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ARIJIT SINGH VS AI: SINGER WINS CASE AGAINST AI IMITATING HIS VOICE TO CREATE SONGS – PART – I



By Divyendu Verma

Case Ref.: Arijit Singh vs. Codible Ventures LLP & others.
[INTERIM APPLICATION (L) NO.23560 OF 2024 IN COM
IPR SUIT (L) NO.23443 OF 2024]
Decision dated July 26, 2024

Imagine you are a famous singer or a person who makes his living using performing art as a means of sustenance and imagine that you have a fan following and that you are famous for what you do and imagine that one day you find out that there is a song, a stage act, a drawing or a painting that you have never sung, never acted, never drawn or never painted and it is being attributed to you! Not only that, people are wondering why you did a shoddy job on the performance! People are paying for it not knowing that it is not your work.

Imagine that you find out that all of that was fake and your followers too discover that it was fake but by that time you have lost the reputation that you had painstakingly built over years of hard work.

Imagine no more. Generative AI, can and does create such fakes. This new technology can take samples of your voice, samples of your video recordings of acting, samples of your drawing and painting styles and create new songs, new videos, new drawings, and paintings, which are all fake and which are not a reflection of what you can produce.

Then, to your horror, you realize that these are being touted as originals and being sold for huge profits, piggybacking on your popularity.

You will be upset and rightly so too. In this case that I discuss below, famous playback and stage performer Arjit Singh, realized to his horror that people were using his images along with AI generated songs to make money without his consent and without his knowledge and without giving him any reward for his original voice. No

wonder he was upset and he went to court.

And the courts ruled in his favor. Read on.

In this landmark judgment, the Bombay High Court has ruled in favor of plaintiff (Renowned singer Arijit Singh) against the unauthorized use of his voice by AI tools. The court granted an ex-parte ad-interim order in favor of Singh, addressing the unauthorized commercial exploitation of his personality rights by various defendants. This is one of the first judgments addressing the issue of voice cloning by Generative AI Tool and sets a significant precedent in India.



Image courtesy: Created on Meta AI by Divyendu

ARGUMENTS BY THE PLAINTIFF:

- 1. Unauthorized Use and Commercial Gain:**
The plaintiff argued that various defendants, including a restaurant/pub in Bengaluru, used Singh's name and image without consent to host events and gain commercial benefits. Further, the plaintiff highlighted multiple instances where defendants falsely represented an association with Singh, thereby misleading the public and exploiting his personality for profit.

2. Irreparable Injury:

It was argued that the unauthorized use of Singh's personality traits caused irreparable harm to his reputation and commercial interests, which could not be compensated in monetary terms. The plaintiff emphasized the need for immediate relief to prevent further damage.

3. Balance of Convenience:

The plaintiff contended that the balance of convenience was in his favor, as granting the reliefs would prevent further unauthorized exploitation and protect his rights. Further, the plaintiff sought reliefs including the removal of infringing content, disclosure of registrant details, and suspension of certain domain names.

ARGUMENTS BY THE DEFENDANTS:

1. Lack of Notice:

The defendants argued that they were not given prior notice of the lawsuit, which they claimed was necessary for a fair hearing. They contended that the *ex-parte* order was granted without giving them an opportunity to present their case.

2. Commercial Use Justification:

Some defendants attempted to justify their use of Singh's personality traits, arguing that it was done in good faith and without intent to harm his reputation. They claimed that their actions were within legal boundaries and did not constitute a violation of Singh's rights.

COURT'S DECISION:

1. Recognition of Personality Rights:

The Hon'ble Bombay High Court acknowledged the right of celebrities to control the commercial use of their personality traits, including protection against unauthorized AI-generated content. The court recognized the potential harm to Singh's reputation and commercial interests due to unauthorized use.

The court held that the unauthorized use of a celebrity's personality traits such as name, image, likeness, and voice for commercial gain constitutes a violation of their personality rights and right to publicity. The court was particularly concerned about the vulnerability of celebrities, especially performers, to unauthorized generative AI content.

The court further stated that making AI tools

available that enable the conversion of any voice into that of a celebrity without their permission is a violation of the celebrity's personality rights. Such tools facilitate unauthorized appropriation and manipulation of a celebrity's voice, which is a key component of their personal identity and public persona. This form of technological exploitation not only infringes upon the individual's right to control and protect their own likeness and voice but also undermines their ability to prevent commercial and deceptive uses of their identity.

Upon examining the Plaintiffs' arguments and drawing on precedents such as *Amitabh Bachchan v. Rajat Nagi*, *Anil Kapoor v. Simply Life India*, *D.M. Entertainment v. Baby Gift House*, *Applause Entertainment v. Meta Platforms*, and *Karan Johar v. Indian Pride Advisory*, the court noted how the courts have consistently recognised and enforced personality rights. The established legal principle in these cases is that proving a plaintiff's celebrity status is merely the initial step in safeguarding personality rights and the right to publicity.

The court emphasized that any unauthorized distortion, mutilation, or other modification, or dissemination of the plaintiff's performances / voice or video recordings thereof, causing prejudice/harm to his reputation, would amount to a violation of the plaintiff's moral rights in his performances under Sections 38-B of the India Copyright Act, 1957.

38B. Moral rights of the performer. —

The performer of a performance shall, independently of his right after assignment, either wholly or partially of his right, have the right, —

(a) to claim to be identified as the performer of his performance except where omission is dictated by the manner of the use of the performance; and

(b) to restrain or claim damage in respect of any distortion, mutilation or other modification of his performance that would be prejudicial to his reputation.

In the present matter, the court observed *prima facie* that the Defendants are allegedly engaging in unauthorised use of the Plaintiff's personality traits, including their name, image, and likeness. This use is such that the Plaintiff can be distinctly identified. It further noted that this exploitation was being conducted without the Plaintiff's consent and was pursued for both commercial and personal benefit. Bombay HC highlighted that these activities are not only unauthorised but also infringe upon the Plaintiff's established personality rights.

2. Immediate Actions Ordered:

The court ordered the defendants to take down, remove, or edit any content infringing upon Singh's rights. Further, the domain registrars were directed to lock or suspend certain domain names and disclose registrant details related to the case. The present order (injunction) protects plaintiff's personality rights across all media, including physical, digital, and the Metaverse. It covers the use of any technology or application exploiting his traits, such as online platforms, publications, ads, merchandise, and domain names, as well as advanced AI technologies like voice models, voice conversion, synthesised voices, digital avatars, caricatures, deepfakes, face morphing, and GIFs.

3. Dynamic Protection:

The order was made dynamic, allowing for further action against additional infringing content identified by the plaintiff. Compliance with the order was to be ensured via email and speed post, considering the large number of defendants and the nature of their contact details. The order will remain in effect until a specified date, with the defendants having the liberty to apply for variation or modification after notifying the plaintiff's advocates.

This case sets a significant precedent for protecting the personality rights of celebrities and addressing unauthorized commercial exploitation in the digital age. It underscores the importance of respecting the rights of individuals to control the use of their personality traits and the need for immediate legal remedies to prevent irreparable harm.

This concludes the discussion on the Court's analysis on this case. In Part II of this article, we will explore the international landscape of AI voice cloning and pose key questions for consideration in future cases.

INDIAN PATENT OFFICE ISSUES FAQs TO BRING CLARITY ON THE FILING REQUIREMENTS OF FORM-27:

On March 15, 2024, the Ministry of Commerce and Industry announced the Patents (Amendment) Rules, 2024, which brought about notable changes to patent procedures in India. A significant update was made to Form 27, the working statement. Previously, patent holders had to submit this statement annually. The new rules have relaxed this requirement to once every three years, with the first statement due within six months after the end of the third financial year.

On August 26, 2024, the Office of the Controller General of Patents, Designs, and Trade Marks (CGPDTM) issued a set of FAQs to address questions regarding the timelines for Form 27 and the recent amendments. These changes aim to streamline processes and improve compliance, making it easier for inventors and businesses to navigate the patent system in India.



SHORT NOTES:

The FAQs outlines specific scenarios and associated timelines for filing Form-27 based on the date of patent grant. Here's a detailed breakdown:

1. Patents Granted Before FY 2022-23

- **Scenario:** If a patent was granted before the financial year (FY) 2022-23.
- **Filing Requirement:**
 - For patents granted before FY 2022-23, Form-27 for the period FY 2023-24 would be due from April 1, 2024, assuming that the Form-27 for FY 2022-23 was filed on time.
- **Deadlines:**
 - **Initial Window:** April 1, 2026 - September 30, 2026 (For filing Form-27 for FY 2023-24 to FY 2025-26).

- **First Extension:** Up to December 31, 2026 (By filing Form 4 under Rule 131(2)).
- **Second Extension:** Up to June 30, 2027 (By filing Form 4 under Rule 138).
- **Further Extension:** If the patentee/licensee failed to avail an extension under Rule 131(2), the deadline can be extended up to March 31, 2027, under Rule 138.

- **Important Note:**

If the patentee/licensee missed the deadline for submitting Form-27 for FY 2022-23 or earlier under the previous rules, they cannot file Form-27 for these lapsed periods by clubbing them with the new block of three years under the Patents (Amendment) Rules, 2024.

2. Patents Granted in FY 2022-23

- **Scenario:** For patents granted during FY 2022-23.
- **Filing Requirement:**
 - A three-year period begins from FY 2023-24.
- **Deadlines:**
 - **Initial Window:** April 1, 2026 - September 30, 2026.
 - **First Extension:** Up to December 31, 2026.
 - **Second Extension:** Up to June 30, 2027.
 - **Further Extension:** Up to March 31, 2027, if the earlier extension was not availed.

3. Patents Granted in or After FY 2023-24

- **Scenario:** For patents granted in or after FY 2023-24.
- **Filing Requirement:**
 - **Case 1:** For patents granted in FY 2023-24, the three-year period starts from FY 2024-25.
 - **Case 2:** For patents granted in FY 2024-25, the three-year period starts from FY 2025-26.

- **Deadlines:**

- **Case 1:**

- **Initial Window:** April 1, 2027 - September 30, 2027.
- **First Extension:** Up to December 31, 2027.
- **Second Extension:** Up to June 30, 2028.
- **Further Extension:** Up to March 31, 2028.

- **Case 2:**

- **Initial Window:** April 1, 2028 - September 30, 2028.
- **First Extension:** Up to December 31, 2028.
- **Second Extension:** Up to June 30, 2029.
- **Further Extension:** Up to March 31, 2029.

4. Patents Expiring in FY 2023-24 and FY 2024-25

- **Scenario:** For patents expiring during these financial years.
- **Filing Requirement:**
 - Patentees/licensees can only file Form-27 for the remaining period before the patent expires.

- **Deadlines:**

- **Patents Expiring in FY 2023-24:**

- **Initial Window:** April 1, 2024 - September 30, 2024.
- **First Extension:** Up to December 31, 2024.
- **Second Extension:** Up to June 30, 2025.
- **Further Extension:** Up to March 31, 2025.

- **Patents Expiring in FY 2023-24:**

- **Initial Window:** April 1, 2025 - September 30, 2025.
- **First Extension:** Up to December 31, 2025.
- **Second Extension:** Up to June 30, 2026.
- **Further Extension:** Up to March 31, 2026.

Published FAQs [Link:](#)

https://ipindia.gov.in/writereaddata/Portal/News/1001_1_Final_FAQs_Form-27_26thAugust2024.pdf

BURGER SHOWDOWN: THE ULTIMATE CLASH OF BURGER KING CORP. Vs. PUNE BURGER KING



The 13-year-old Trade Marks infringement suit filed by US based “BURGER KING” against Pune’s most iconic eatery “BURGER KING” has proved in District court that just having a prior reservation of a name does not guarantee automatic protection from use of the same brand name by someone else, especially when the corporation is essentially squatting on a name

BACKGROUND

The BURGER KING Corporation (hereinafter, the US BK), has been operating over 13,000 restaurants worldwide since 1954. It was many years later that US BK woke up to the existence of a Burger King in Pune and wanted the eatery to cease using its brand name.

The Pune based Burger King (hereinafter, Pune BK) would have nothing to do with this, as the eatery may have never even known or imagined that they were using a name for their eatery that was protected through squatting on the name. It is not common for small businesses to bother about checking the existence of a name before they set up a business in India.

It all started in 2009, when the US BK found out about the Pune BK’s use of trade name “BURGER KING”. The US BK immediately sent a cease-and-desist notice to Pune BK to settle this matter amicably. However, the Pune BK sent strong worded reply to said notice stating that US BK’s restaurants doesn’t even exist in India, therefore they can’t claim common rights. Due to this, US BK invoked the legal protection for the preservation and enforcement of its statutory and common law rights by filing this suit.

US BK’S ARGUMENTS:

The US BK claims exclusive rights to the mark and argues that it has a worldwide reputation. US BK’s arguments emphasize that their trademark was first registered in India in 1979, and they only began operations in 2014. US BK contends that their registered trademark grants them exclusive rights and that Pune BK’s use creates consumer confusion. They further argued that Pune BK’s use of the trademark constitutes both infringement and passing off and seek a perpetual injunction and damages.

PUNE BK’S ARGUMENTS:

Pune BK argued that the US BK’s suit is invalid due to improper authorization of the suit’s institution and also challenged the authorization of the witnesses, and the evidence presented by the US BK. They further contended that

the present suit was filed with malafide intentions and to discourage the small business owners and bonafide users. They claim that the “BURGER KING” trademark was not well-known in India in 1991-92 when Pune BK’s began using it, asserting that they are honest prior users. They argue that there is no trademark infringement as the names are not similar and there is no confusion. They assert that the US BK has failed to prove actual loss or damage caused by the alleged infringement. Pune BK’s has requested for ₹20 lakhs in compensation for the distress and intimidation caused by US BK’s legal actions.

TRIAL COURT’S OBSERVATION AND RULING:

The Hon’ble Pune District Court observed that documents presented by the US BK were not properly proved, leading to a finding that US BK failed to prove trademark infringement. Hence, they were not entitled to claim damages or an injunction.

Considering the fact that Pune BK is a prior user of trademark in question, the Court was of the opinion that US BK has no cause of action to seek relief of perpetual injunction. The Court found that Pune BKs did not prove their counterclaims, as their evidence was insufficient and improperly verified. The Court further found insufficient evidence to justify the monetary relief claims. Hence, the Court has dismissed both the US BK’s claims and Pune BK’s counterclaims.

APPEAL IN BOMBAY HC:

After the ruling of the District Court, Pune, US BK appealed to the Hon’ble Bombay High Court by challenging the trial court’s judgement.

US BK argued that Pune Restaurant had been using ‘Burger’ instead of ‘Burger King’ for 12 years due to a previous injunction of Pune District Court. After a recent verdict by trial court, Pune eatery has again started using ‘King’. The US BK argued that this use of ‘King’ by Pune BK is in violation of a 12-year Court injunction and requested an extension until the next hearing. Hence the Hon’ble Bombay High Court stayed the trial court’s order till next hearing on September 06, 2024.

ANALYSIS:

According to trial court’s ruling, US BK’s non-use of the name in India for almost 30 years and late action against similar named small eatery challenged its own rights, while Pune BK established honest and concurrent use, as US BK was not even established in India.

Basically, Pune BK was never concerned about claiming ownership of the trade name “BURGER KING.” Pune BK has been utilizing the mark for two decades with good intentions, developing its own identity in Pune just to run their business. However, when US BK filed this suit, Pune BK just defended its stance and sought compensation for the harassment and nothing else.

As this matter is in the appeal stage, it would be interesting to watch how this plays out in the upcoming hearings at higher courts.



IP SNIPPETS:

PATENT CASES:

BASF SE (Appellant) vs. JOINT CONTROLLER OF PATENTS AND DESIGNS AND ORS (Respondents)

Case Number: IA No. GA-COM/1/2024 In IPDPTA/5/2024
Decided on: August 05, 2024



The current appeal has been filed by the appellant against an order passed by the respondent, the respondent then raised an objection that the appellant failed to file the appeal in accordance with Rules 8, 9 and 10 of Part-12A of Chapter XXXVIII of the Rules under the Patents Act, 1970. The appellant submitted that they have filed an appeal enclosing certified copies along with an application praying for condoning the delay of 14 days and the same was listed before the court under the heading "New Motion" enabling the Court to consider the application for condoning the delay. The appellant has filed the appeal being IPDPTA/5/2024 on the same date i.e., on 19th June, 2024 as filing an application being GA-COM/1/2024 and after the filing the department had listed the matter under the heading "New Motion" before the Court on 28th June, 2024.

The Hon'ble Calcutta High Court observed the following matter and finds that the appellant has not violated any rule as objected by the respondent. The Hon'ble Court states that the appellant has submitted sufficient cause to explain the delay in preferring the appeal beyond the prescribed time. Hence, the Hon'ble Court concluded that the stand taken by respondent cannot be sustained, disposing GA-COM/1/2024 and admitting the appeal being IPDPTA/5/2024.

Novartis AG & Anr (Petitioner(s)) vs. Natco Pharma Limited (Respondent(s))

Case Number: 16237 OF 2024
Decided on: August 02, 2024



In the present case, the special leave petition has been filed against the judgment of the Division Bench. The Divisional Board has set asides parts of a judgment of the Single Judge granting an interim injunction restraining the respondent in a patent infringement suit. The Supreme Court noted that the appeal was heard by the

Division Bench between November 2023 and 7 March 2024 wherein the patent was expired on 21 May 2023 so it was unnecessary for the Division Bench to enter upon a detailed review on merits, as it did in the course of its judgment since the injunction had already been issued by the Single Judge which would cease to have practical relevance once the patent is expired.

The Hon'ble Supreme Court observed the following issue and set aside the judgement of the Division Bench and the Single judge and stated that neither of the two orders will be cited as precedent in any other case. Hence, the Hon'ble Court issued an order of disposing of the special leave petition.

STAR SCIENTIFIC LIMITED (Appellant) vs. THE CONTROLLER OF PATENTS AND DESIGNS (Respondent)

Case Number: C.A.(COMM.IPD-PAT) 20/2024
Decided on: July 30, 2024

The present appeal has been filed by the appellant w.r.t the rejection of the patent application by the respondent under Section 15 of the Patent Act. The respondent had rejected the appellant's patent application as the appellant failed to attend the hearing without any prior instructions. The appellant argued that the application cannot be considered as abandoned just because of not attending the hearing as the appellant had also sent an email as directed by the respondent explaining the reason for not attending the hearing. The respondent alleges that the appellant is misleading the Court, and that the appellant has failed to provide relevant proof for the given explanation.

The Hon'ble Delhi High Court observed that the respondent did not analyze or assign any specific reason for refusing the grant of patent. The Court disagrees with the respondent as the appellant had already filed a detailed reply to the FER and the appellant has also requested for disposal of the patent application. The Hon'ble Court concluded stating that such a decision has to be made by a reasoned and Speaking Order and further directed the respondent to consider the matter afresh.

AB INITIO TECHNOLOGY LLC (Appellant) vs. ASSISTANT CONTROLLER OF PATENTS AND DESIGNS (Respondent)

Case Number: C.A.(COMM.IPD-PAT) 26/2021

AB INITIO TECHNOLOGY LLC (Appellant) vs. THE CONTROLLER OF PATENTS (Respondent)

Case Number: C.A.(COMM.IPD-PAT) 447/2022
Decided on: July 30, 2024

The appellant has filed the present appeal against the respondent for rejecting the appellant patent application under Section 3(k) and Section 16(1) of the Patent act. The respondent rejected the patent application under Section 3(k) as claims do not disclose any construction of structural features rather represents an algorithm and under Section 16(1) and 16(3) of the Act, as there is no distinct invention compared to granted claims of the parent application. The appellant argued that the subject application contains “technical effects”. The respondent refuted the appellant’s contention and claimed that the whole process did not affect the internal functioning of a computer.

The Hon’ble Delhi High Court observed the following issue and stated that the claimed invention has intended technical use and technical applications without limiting the claim by specifying one particular use, therefore, the objection of non-patentability under Section 3(k) cannot sustain. The Hon’ble Court also stated that the objection was taken in respect of only one of the subject applications, and not both subject applications, therefore objection under Section 16(1) does not sustain. The Hon’ble Court concluded by remanding the matter for fresh consideration on the aspect of Section 2(1) (ja) of the Act and directed that a *de novo* hearing notice may be issued examining the matter afresh within a period of three months.

MITSUI CHEMICALS INC (Appellant) vs. CONTROLLER OF PATENTS (Respondent)

Case Number: C.A.(COMM.IPD-PAT) 196/2022
Decided on: February 23, 2024



Mitsui Chemicals The current appeal has been filed by the appellant w.r.t the rejection of the patent application by the respondent under Section 59(1) and section 3 (h) of the Patents Act, 1970. The appellant submitted the amended claims while filing the FER response as well as SER response for the objection under Section 3(h) of the Act. The respondent has rejected the amendments citing Section 59 of the Act.

The Hon’ble Delhi High Court observed the following matter and stated that the respondent has made error while assessing the amended claims and the order lacks any substantive analysis or justification explaining precisely why the specific subject matter of the claims falls squarely within the ambit of Section 3(h) of the Act. The Hon’ble Court hence concludes stating to reconsider the matter, the matter is remanded to the respondents for *de novo* consideration, providing the hearing to the appellant and the decision shall be rendered within a period of four months from the date of conclusion of hearing.

TRADEMARK CASES:

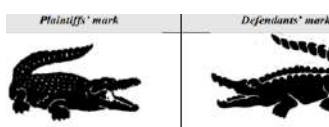
KABUSHIKI KAISHA TOSHIBA (Plaintiff) vs TOSIBA APPLIANCES CO. (Defendant)

Case No.: - CS(OS) 55/2006 & I.A. 784/2023
Decided On: - August 16, 2024

The present suit was filed by the plaintiff from restraining the defendant from using the mark “TOSIBA” which is phonetically similar to plaintiff mark “TOSHIBA.” The plaintiff argued that defendants use of the mark “TOSIBA” is dishonest and in bad faith. The defendant argued that their mark “TOSIBA” had an uninterrupted use of over 31 years in contrast to plaintiff’s mark which was registered merely on *proposed-to-be-used* basis and never has been used commercially since its registration in India. The Hon’ble Delhi High Court passed a decree for *permanent injunction* in favour of plaintiff restraining the defendant from using mark “TOSIBA” or any other mark deceptively similar to plaintiff’s mark.

LACOSTE & ANR. (Plaintiffs) vs CROCODILE INTERNATIONAL PTE LTD & ANR. (Defendants)

Case No.: - CS(COMM) 1550/2016
Decided On: - August 14, 2024



The plaintiffs initiated the suit against the defendants for protecting their copyright and trademark

rights. The plaintiff alleges that the defendant is using the mirror image of their mark on the apparels produced by the defendants. The defendants argued that the plaintiff is breaching their prior agreement regarding co-existence of their mark in the Asian countries. The Hon’ble Delhi High Court issued a decree of *permanent injunction* in favour of the plaintiff and restraining the defendants from using the trademark in any other manner. The Hon’ble Court in view of infringement asked the defendants to render their statements of accounts of profit earned from the goods sold.

NEELA FILM PRODUCTIONS PRIVATE LIMITED (Plaintiff) vs TAARAKMEHTAKAOOLTAHCHASHMAH.COM & ORS. (Defendant)

Case No.: - CS(COMM) 690/2024, I.A. 36509/2024, I.A. 36510/2024, I.A. 36511/2024, I.A. 36512/2024, I.A. 36513/2024 & I.A. 36514/2024
Decided On: - August 14, 2024

The plaintiff had filed a suit for a permanent injunction for restraining infringement of copyright and trademark, misappropriation of publicity rights etc. The plaintiff argued that defendants are infringing the plaintiff's rights by displaying, communicating to the public, hosting, utilizing content of the plaintiff Show *Taarak Mehta Ka Ooltah Chashmah*, every right concerning to which exclusively belongs to the plaintiff. Also, the defendant nos. 20 and 21 are publishing videos on YouTube, wherein, they are sharing sexually explicit and vulgar content using the name and image of the characters of the show. The Hon'ble Delhi High Court observed that the plaintiff has demonstrated a prima facie case for grant of injunction in its favour, and in case *ex-parte ad interim injunction* is not granted, plaintiff will suffer an irreparable loss. Accordingly, the Hon'ble Court ordered *ex parte ad-interim* injunction restraining the defendants from doing any activity that in any manner amounts to infringement or passing off, of the plaintiff's copyrighted material or registered trademarks.

SHRI RAJESH CHUGH (Petitioner) vs MEHRUDDIN ANSARI & ANR. (Respondents)

Case No.: - CS(COMM.IPD-TM)28/2024 & I.A. 3613/2024
Decided On: - August 05, 2024

The petitioner filed a suit against respondent no.1, seeking the removal of the trademark **ANDAAZ-E-NIZAAM**,



claiming it was deceptively similar to their registered trademark **NIZAM'S**. The petitioner argued that **ANDAAZ-E-NIZAAM** was phonetically and visually similar to their mark and had been used since 1978. The respondent admitted to no longer using **ANDAAZ-E-NIZAAM** and agreed to rebrand as **DAAWAT-E-NIZAMUDDIN** or **ANDAAZ-E-NIZAMUDDIN**. The Hon'ble Delhi High court observed that the trademark **ANDAAZ-E-NIZAAM** had been abandoned and was no longer in use. Consequently, the Hon'ble Court ordered the cancellation of **ANDAAZ-E-NIZAAM**'s registration and directed the Registrar of Trademarks to update the records accordingly.

CALVIN KLEIN TRADEMARK TRUST (Plaintiff) vs MR. SUNNY SACHDEVA TRADING AS M/S HACHE SHIRTS & ORS. (Defendant)

Case No.: - CS(COMM) 914/2022 & I.A. 22315/2022
Decided On: - August 02, 2024

The plaintiff had filed a suit for a *permanent injunction* against the defendant for trademark infringement,

copyright violation, and dealing in counterfeit Calvin Klein products. Plaintiff argued that the defendants were selling counterfeit goods under the Calvin Klein brand, infringing on their registered trademarks and copyrights. Despite being served and expressing an initial desire to settle, the defendants failed to file a written statement. The Hon'ble Delhi High Court observed that the defendants were indeed found with infringing goods, as confirmed by a Local Commissioner's report. Consequently, the Hon'ble Court decreed in favour of plaintiff, imposing costs of ₹35,000 on the defendants and authorizing plaintiff representatives to take possession of the seized counterfeit goods.

CHARLES AND KEITH INTERNATIONAL PTE LTD (Petitioner) vs AMBUD SHARMA & ANR (Respondents)

CASE NO. - C.O. (COMM.IPD-TM) 322/2023 & I.A. 25301/2023
DECIDED ON - August 01, 2024

The petitioner filed a petition seeking the removal of the respondent's mark “**C&K**”


registered in Class 09 for breathing masks. The petitioner argued that their marks “



was well-known and prior in use, while the respondent's registration was on a 'proposed to be used' basis and not in actual use. The respondent agreed to cancel the registration, stating no interest in the goods. The Hon'ble Delhi High court observed that the petitioner's mark was established and that the respondent had no objection to the cancellation. The Court ordered the cancellation of the respondent's mark in Class 09 and directed rectification of the trademark register accordingly.

UNDER ARMOUR INNOVATE C.V. (Plaintiff) vs ARMARIO CLOTHING AND ACCESSORIES AND ESSA KAZIM FAZAL ALI ABIDI (Defendant)

Case No.: - CS(COMM.) /389/2019
Decided On: - July 30, 2024

The plaintiff had filed a suit against the defendant initially using the “**John Doe**” principle, to stop trademark infringement and passing off of counterfeit goods under the “**UNDER ARMOUR**”  label. The defendants

did not file a written statement or challenge the claims. The plaintiff argued that their trademark “**UNDER ARMOUR**” with the punchline “**I WILL**” is well-known and that the defendants' use of similar marks causes

consumer confusion and damages their reputation. The Hon'ble Delhi district court, after considering the evidence, observed that the defendants were engaged in illegal activities and granted a permanent injunction in favour of plaintiff, restraining the defendants from using the infringing trademarks. The Hon'ble Court suggests that the defendants' failure to participate in the case deprived the plaintiff of the benefit of rendition of accounts. Thus, the Hon'ble Court leans towards awarding damages in light of the overall circumstances.

MANGALAM ORGANICS LTD. (Plaintiff) vs PATANJALI AYURVED LTD. & ORS. (Defendants)

Case No.: - I.A. (L) NO. 4586 OF 2024, I.A. (L) NO. 22226 OF 2023, COMM IPR SUIT (L) NO. 21853 OF 2023
Decided On: - July 29, 2024

In the present suit the plaintiff seeks enforcement of the *ex-parte ad-interim* order. The plaintiff argued that despite being aware of the order, the defendant continued selling impugned products in violation of the Hon'ble Court's directive. The Plaintiff has provided evidence of ongoing sales and requests punishment for contempt, including simple imprisonment for the defendants. The defendant in the affidavit in reply stated that as soon as he became aware of the injunction order he stopped its sales team from selling and supplying the product. The Hon'ble Bombay High Court found the respondent in wilful contempt of Court for violating the *ex-parte ad-interim* order and directed the respondent to make payment of Rs. 50,00,000/- Rs. and 4,00,00,000/- within a period of two weeks and failing to make payment will result in civil imprisonment. Accordingly, the interim application is disposed.

SAJ FOOD PRODUCTS PVT LTD (Petitioner) vs. M/S PARLE BISCUITS PVT LTD (Respondent)

Case No. - IA No.GA-COM/2/2024 In IP-COM/16/2024
Decided On - July 19, 2024

Petitioner mark:



Respondent mark:



The petitioner under the brand "BISK FARM," sought an *ad interim injunction* against the respondent for using the mark "TOP GOLDSTAR," which allegedly infringes on the petitioner's established mark "TOP GOLD." The petitioner argued that the respondent's mark is confusingly similar and unfairly exploits their reputation. The Hon'ble Calcutta High Court found that the

petitioner's mark had been used extensively since 2005 and was well-protected under trademark and copyright laws. The Hon'ble court observed that the respondent's use of a similar mark could cause irreparable harm to the petitioner. Consequently, the Hon'ble Court granted an injunction restraining the respondent from using "TOP GOLD" or "TOP GOLDSTAR" but allowed the use of "TOP" without "GOLD."

COPYRIGHT CASE:

M/S.BHARANI PICTURES PRIVATE LIMITED (Plaintiff) vs. NARNE MEDIA SOLUTIONS PVT.LTD. (Defendant)

Case No.: - (Comm.Div.) No. 181 of 2023
Decided On: - July 02, 2024

The plaintiff filed a civil suit against the defendant under the Copyright Act, seeking a declaration of ownership and *permanent injunction* to prevent copyright infringement of their films. The plaintiff claimed exclusive rights to the films and alleged unauthorized telecasting by the defendant. The defendant was set *ex-parte* due to non-appearance. The Hon'ble Madras High court found the plaintiff's claims substantiated by evidence, noting the defendant's infringement and failure to respond. The suit was decreed in favour of the plaintiff, granting all requested reliefs including a permanent injunction and damages of ₹25,00,000 with interest.



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