaintiff claimed prior use since



2005, registration of a label mark, and contended that the respondents' mark was visually, phonetically and structurally identical, causing confusion in respect of identical services.

The respondents contended that the plaintiff's mark is descriptive, registered with disclaimer, and no exclusivity can be claimed over the words. It was argued that the respondents used the mark along with their house mark, that the services are dissimilar (subscription-based broadcast vs personalised consultancy), and that there is no goodwill, misrepresentation or damage.

The Hon'ble Bombay High Court observed that the plaintiff's mark is prima facie descriptive of astrology services and distinctiveness was claimed only in the composite label. Due to the disclaimer, the plaintiff cannot claim exclusivity over the words "Astro Dunia". The Hon'ble Court further held that the rival marks, when compared as a whole, are dissimilar, especially due to the prominent house mark of the respondents. It also found that the services are different in nature, trade channels and consumer base, and no likelihood of confusion or misrepresentation arises.

Accordingly, the Hon'ble Court held that no *prima facie* case of infringement or passing off is made out and dismissed the interim application, refusing injunction.



SOLARIZ HEALTHCARE PRIVATE LIMITED (Petitioner) vs THE DEPUTY REGISTRAR & THE SENIOR EXAMINER OF TRADE MARKS (Respondents)

CASE NO.: WP(IPD) No. 3 of 2026 and WMP.(IPD)-No.2 of 2026

DECIDED ON: 4th March 2026

In the present writ petition, the petitioner challenged an order passed by the respondents in relation to its trademark application, seeking to set aside the order on the ground of lack of jurisdiction.

The petitioner contended that the application pertained to the Chennai office and therefore, an officer attached to the Mumbai office had **no authority to examine or pass orders** on the said application. It was further argued that the power of such officers is limited and does not extend to substantive decisions on the applications. The respondents contended that officers of the registry function under the authority and supervision of the Registrar and are empowered to discharge such functions as may be assigned to them.

The Hon'ble Madras High Court observed that the statutory framework clearly permits the Registrar to **authorize officers with designated powers to discharge functions**, including examination and disposal of applications. Hon'ble Court further held that there is **no requirement that only officers of the appropriate office must decide such applications**, and the petitioner's objection was based on **fundamental misconception of the law**. Accordingly, the Hon'ble Court held that the challenge was unsustainable and **dismissed the petition**, while granting liberty to the petitioner to pursue appropriate appellate remedies.



RECKITT BENCKISER (INDIA) PRIVATE LIMITED (Petitioner) vs GODREJ CONSUMER PRODUCTS LIMITED (Respondent)

CASE NO.: IA NO. GA-COM/1/2026 IP-COM/3/2026

DECIDED ON: 25th February 2026



In the present suit the petitioner filed a trademark infringement suit against the respondent concerning the registered trademark **HARPIC** and its distinctive bottle shape and cap used for toilet cleaners. The petitioner alleged that the respondent's product **SPIC** was being sold in a bottle shape and trade dress deceptively similar to the **HARPIC** bottle, thereby causing consumer confusion. The petitioner claimed to be the registered proprietor of the **HARPIC** trademark and the bottle configuration forming part of the mark, and alleged that the respondent had deliberately copied



the distinctive shape. The respondent, on the other hand, argued that the design protection for the HARPIC bottle had expired and that the bottle shape had become common in the industry.

The Hon'ble Calcutta High Court observed that trademark protection can extend to the shape of goods, including bottle shapes, where such features serve to distinguish the commercial origin of the product. The Hon'ble Court further held that the expiry of design protection does not extinguish trademark rights where the shape forms part of a registered trademark. Finding the competing bottle shapes to be strikingly similar and likely to cause confusion, the Hon'ble Court held that the petitioner had established a strong *prima facie* case. Accordingly, granted an *ad-interim injunction* restraining the respondent from selling toilet cleaners in a deceptively similar bottle shape until further orders.

regarding the originality and publication status of the work. The respondent contended that the marks must be compared as a whole and that no exclusivity exists over the use of a tiger device.

The Hon'ble Delhi High Court observed that a **comparison of the two logos revealed near complete reproduction of the petitioner's TIGER device**, with the tiger figure being the dominant feature. It further noted that the respondent's adoption was not *bona fide*, and the artistic work lacked originality, especially in light of false declarations and prior registrations of the petitioner. Accordingly, the Hon'ble Court held that the impugned registration was erroneous and **directed removal of the respondent's artistic work from the register**, thereby granting relief in favour of the petitioner.



COPYRIGHT CASES

HEINEKEN ASIA PACIFIC PTE. LTD. (Petitioner) vs MR. VIJAY KESHAV WAGH & ORS. (Respondents)

CASE NO.: CO(COMM.IPD-CR) 18/2023 & I.A.

23338/2023

DECIDED ON: 10th March 2026

LAHARI RECORDING CO. P. LTD. (Appellant) vs JAIN TELEVISION (MALA PUBLICITY SERVICE P LTD), KAVITHALAYAA PRODUCTIONS PVT LTD. & K MUNI KANNAIAH (Respondents)

CASE NO.: OSA No. 206 of 2016 and OSA No.207 of 2016

DECIDED ON: 6th March 2026



In the present petition, the petitioner sought rectification of the copyright register against the respondents, challenging the registration of an artistic work "**SHREE SAKSHAT**" on the ground that it infringed the petitioner's well known Tiger logo. The petitioner contended that they are the prior owner of the original artistic work depicting a tiger device, widely used and registered globally, and that the respondent had **copied the essential features of the TIGER logo** with minor additions such as a background element and words, which did not alter its overall identity. It was further argued that the respondent had made **false declarations**

In the present appeals, the appellant challenged the dismissal of its suit against the respondents, seeking injunction and damages for alleged infringement of copyright in the Telugu dubbed version of the film *Roja*. The appellant contended that it had acquired **exclusive rights to dub and exploit the film in Telugu** for specified territories and claiming to be the producer of the dubbed version, asserted entitlement to restrain the respondents from telecasting the film through satellite. On the other hand, the respondents contended that the appellant was granted only limited dubbing and theatrical rights, whereas **satellite rights were separately assigned** to another respondent, and both rights are distinct and independent.

The Hon'ble Madras High Court observed that the appellant's rights were **restricted strictly to the terms of the agreement**, namely dubbing and theat-



rical exploitation in specified regions. The Hon'ble Court emphasized that copyright is a bundle of rights, and that theatrical and satellite rights are separate and divisible rights which the original owner is entitled to assign independently. In the absence of any assignment of satellite rights in favour of the appellant, the respondents' telecast of the film via satellite did not constitute infringement. Accordingly, the Hon'ble Court held that the appellant had **no right to seek injunction or damages**, and the appeals were **dismissed in favour of the respondents**.



PHONOGRAPHIC PERFORMANCE LIMITED (Plaintiff) vs YASHRAJ SATWARA (Defendant)

CASE NO.: I.A. (L) NO. 4474 OF 2026 IN COMM IP SUIT (L) NO. 4398 OF 2026

DECIDED ON: 27th February 2026



In the present suit, the plaintiff filed an suit for copyright infringement against the defendant, alleging unauthorized public performance of sound recordings from its repertoire. The plaintiff contended that they are the owner and exclusive licensee of copyright in several sound recordings through assignment deeds and exclusive agreements, thereby entitling it to grant licenses for their public performance and communication to the public. Plaintiff alleged that the defendant organized ticketed events at his café and publicly played these recordings without obtaining the required license, despite having receiving a cease-and-desist notice. The defendant contended that the event was a private gathering and therefore exempt, and also questioned plaintiff's authority to issue licenses.

The Hon'ble Bombay High Court observed that the plaintiff had demonstrated its rights in the sound recordings and that the exemption claimed by the defendant does not applicable to ticketed commercial events. Noting that the defendant had continued to use the recordings without authorization, the Hon'ble Bombay High Court held that a *prima facie* case of infringement was established. Accordingly, the Hon'ble Court granted an ad-interim injunction restraining the defendant from publicly performing

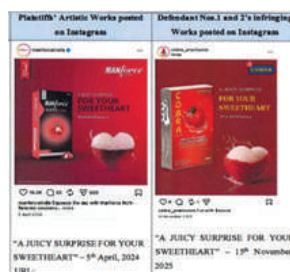
or communicating the plaintiff's sound recordings without obtaining a license, until further orders.



MANKIND CONSUMER PRODUCTS PRIVATE LIMITED (Plaintiff) vs ANONDITA MEDICARE LIMITED & ORS. (Defendants)

CASE NO.: CS(COMM) 184/2026

DECIDED ON: 25th February 2026



In the present suit, the plaintiff filed a suit against the defendant alleging infringement of its intellectual property and passing off in relation to its well-know mark "MANFORCE". The plaintiff contended that the

mark was coined and adopted by it's parent company and has been extensively used and promoted for several years, acquiring substantial goodwill and reputation in the market. It was further contended that the plaintiff owns the copyright in various original artistic works and social media promotional content created for the brand. The plaintiff alleged that the defendant had copied and reproduced several of its social media advertisements and artistic works for promotion of identical products, thereby attempting to ride upon the plaintiff's goodwill and misappropriate its creative content.

The Hon'ble Delhi High Court observed that a comparison of the plaintiff's original artistic works and the defendant's impugned content revealed almost identical imitation in colour scheme, layout, tag lines and visual elements, clearly indicating *prima facie* infringement. Considering the plaintiff's longstanding use, substantial sales and promotional efforts, the Hon'ble Delhi High Court held that the balance of convenience lies in favour of the plaintiff and that irreparable injury would be caused if relief is denied. Accordingly, the Hon'ble Delhi High Court granted an *ex-parte ad-interim injunction* restraining the defendants from reproducing, publishing or using the impugned infringing content or any similar advertisements and directed removal of such content from social media and online platforms until further orders.





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
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