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## COMPLEXITY OF ENFORCING IP RIGHTS IN FOREIGN COUNTRIES



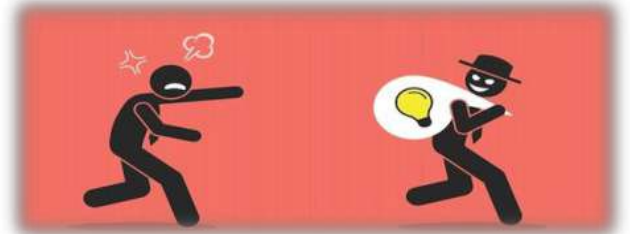
Adv. Krutarth Sontakke & Ananya Sinha\*

**E**nforcing cross-border intellectual property (IP) rights is complex and requires a deep understanding of legal, cultural and procedural aspects. Rights granted by a country only apply to the entire territory of that country and have no effect abroad, so if you want intellectual property protection in another country, you need to apply there. This article explores the complexities involved in protecting intellectual property in foreign jurisdictions and provides insight into strategies and considerations for companies entering global markets.

For example, the Chinese chain coffee brand **Luckin Coffee** faced a hindrance in Thailand due to a trademark dispute. The Thailand Company 50R Group registered Luckin's trademark in Thailand, copying the logo and store design. Despite Luckin's legal actions, Thailand's court ruled in favor of 50R Group, quoting Article 63 of Thailand Trademark Law that *"Thai company, upon initial trademark registration with the Thai Trademark Office, has the right to operate in the corresponding business in Thailand."* The loss may cost Luckin (China) nearly US\$ 2.9 billion, highlighting the importance of proactive trademark registration and understanding local laws for companies growing abroad, in view of the difficulties and costs of imposing IP rights in foreign jurisdictions.

It is an outmost necessity to conduct thorough due diligence to make sure that no one other than you can use your trademark without your consent. To protect rights granted under Trademark rights the following steps can be taken into consideration:

**Conducting Trademark Search:** Conducting a comprehensive trademark search before expanding into a foreign country helps ensure that your trademark is not already in use by another party in that country. This does not only help to avoid potential conflicts of interest, but also legal issues involved down the line.



(Credit: <https://bedtimesmagazine.com/2021/05/patents-and-trademarks-how-to-protect-your-intellectual-property/>)

**Registering Trademark:** Once it is confirmed that your trademark is already available in the foreign country you want to expand your business, it is essential to register it with appropriate intellectual property office of that country and also it is important to make sure that the country Intellectual Property laws recognize prior use of mark. For example, as discussed above in the Luckin coffee case Thailand trademark law does not recognize prior use of mark.

**Actively Monitor Trademark:** After registration, it is important to actively monitor and enforce your rights to prevent others from using it without authorization. This involves conducting regular searches for unauthorized use, monitoring trademark databases, and taking legal action against infringers if necessary.

**Joint Venture with a Domestic Company:** It will make it easy for to fit your business into specific jurisdictions. For instance, **"STARBUCKS"** strategy to operate in India. The Starbucks outlets in India are known by **"Starbucks: A TATA Alliance."** It is a Joint Venture company between **TATA Consumer Products and Starbucks Corporation** for the Indian Market. It is a 50:50 partnership between the companies. Tata, being an Indian company, owns a deep understanding of the local market and IP laws specific in India. This local knowledge helps Starbucks direct the distinctions of Indian IP regulations, ensuring protection of its intellectual property rights. Tata's local presence aids Starbucks in addressing cultural differences that may impact IP matters. Tata, being a well-established and respected corporation in India, provides Starbucks with a beneficial position when it comes to IP matters. The relationship with Tata can discourage infringers and make Starbucks' position stronger in legal disputes.

Starbucks creative store layouts like in Mumbai stores have wooden tables with wooden carvings and Pune stores have copper artifacts that honor the copper culture of Pune is a thoughtful approach to serve diverse communities. Thorough market research, understanding local IP backgrounds, and familiarizing strategies can enhance success rates.

## CONCLUSION

The complexity of enforcing intellectual property rights abroad is undeniable, but an informed and strategic approach can minimize risk and maximize protection. At primary stage of trademark filing conducting thorough due diligence is very important. It helps companies protect their trademark rights and ensure that no one else can use their trademark without permission when expanding business into a foreign country. The joint venture between Tata and Starbucks in India provides legal advantages in intellectual property matters through local knowledge, cultural understanding, resource sharing and strategic alignment of interests. This collaborative approach strengthens once ability to navigate the complexities of intellectual property protection in the foreign market.

*[Note: \*Ms. Ananya Sinha, co-author of this article, contributed significantly during her internship at DuxLegis Attorneys in the Trademark Department. This collaborative article is a product of our joint efforts and represents one of her completed projects during her tenure with DuxLegis Attorneys.]*

## INDIA'S RECENT ADVISORY ON AI REGULATION

On March 01, 2024, India's Ministry of Electronics and IT (MeitY) issued an advisory to major tech players, urging them to obtain government permission before releasing generative AI systems in the country. While the advisory is not legally binding, it does underscore the potential for criminal action in cases of non-compliance.

Here's a quick overview of the key points:

- The advisory applies only to notified tech companies, excluding startups in India.
- The identified companies must seek government permission before releasing any LLM or generative AI systems in "beta," "under-testing," or "unreliable" states.
- Responsibilities also include ensuring AI services avoid generating "unlawful"

### Our Thoughts:

India's approach to AI regulation is evolving, transitioning from a hands-off stance to more specific regulations. This shift, reflected in the advisory, aligns with the upcoming election, concerns about misinformation, recent legal reforms, and growing awareness of privacy and online safety.

The question remains whether it's technically feasible for tech companies to prevent the generation of "unlawful content". Nonetheless, this Indian-style advisory could be seen as a novel approach to promoting self-regulation among major tech players, balancing consumer safety and innovation.

## EVENT REPORTING - AIPLA COMMUNITY SERVICE EVENT AT SNDT WOMEN'S UNIVERSITY

DATE: FEBRUARY 22, 2024



### LOCATION:

Usha Mittal Institute of Technology, SNDT Women's University, Juhu Campus, Mumbai, India

DuxLegis Attorneys, in collaboration with SNDT Women's University, successfully organized a community service event under the aegis of the American Intellectual Property Law Association (AIPLA) – Women in IP Committee. The event, held on February 22, 2024, focused on spreading awareness about Intellectual Property (IP) as part of AIPLA's global initiative.

### OPENING ADDRESS:

Prof. (Dr.) Shikha Nema, Head, Department of Electronics & Communication at Usha Mittal Institute of Technology, SNDT Women's University, commenced the event by providing an overview and introducing the DuxLegis team to the students and faculty members.

### KEYNOTE ADDRESS:

Divyendu Verma introduced AIPLA to the students and shared insights into the motivation behind community service initiatives in India, where IP awareness is gradually gaining prominence.

### EXPERT SESSIONS:

Advocate Spshurti Dalodria and Priti More from DuxLegis Attorneys delved into the challenges faced by young entrepreneurs on their journey and highlighted how IP protection can be a catalyst for success.

### ATTENDANCE:

The event drew attendance from approximately 60-80 students, faculty, and industry professionals. It successfully conveyed the significance of IP in shaping entrepreneurial ventures. Local news media covered the event, contributing to its outreach and impact. Attached is one of the media reports highlighting the success of the initiative.

Due to the positive response, Prof. (Dr.) Shikha Nema extended invitations for additional sessions on IP as a career and other relevant topics.

The AIPLA community service event at SNDT Women's University not only fulfilled its objective of spreading IP awareness but also paved the way for future engagements and collaborations with the University. The engagement and interest displayed by attendees indicate a growing recognition of the importance of IP in the academic and entrepreneurial spheres.

### EVENT PHOTOGRAPHS:



DuxLegis Team with SNDT Women's University Professors and Teachers



The event was reported by couple of local news media. Above is published report from Sakal Media Group.



Divyendu Verma introducing AIPLA to the students and why the community service event is organised.

Priti & Divyendu interacting with students on Brand protection issues



Sphurti & Priti More discussed about the Entrepreneurship and IP Protection



Event Group Photograph

## NATIONAL IP YATRA WORKSHOP – MANGALORE, 2024, INDIA

**ASSOCHAM** MICRO, SMALL & MEDIUM ENTERPRISES

### NATIONAL IP YATRA

2 Days Workshop on Intellectual Property Rights

13 & 14 February 2024 | The Ocean Pearl Navabharath Circle, Kodialbail, Mangalore

<b>Shri. Devraj K</b> Joint Director Govt. of India, Pt. MDR, Gt. Ministry of MSME, Govt. of India, Mangalore	<b>Shri. Gokuldas Nayak</b> Joint Director District Industries Centre (DIC), Mangalore	<b>Dr. Adarsha Gowda</b> Dean, Entrepreneurship & Consultancy Cell Assistant Professor & Head Department of Food Processing & Engineering Dr. Rajappa (Government for University), Mangalore	<b>Dr. Ramalingam H.H</b> Senior Assistant Professor Mangalore Institute of Technology & Engineering
<b>Dr. Prasanna Belur. D</b> Professor & Associate Dean (Quality Recruitment) Department of Chemical Engineering NITC Surathkal	<b>Shri. Naveen Suriya</b> Partner K&S Partner	<b>Shri. Vijaykumar Shivpuje</b> Advisor ASSOCHAM IPIC & Director Patent Business Solutions	<b>Shri. Pranay Prabhu Ganekar</b> Founding Partner Mangalore Chamber IIP
<b>Shri. Gaurav Phadnis</b> Associate Partner Law Office	<b>Dr. S. Varadharajan</b> Coordinator, Intellectual Property Rights and Technology Transfer in Mangalore Academy of Higher Education Mangalore, Karnataka	<b>Shri. Navareo Ebenezer Roy</b> IP & Entertainment Lawyer IP Intellectual Professional Law Office of Navareo Roy	<b>Shri. Divyendu Verma</b> Managing Partner & Associate Partner & The Attorney Duxlegis Attorneys / Duxlegis IP LLC

THE ASSOCIATED CHAMBERS OF COMMERCE AND INDUSTRY OF INDIA



This workshop served as an outstanding forum for collaborations and discussions, aligning with our mission to cultivate a strong IP culture in India. We look forward to continuing these conversations and actively participating in initiatives that advance our understanding and implementation of intellectual property in our ever-evolving economic landscape.

### IP WORKSHOP AT YIT-MANGALORE

Before his involvement in the National IP Yatra in Mangalore, Adv. Divyendu Verma played a pivotal role at Yenepoya Institute of Technology, Mangalore, India. On February 12, 2024, he was invited to conduct an IP Workshop, where he had a rewarding experience engaging with talented engineering students.



Adv. Verma's session inspired students to prioritize quality projects and underscored the importance of filing intellectual property associated with their work before publication. Following the workshop, he had the privilege of reviewing students' projects and the institute's Intellectual Property Rights (IPR) cell. During this insightful session, he provided recommendations for enhancements in alignment with India's dynamic IP ecosystem.

We are excited to share highlights from a recent event that Managing Partner of the firm, Adv. Divyendu Verma was a part of - the National IP Yatra Workshop in Mangalore, held on February 13-14, 2024. This event, organized by ASSOCHAM and the Ministry of Micro, Small & Medium Enterprises, Government of India, shed light on the crucial role of intellectual property (IP) in propelling India's economy and igniting innovation.

Adv. Verma, honored as one of the speakers, delved into the intricate relationship between IP rights and entrepreneurship. Using real-world examples, including Taylor Swift's recent IP strategy, he emphasized the significance of Trademarks protection. The workshop, characterized by its interactivity and an energetic audience, provided a unique opportunity to explore the pivotal role of IP rights for businesses navigating the technological landscape.

The event was not only a platform for meaningful discussions but also a chance for Adv. Verma to engage with other leading IP professionals and various industry representatives. The exchange of insights and perspectives on this dynamic topic showcased the vibrant intellectual property landscape in India.



Discussions also centered around available financial assistance from both the central government of India and the state government of Karnataka. A special thank you goes to Prof Dr. D'Souza, Prof Dr. Jaganesh, and their dedicated team at the Institute for the warm invitation and excellent hosting.

We are proud to share the positive impact of our engagement with academic institutions, fostering a culture of innovation and intellectual property awareness among the future leaders in technology.

### IP WORKSHOP AT MITE -MANGALORE

Before his active participation in the National IP Yatra in Mangalore, Adv. Divyendu Verma played a pivotal role in conducting a master IP class at Mangalore Institute of Technology & Engineering (MITE) on February 12, 2024.



An Interactive Session  
on  
**Start-up Ecosystem in India:  
A Journey through IP Awareness**

Guest Speaker



**Mr. Divyendu Verma**  
Managing Partner & Advocate  
Patent & TM Attorney



12<sup>th</sup> Feb 2024

Audi-2



This unique experience allowed him to engage with final-year engineering students in an institution where professors and management intricately contribute to day-to-day affairs, fostering a culture of creativity and innovation.



During this session, Adv. Verma, primarily a patent attorney, began by providing insights into brand creation, drawing inspiration from none other than the 2023 Person of the Year, Taylor Swift. The class emphasized the importance of trademarks alongside patents in shaping an entrepreneurial journey. Despite being immersed in his role as a patent attorney, Adv. Verma passionately initiated discussions on brand building.

The session concluded with an in-depth exploration of patent filings and the diverse support available from both state and central governments of India. Despite teaching for over 5 hours across multiple colleges in a single day, the exhaustion gave way to immense satisfaction.

Following the IP class, Adv. Verma had the privilege of being guided by Prof. Narendra UP, the Director of Training & Industry Relations at MITE. Witnessing the multitude of startups incubated in the college, along with the grants and seed funds received, left him overwhelmed by the impactful success of these ventures.



Expressing our gratitude to Prof. Narendra UP and Prof. Dr. Ramalingam H.M for their excellent hosting at MITE, we look forward to returning soon for another master class on IP.



## IP SNIPPETS:

### TRADEMARKS CASES:

**KHADI & VILLAGE INDUSTRIES COMMISSION (Plaintiff) vs MS. SARASWATI DEVI and ANR. (Defendants)**

Case No.: CS(COMM) 154/2024  
Decided On: February 21, 2024



The present suit was filed by the plaintiff seeking urgent interim relief against defendants for selling its product under plaintiff's "KHADI". Plaintiff contended that defendants are using plaintiff's KHADI and Charkha logos which is completely identical to plaintiff mark with an intention to create confusion for the general public and take unfair advantage of the goodwill and reputation of plaintiff marks.



(Defendant Mark)



(Plaintiff Mark)

The Hon'ble Delhi High Court observed that the defendants mark is used in respect of identical goods as those sold by plaintiff's mark and absence of defendants makes it a prima facie case of *ex-parte ad interim* injunction. Thus, the Hon'ble court ordered an *ex-parte ad interim injunction* against defendants and the Hon'ble court ordered the defendants to take down all the product listings that were using the trademark of the plaintiff.

**INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS (ISKCON) TEMPLE (Appellant) vs ISCON TIMBER (Respondent)**

Case No.: R/First Appeal No. 247 of 2024  
Decided On: February 15, 2024




The appellant filed a suit seeking permanent injunction against the respondent. The appellant argued that they hold the exclusive right to use the "ISKCON" trademark. The appellant has filed objections against other parties registering trademarks similar to ISKCON and has succeeded in

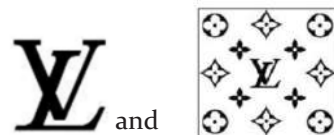
preventing such registrations. After repeated notice the respondent failed to appear for the proceedings. The Hon'ble Delhi High Court observed that the respondent failed to provide evidence to support their case. The court decided the suit against the respondent (ISCON) on non-appearance before the court.

**LOUIS VUITTON MALLETIER (Plaintiff) vs M/S CAPICHINO/CAPTURE & ORS. (Defendants)**

Case No.: CS(COMM) 359/2021 & I.A. 23982/2023  
Decided On: February 14, 2024

 The present suit was filed by the plaintiff seeking permanent injunction against defendants for selling its product under plaintiff's mark "LOUISVUITTON",

intertwined "LV" and "TOILE MONOGRAM".



Plaintiff contended that defendants are selling plaintiff's counterfeit product which is completely identical to plaintiff mark and using it to defraud consumers. In the absence of defendants, the court already makes it a prima facie case of *ex-parte ad interim* injunction. The Hon'ble Delhi High Court after observing the facts and circumstances and no response from the defendant nos. 4 & 6 -10 granted permanent injunction against defendants and ordered the defendants to take down all the product listings that were using the trademark of the plaintiff.

**ZED LIFESTYLE PVT LTD (Plaintiff) vs HARDIK MUKESHBHAI PANSHERIYA & ORS. (Defendants)**

Case No.: CS(COMM) 207/2021  
Decided On: February 14, 2024



The present suit was filed by the plaintiff seeking permanent injunction against defendants for using plaintiff's trademarks "BEARDO", and "



". The plaintiff contended that defendant nos.1&2 has been listing their product as part of the plaintiff's product on defendant no. 3 e-commerce platform and have not appeared despite several notice. The Hon'ble Delhi High Court granted permanent injunction in favor of plaintiff as prayed in the plaint and awarded costs of Rs. 3 lakhs. As regards to defendant no. 3 the Hon'ble court declared the relief

sought against defendant no. 3 exhausted because defendant no. 3 removed defendant nos. 1&2 listing as part of plaintiff in its e-commerce platform and also confirmed by the plaintiff that there has been no further misuse by any other party. Hence the suit has been disposed of.

## ORACLE AMERICA INC. (Plaintiff) vs SONOO JAISWAL AND ORS. (Defendants)

Case No.: CS(COMM) 2/2024, I.A. 60/2024  
Decided On: February 12, 2024



mark **java point**

in relation to software training services including JAVA programming language. Defendants offer “Oracle-certified training” on their website with no association with plaintiff. Even after sending a cease-and-desist notice there was no response from defendants. The Hon'ble Delhi High Court observed the mere addition of the word “TPOINT” to “JAVA” does not take away the fact that “JAVA” is prominent part of defendant's mark and purely use in trademark sense and also the defendants registering under the same class and offering same service amounts to prima facie infringement. Thus, the Hon'ble Court granted permanent injunction against defendants.

The present suit was filed by the plaintiff seeking interim injunction against defendants for using plaintiff's mark “JAVA”. Plaintiff contended that defendants are using

## LOTUS HERBALS PRIVATE LIMITED (Plaintiff) vs DPKA UNIVERSAL CONSUMER VENTURES PRIVATE LIMITED & ORS. (Defendants)

Case No.: CS(COMM) 454/2023, I.A. 12308/2023, I.A. 17542/2023 and I.A. 19426/2023  
Decided On: January 25, 2024



The present suit was filed by the plaintiff seeking a permanent injunction against defendants for infringing plaintiff's trademark. Plaintiff contended that defendants were using the mark “LOTUS SPLASH,” likely to cause confusion with their trademark “LOTUS”. The Hon'ble Delhi High Court, after examining evidence, finds the contention of plaintiff to not be prima facie case of confusion and infringement as the only common feature between both the mark is word “lotus” and the product is completely different in appearance it will not cause confusion in mind of consumer so there is no infringement. Thus, the Hon'ble court is of the opinion that there is no prima facie case of grant of injunction.

The present suit was filed by the plaintiff seeking a permanent injunction against defendants for

## TATA SONS PRIVATE LIMITED & ANR. (Plaintiffs) vs MOHAN KUMAR KOTANA (Defendant)

Case No.: CS(COMM) 91/2024, I.A. 2223/2024, I.A. 2224/2024, I.A. 2225/2024, I.A. 2226/2024, I.A. 2227/2024, I.A. 2228/2024 & I.A. 2229/2024.  
Decided On: January 31, 2024

The present suit has been filed by the plaintiff seeking inter alia permanent injunction against defendant for infringing packaging of the plaintiff trade dress. Plaintiff contended that the defendant has plans to expand his business beyond local territory which can cause confusion as to the source of the product. The Hon'ble High Court of Delhi observed that the defendant trade dress and packaging on its product is bound to create confusion as to the source of the product and it is likely to cause confusion. The Hon'ble court in absence of defendant makes it prima facie case of ex parte ad interim injunction. The Hon'ble Court granted ex parte ad interim injunction and gave an order in favor of Plaintiffs and Defendant was restrain from dealing in any product which is similar to plaintiff trade dress.

## M/S ZARI SILK (INDIA) PVT. LTD. (Plaintiff) vs MS. SURBHI MUNJAL (Defendant)

Case No.: CS(COMM) 38/2024  
Decided On: February 01, 2024



The present suit was filed by the plaintiff seeking permanent injunction against defendant for using plaintiff's trademark “ZARI”. Plaintiffs contended that the defendant's mark is phonetically and exactly identical to the plaintiff's mark. The Hon'ble Delhi High Court, after examining evidence, and on non-appearance of defendant even after receiving multiple summons observed that the case is *prima facie* case of *ex parte ad interim injunction*. The Hon'ble court also found contention of plaintiff to be case of likely to cause confusion as mark is not only phonetically similar, but defendant also sought registration under same class as of plaintiff. Thus, the Hon'ble court ordered an *ex-parte ad interim injunction* against defendant and immediate restraint on them from using said mark.

## BENNETT COLEMAN AND COMPANY LIMITED (Plaintiff) vs TIMESPRO CONSULTING LLP & ORS. (Defendants)

Case No.: CS(COMM) 723/2022, I.A. 12370/2023 & I.A. 12371/2023.  
Decided On: February 05, 2024



The present suit was filed by the plaintiff seeking a *permanent injunction* against defendants for causing confusion with the plaintiff's trademark. Plaintiff contended that defendants are using mark "TIMESPRO CONSULTING," causing confusion with their trademark "TIMES, TIMESPRO, TIMES PROPERTY and TIMES" and using their name to defraud consumers. The Hon'ble Delhi High Court, after examining evidence, finds the contention of plaintiff to be *prima facie* case of confusion and infringement. Thus, the Hon'ble court ordered *permanent injunction* against defendant and immediate restraint on their practice by preventing them from using the said trademark.

### HERO INVESTCORP PRIVATE LIMITED AND ANR. (Plaintiffs) vs DIAMOND AUTOS (Defendant)

Case No.: CS(COMM) 110/2024 I.A. 2742/2024 I.A. 2743/2024 I.A. 2744/2024 I.A. 2745/2024 I.A. 2746/2024 I.A. 2747/2024 I.A. 2748/2024  
Decided On: February 05, 2024

The present suit was filed by the plaintiffs seeking *permanent injunction* against defendant for selling its product under plaintiff's "HERO MARKS". Plaintiffs contended that defendant are selling plaintiff's counterfeit product which is completely identical to plaintiff mark and using it to defraud consumers.



(Plaintiff Mark) (Defendant Mark)

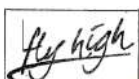
The Hon'ble Delhi High Court observed that the product sold by defendant is an exactly identical copy of plaintiff's product and absence of defendant makes it a *prima facie* case of *ex-parte ad interim injunction*. Thus, the Hon'ble court ordered an *ex-parte ad interim injunction* against defendant and The Hon'ble court ordered the defendant to take down all the product listings that were using the trademark of the plaintiff.

### FRANKFINN AVIATION SERVICES (PVT.) LTD. (Plaintiff) vs FLY- HI MARITIME TRAVELS PRIVATE LIMITED & ANR. (Defendants)

Case No.: CS(COMM) 83/2024  
Decided On: February 05, 2024



The present suit was filed by the plaintiff seeking urgent interim relief against defendant

for using plaintiff's trademark "FLYHIGH"  Plaintiff contended that

defendants mark "FLY HI" 

is nearly identical/deceptively similar to the plaintiff's registered mark. The Hon'ble Delhi High Court, after examining evidence, observed that it is a strong *prima facie* case for grant of injunction as the defendants' mark can cause strong likelihood of confusion as it is phonetically and structural identical to plaintiff mark and belong to same class. Thus, the Hon'ble court ordered an *ad interim injunction* against defendants and immediate restraint on them from using said mark.

### SEQUOIA CAPITAL OPERATIONS LLC & ORS. (Plaintiffs) vs JOHN DOE AND OTHERS (Defendants)

Case No.: CS(COMM) 103/2024  
Decided On: February 05, 2024

## SEQUOIA

The present suit was filed by the plaintiffs seeking *permanent injunction* against defendants for using plaintiff's trademarks "SEQUOIA", "SEQUOIA CAPITAL",



The plaintiffs contended that the defendants are using plaintiff's mark as a group icon in a telegram group to encourage investors and also make incorrect statements about their association with plaintiffs. The Hon'ble Delhi High Court observed that the activities of defendants are fraudulent, and consumer are drawn to the defendants because of the use of plaintiff's trademarks and absence of defendant's makes it a *prima facie case of ex-parte ad interim injunction*. Thus, the Hon'ble Court ordered an *ex-parte ad interim injunction* against defendants and restraint defendants from using plaintiff mark.

### THE HERSHEY COMPANY (Petitioner) vs DILIP KUMAR BACHA, TRADING AS SHREE GANESH NAMKEEN & ANR (Respondents)

Case No.: C.O. (COMM.IPD-TM) 179/2023  
Decided On: February 09, 2024

## HERSHEY'S

The present suit has been filed by a petitioner seeking rectification of the respondent's mark "HARSHY". Further, the jurisdiction of the High Court in cases related to trademark infringement, passing off, and rectification petitions was questioned. The petitioner argued that the jurisdiction should follow similar principles to those in Section 20 of the Civil Procedure

Code (CPC). The absence of a definition for 'High Court' in the Trade Marks Act suggests that the legal framework under the 1940 Act should remain applicable. Respondents argued that dragging a trademark proprietor to an inconvenient jurisdiction would harm small businesses and could lead to forum shopping. They argue for vesting jurisdiction with the High Court under whose overall Appropriate office of the Trade Marks Registry falls. They also highlighted the potential anomaly that could arise from allowing filing an application for rectification before any High Court, and the potential for multiple proceedings. The Hon'ble Delhi High Court is considering the applicability of the decision in Girdhari Lal Gupta, the jurisdiction of the High Court under Section 57 of the 1999 Act would be determined on the basis of the Appropriate office of the Trade Mark Registry, which granted the impugned trade mark registration. The expression 'the High Court' can be construed differently in Sections 47, 57, and 91 of the 1999 Act.

## PERSONALITY AND PUBLICITY RIGHT CASES

### AKSHAY TANNA (Plaintiff) vs JOHN DOE AND OTHERS (Defendants)

Case No.: CS(COMM) 92/2024 & I.A. 2257/2024  
Decided On: February 05, 2024

The present suit is filed by the plaintiff seeking urgent interim relief against unknown defendants for infringement of the personality and publicity rights of the plaintiff. Plaintiff claims that he is a senior executive of KKR Advisory India Private Limited ("KKR India") the defendants by creating social media groups naming it "KKR India" on messaging platforms and falsely claiming association with the plaintiff and misusing plaintiff reputation to make public invest based on plaintiff expertise in investment services. The Hon'ble Delhi High Court is of the opinion that considering the public interest involved and from the submission by the plaintiff it is prima facie case in favor of the plaintiff and grants ex parte ad interim injunction restraining the defendants from using plaintiff's name, photo or any personality rights associated with plaintiffs.

## COPYRIGHT CASE:

### GUJARAT COOPERATIVE MILK MARKETING FEDERATION LTD & ANR. (Plaintiff) vs SUJAY KUMAR & ORS. (Defendant)

Case No.: CS(COMM) 45/2021, I.A. 1353/2021, I.A. 9877/2021, I.A. 9878/2021 I.A. 19665/2022.  
Decided On: February 02, 2024



The present suit was filed by plaintiff against multiple defendants including "WIDEOPEN" for posting disparaging content related to the defendant and trademark "AMUL" on social media, including YouTube. Defendant No. 5, "WIDEOPEN", was not identifiable due to Google's refusal to provide the identity as per GDPR rules. The Counsel for Google Ireland emphasized the legal constraints under the GDPR and suggested obtaining data through legal processes in Ireland. No Mutual Legal Assistance Treaty (MLAT) exists between India and Ireland. The Hon'ble Delhi High Court observed the complexity of issues due to conflicting legal jurisdictions and finds that it is essential to ensure that copyright owners are not deprived of remedies due to data protection laws.



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