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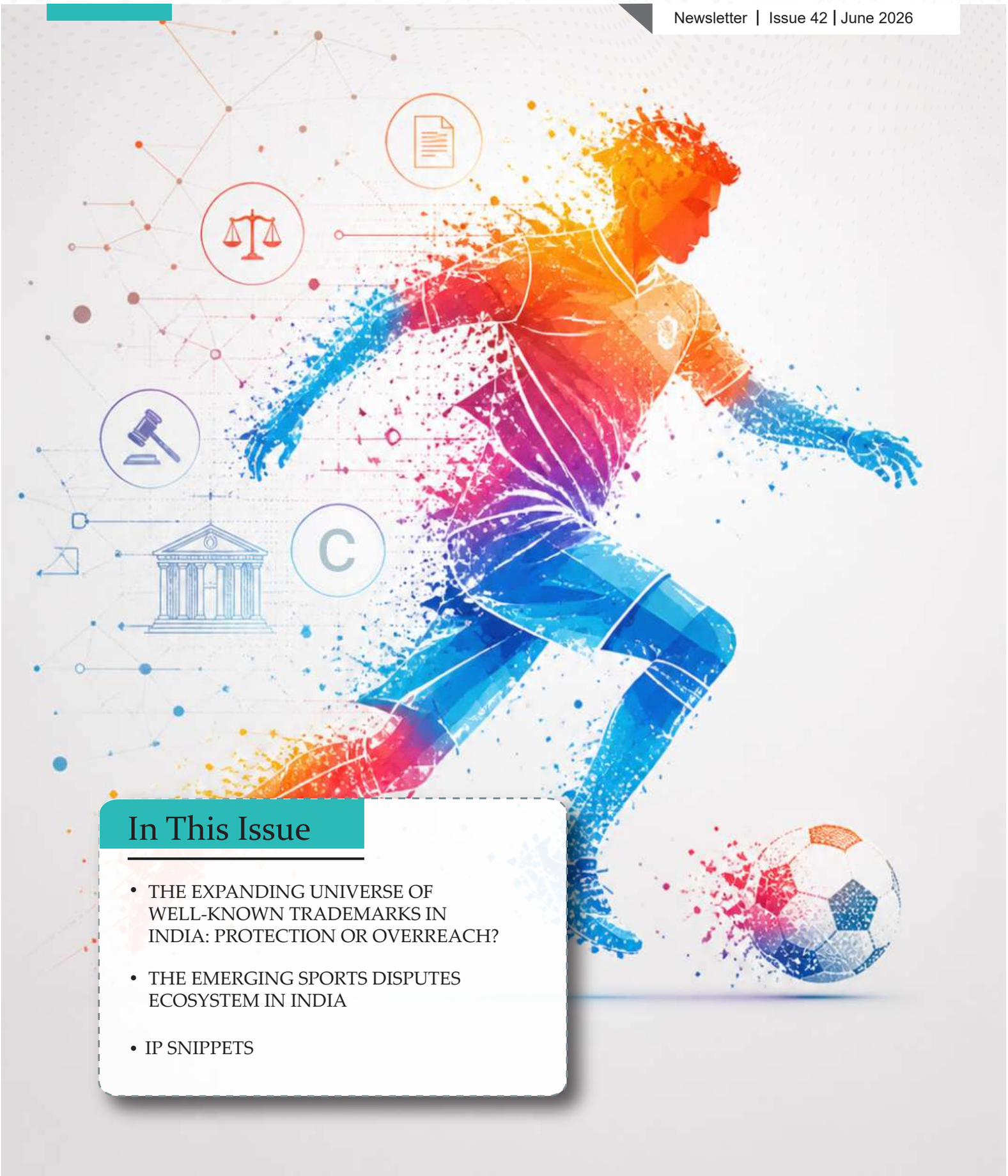
Gateway to IP World

Newsletter | Issue 42 | June 2026



In This Issue

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THE EXPANDING UNIVERSE OF WELL-KNOWN TRADEMARKS IN INDIA: PROTECTION OR OVERREACH?

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A well-known trademark is a mark that has acquired such extensive reputation and public recognition that its protection extends even beyond the goods or services for which it is registered. Unlike ordinary trademarks, well-known marks enjoy broader legal protection against use that may create an association with the proprietor or dilute the distinctiveness of the mark.

Traditionally, this status was intended to remain reserved for truly exceptional marks. However, in recent years, Indian courts and the Trade Marks Registry have been granting well-known status with increasing frequency. The increasing grant of well-known status in routine infringement suits reflects a shift in approach. As of May 2026, there are 345 marks in the official list of well-known trademarks maintained by the Registry, with judicial declarations continuing to add to that number. This evolving trend raises an important question: ***does this expansion reflect the growth of India's intellectual property framework, or does it risk diluting the exceptional nature of well-known trademark protection itself?***

WHAT THE STATUS MEANS

The concept of a well-known trademark has been incorporated into Indian law through *Section 2(1)(zg) of the Trade Marks Act, 1999*, which defines a well-known trademark as a mark that has become so well known to a substantial segment of the relevant public that its use in relation to other goods or services would likely indicate a connection with the proprietor of the mark. By its very nature, the threshold for recognition as a well-known trademark is intended to be high. Such protection is meant to be reserved for marks that have moved beyond their original goods or services and acquired a broader public reputation and commercial association. The underlying objective is to prevent dilution, unfair advantage, and misuse of marks that enjoy substantial recognition in the market.

THE DUAL ROUTE AND ITS ASYMMETRIES

India operates two pathways to well-known status: the administrative route (Under Rule 124 before the Registrar) and the judicial route (declaration obtained as supplementary relief in an infringement or passing-off suit). The Registry route carries a publication-and-opposition mechanism. The judicial route carries no such safeguard, declarations emerge from adversarial proceedings that may be entirely one-sided when a defendant defaults or concedes. Yet both routes produce the same result: permanent, pan-class protection recorded in the national registry. This procedural asymmetry raises important structural concerns.

The judgments examined below, all pronounced within the last few months, collectively offer a comprehensive cross-section of the evolving jurisprudence surrounding well-known trademarks in India. They indicate a growing pattern (ex parte, self-reported evidence, liberal grant), a legitimate debate (urban popularity versus nationwide recognition), and a corrective model, each has something distinct to teach.

People Interactive India Pvt. Ltd. v. Ammanamanchi Lalitha Rani & Ors.

The Hon'ble Bombay High Court granted ex-parte permanent injunction against the use of the domain

name ***'getshaadi.com'***, declared ***'Shaadi.com'*** a well-known trademark, and imposed costs of Rs. 25 lakhs. The matter proceeded ex parte, as the defendants failed to appear despite service of notice.

The Court relied upon the plaintiff's long-standing use of the mark since 1996, its large subscriber base, substantial advertising expenditure, and extensive market presence. The plaintiff also demonstrated that the defendants had used ***'Shaadi.com'*** as a meta-tag on their website, resulting in diversion of internet traffic and constituting online passing off.

However, the case also reflects a growing pattern in well-known trademark declarations. The Bombay High Court noted that the plaintiff's evidence remained "undisputed and unchallenged." Consequently, the declaration was based entirely on affidavit evidence and supporting documents produced by the plaintiff, without any cross-examination or contest from the defendants.

Impresario Entertainment and Hospitality Pvt. Ltd. v. M/S The Shake Social

The Hon'ble Delhi High Court declared the marks **'SOCIAL'** and the stylised 'S(#)CIAL' logo as well-known trademarks. The plaintiff relied upon its extensive operations across India since 2014, substantial turnover, advertising expenditure, and market presence. The defendant, operating a café under the name '*The Shake Social*', did not appear before the Court and the matter proceeded *ex parte.*

The infringement claim was largely uncontroversial, particularly considering the visual similarity between the competing marks and the nature of the defendant's use. However, the declaration of **'SOCIAL'** as a well-known trademark raises a broader question regarding the threshold required for such recognition.

The **SOCIAL** brand undoubtedly enjoys significant popularity in major metropolitan cities and among young generation. But the same level of recognition may not necessarily exist across older age groups or consumers outside major urban centers. However, the statutory standard under *Section 2(1)(zg)* requires recognition amongst a "substantial segment of the public" using such services. The decision leaves open the larger question of whether strong urban and demographic popularity, by itself, is sufficient to justify the grant of well-known status carrying cross-class protection.

Toyota Jidosha Kabushiki Kaisha v. Tech Square Engineering Pvt. Ltd.

Hon'ble Division Bench of the Delhi High Court declared **'ALPHARD'** a well-known trademark and directed removal of the respondent's registrations from the Register. The matter arose from a rectification petition filed by Toyota seeking cancellation of the respondent's registrations in Classes 9, 12 and 27. Unlike many recent well-known trademark matters, the case involved a fully contested proceeding with detailed arguments and scrutiny of evidence from both sides.

One of the key issues before the Court was that the **ALPHARD** vehicle had not been formally launched in India, and Toyota had instead marketed the same vehicle in India under the name **'VELLFIRE'.** The Single Judge had earlier relied upon this fact while dismissing Toyota's petition. However, the Division Bench reversed the decision and clarified that the *Toyota Jidosha Kabushiki Kaisha v. Prius Auto Industries Ltd* judgment was based on lack of sufficient evidence in that case, and not on rejection of the principle of cross-border reputation.

The Court further observed that in the case of luxury goods, recognition amongst a niche consumer segment may be sufficient and widespread mass-market recognition is not always necessary. Significantly, the Court also treated voluntary third-party imports of the **ALPHARD** vehicle into India as evidence of market reputation and goodwill.

The **ALPHARD** decision stands out because of the level of evidentiary scrutiny applied by the Court before granting well-known status. The judgment demonstrates how detailed adversarial examination can contribute towards a more structured and rigorous assessment of claims for well-known trademark recognition.

Interestingly, even during the course of writing this article, another trademark, **'CALPOL'** was declared a well-known trademark by the Hon'ble Delhi High Court in *GlaxoSmithKline Pharmaceuticals Ltd. v. Walter Healthcare Private Limited And Anr.* involving the competing mark ***'WALPOL'.*** The continued addition of new marks to the well-known trademark list within such short intervals further reflects the growing frequency with which such declarations are being granted in recent years.

THE PATTERN AND WHAT IT SIGNALS

Ex Parte as Default Mode:

Across Shaadi.com, SOCIAL, and several other recent well-known trademark matters, a common procedural pattern can be observed. In many cases, infringement suits are filed, defendants fail to appear or contest the proceedings, and the Court proceeds on the basis of the plaintiff's unchallenged affidavit evidence while simultaneously granting a declaration of well-known status along with injunctive relief.

While such proceedings may be procedurally valid, they raise an important structural concern. The depth of judicial scrutiny often depends upon the presence of a contesting defendant. In cases where no effective opposition is presented, the Court is largely required to rely upon the plaintiff's own evidentiary narrative.

Another noticeable trend is the increasing reliance on self-reported commercial material such as turnover figures, advertising expenditure, social media presence, online platform listings, and industry awards while determining well-known status. While these factors certainly establish commercial success and market presence, they may not always independently demonstrate the depth of public recognition contemplated under the doctrine.

Unlike the mechanism under Rule 124, which provides for publication and an opportunity for objections. On the other hand, declarations granted in ex-parte infringement proceedings are often based solely on the plaintiff's affidavit evidence. While courts may rightly grant injunctive relief in such cases, the well-known status which carries continuing and very wide range of protection requires a higher level of scrutiny. A comparable approach may be seen in patent appeal matters before High Courts, where courts, in successful appeal matters, frequently direct reconsideration by the Patent Office in pre-determined time limit or remand matters for fresh examination instead of conclusively determining technical examination themselves. A similar procedural safeguard or independent scrutiny mechanism may therefore be worth considering in cases where well-known status is sought in *ex parte* proceedings.

The cumulative effect of these developments is that well-known trademark recognition is increasingly becoming a routine outcome in infringement proceedings rather than an exceptional form of protection reserved for truly distinctive and widely popular marks. This evolving trend raises broader concerns regarding the dilution of the doctrine, expanding exclusivity claims, and the impact on honest commercial use issues that are examined in the following section.

EFFECTS OF EXCESSIVE GRANT OF WELL-KNOWN STATUS

The protection of a well-known trademark goes above and beyond usual trademark protection, hence, it was originally created for unique trademarks only.

The first issue that can emerge due to the over-recognition of well-known status is that of the diminishing exclusivity that comes with such recognition. Well-known marks were supposed to represent an exceptional case where only those marks would qualify that enjoyed exceptional levels of recognition across all industries and countries. The more marks are granted well-known status, the less rare they become. It is even possible that in some cases, well-known status will no longer have any exceptional value but simply function as a business benefit.

The other critical problem is that the owners of

established trademarks have started demanding a near-monopoly protection for terms that can be described as common, descriptive, or even dictionary. The courts have been awarding increased protection to such trademarks on grounds of their acquired reputation, advertisement spends, social networking influence, and general public recognition. Even if it is justifiable for genuinely distinctive trademarks, it might lead to trademark owners claiming monopoly rights over ordinary terms.

This concern becomes evident in cases where the trademark **"SOCIAL"** is registered under the hospitality sector. This shows how the courts have been willing to consider secondary meanings and commercial reputations despite the use of common English words. While the aim was to avoid confusing consumers and to secure any established good will, this might result in fewer words available to other business entities in the same industry.

Likewise, in the case of ***Shaadi.com,*** the Bombay High Court appreciated the immense goodwill associated with the mark because of its huge number of users, cost incurred on advertising, and digital presence. Moreover, the court prevented the misuse of the mark by way of using metatags for diverting online traffic. This was considered an act of piracy and dilution of goodwill on the Internet. It is worth noting that although this judgement highlights the growing need for protection of digital marks in the contemporary world, it may result in extending protection further than just infringement.

In light of the growing number of marks that are protected through broad legal means, it is becoming much harder for emerging companies to choose names for their products or services. The chances for start-ups and emerging firms to be opposed or to receive oppositions have increased even while using marks that are in some ways descriptive or unrelated to commercial activity. The challenge that faces the trademark environment is the shortage of available commercial brand names.

The influence of this trend can also be observed on the registry front. Examiners in a bid to ensure no conflict arises with reputed marks take a very careful stance while examining an application. This results in objections being raised against applications on the grounds of ***Sections 11 of the Trademarks Act, 1999*** even when there is little possibility of any confusion. The wide scope of protection provided to reputed marks usually results in overly stringent standards of examination being employed by the Indian Trade mark registry.

In addition, the growing awareness of famous trademarks has also been a factor in creating more cases of defensive filing and tough opposition tactics. Applicants now file their trademark applications under many unrelated classes simply in order to avoid use by other companies, even if they themselves do not operate in the industry in which they file applications. Excessive oppositions and enforcement actions may therefore create an imbalance between protecting reputation and preserving fair competition.

Another important consequence is the gradual erosion of the doctrine of honest concurrent use. Traditionally, trademark law recognised that two parties may honestly and independently adopt similar marks without dishonest intention, particularly where there exists long-standing concurrent use without confusion. However, as courts increasingly prioritise the rights of reputed and well-known marks, honest concurrent users may receive narrower protection. The fear of dilution and association often outweighs consideration of genuine commercial coexistence, thereby restricting the flexibility historically available within trademark law.

However, there have been instances where courts have tried to strike a balance by reiterating the concept of territoriality as well as insisting upon substantial proof of reputation in India before providing extensive protection. In ***Toyota v. Tech Square Engineering Pvt. Ltd.,*** for instance, the court made it clear that reputation and recognition overseas will not be enough unless spill-over reputation and goodwill in India is established as well. It is clear from the judgment that the court did not want any automatic protection just on the basis of international fame.

Thus, although well-known trademark protection constitutes an important element of modern trademark law, an excess of awareness carries the danger of turning protective rights into monopolies. Modern trademark law needs to maintain a delicate equilibrium between two conflicting considerations:

1. protection of the good reputation of existing marks and
2. access to the market by all others.

The growing number of well-known trademarks thus raises a critical policy question: whether the law is merely evolving to address modern commercial realities, or whether the boundaries of exclusivity are gradually extending beyond their intended limits.

References:

1. *People Interactive India Pvt. Ltd. v. Ammanamanchi Lalitha Rani & Ors. (COMIP NO. 225/2015)* https://indiankanoon.org/doc/129855062/
2. *Impresario Entertainment and Hospitality Pvt. Ltd. v. M/S The Shake Social (CS(COMM) 121/2025)* https://indiankanoon.org/doc/172787960/
3. *Toyota Jidosha Kabushiki Kaisha v. Tech Square Engineering Pvt. Ltd. (LPA 176/2023 & CM APPL. 11804/2023)*
4. *Toyota Jidosha Kabushiki Kaisha v. Prius Auto Industries Ltd (2017 INSC 1230)* https://indiankanoon.org/doc/4821321/
5. *GlaxoSmithKline Pharmaceuticals Ltd. v. Walter Healthcare Private Limited And Anr (CS(COMM) 403/2025)* https://indiankanoon.org/doc/44292392/

Marks which received status of well-known mark recently:

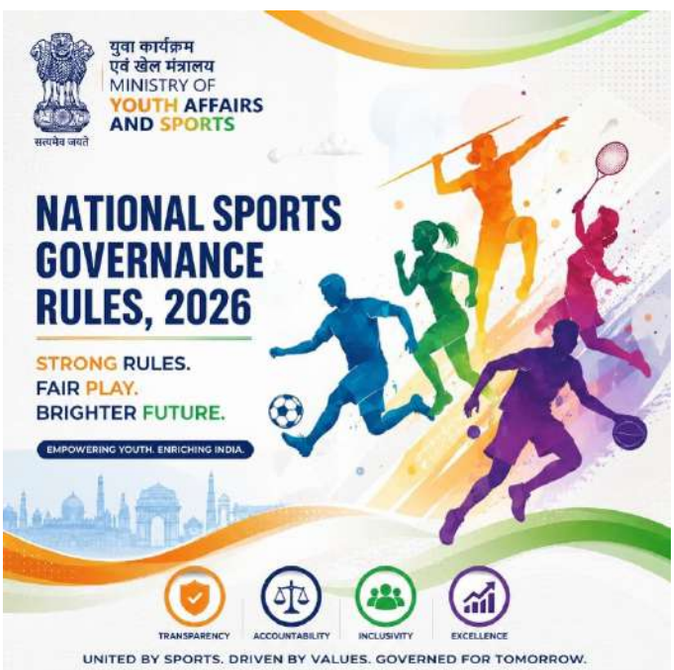
shaadi.com

ALPHARD

SOCIAL

THE EMERGING SPORTS DISPUTES ECOSYSTEM IN INDIA

India's sports sector has just taken a decisive step towards a more structured dispute resolution architecture. With the notification of the National Sports Governance (National Sports Board) Rules, 2026 and the National Sports Governance (National Sports Tribunal) Rules, 2026 under the National Sports Governance Act, 2025, we effectively move from an administrative "sports code" model to a statutory, tribunal centric regime.



At the heart of this shift is the National Sports Tribunal (NST), envisaged as a specialised, quasi judicial forum with a mandate to provide speedy, independent and cost efficient disposal of sports related disputes, while reducing reliance on civil courts and avoiding multiplicity of litigation. The NST's jurisdiction spans governance and election disputes, selection and disciplinary grievances, and internal administration conflicts within recognised sports bodies, subject to carve outs for disputes that fall within the exclusive domain of international federations and the Court of Arbitration for Sport (CAS).

Equally significant is the techno legal design of the new system. The Tribunal Rules mandate a dedicated, single window online portal for end to end digital handling of cases - online filing of disputes, electronic service of notices and responses, uploading of evidence, virtual hearings, and electronic publication and maintenance of orders and records. For athletes, coaches and federations across India, this is effectively an online dispute resolution (ODR) layer embedded within a statutory tribunal.

For practitioners, this emerging ecosystem presents both opportunities and challenges. Counsel will need to navigate a bifurcated landscape where most domestic sports disputes are channelled through a non arbitrable, statutory forum, while cross border matters continue to engage CAS and other arbitral mechanisms. The quality of advocacy will increasingly turn on written submissions, digital evidence management and strategy around internal grievance mechanisms that feed into the NST.

In our view, the next few years will determine whether this framework delivers on its promise of athlete centric, transparent and tech enabled justice - or merely reproduces familiar bureaucratic bottlenecks in digital form. Either way, for sports law practitioners in India, an entirely new field of structured, technology heavy disputes practice is now open.

IP SNIPPETS:

PATENT CASES:

JFE STEEL CORPORATION (Appellant) vs ASSISTANT CONTROLLER OF PATENTS AND DESIGNS (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 483/2022
DECIDED ON: 12th May 2026

The present appeal has been filed by the appellant against the respondent for rejecting appellant's patent application under section 10(4)(a) read with section 10(4)(c) of the Act. The appellant argued that the respondent rejected the subject application solely on the ground of section 10(4)(a) read with section 10(4)(c) of the Act and the respondent failed to consider the objections relating to novelty, lack of inventive step, and non-patentability under Section 3(d) of the Act present in the hearing notice. The final decision of the respondent must consider all the objection together rather than relying on one or more objections.

The Hon'ble Delhi High Court observed the following matter and states that the respondent must decide all the objections raised in the hearing notice rather than rejecting the application on a single ground. The Hon'ble Court further states that the patent rights have a limited life term, and such incomplete adjudication leads to unnecessary delays. The Hon'ble Court concluded by setting aside the impugned order and directed the matter to the respondent for fresh consideration on all objections.

HANMI PHARM. CO. LTD. (Appellant) vs THE CONTROLLER GENERAL OF PATENTS AND DESIGNS (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 464/2022
DECIDED ON: 11th May 2026

In the present case, the appellant challenged the impugned order passed by the respondent for rejecting appellant's patent application under the ground of lack of inventive step under Section 2(1)(ja) and non-patentability under Section 3(d) of the Act. The appellant states that the respondent examined the subject application against the cited prior art document by considering only claims 1 to 13, the respondent has not referred to the process claims 14-22 while passing the impugned order.

The Hon'ble Delhi High Court analyzed the impugned order and noted that the respondent has completely ignored the process claims 14-22. The Hon'ble Court stated that the impugned order cannot be maintained as it is important to consider the Process Claims as well. The Hon'ble Court set aside the impugned order and remanded the subject application for fresh consideration.

SYNGENTA PARTICIPATIONS AG (Appellant) vs CONTROLLER OF PATENTS DESIGNS (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 49/2023
DECIDED ON: 4th May 2026

The appellant filed an appeal against the respondent for refusing the appellant's patent application on the ground of lack of inventive step under section 2(1)(ja) and non-patentability under section 3(d) of The Patent Act, 1970. The appellant states that the respondent nor has cited any reference for rejecting the subject application, neither has considered the comparative data furnished by the appellant. The respondent stated that based on prior art document D1 to D4, he did not find any inventive step and the evidence for enhancement of therapeutic efficacy of the polymorph was lacking in the subject application.

The Hon'ble Delhi High Court observed the following matter and stated that the respondent has relied on common general knowledge while failing to cite the relevant source thus vitiating the impugned order. The Hon'ble High Court set aside

the impugned order passed by the respondent and remitted the matter to the Patent Office for fresh consideration. The Hon'ble Court concluded that the objection under Section 3(d) should be reconsidered by the respondent within the period of 6 months from the date.

MALIKIE INNOVATIONS LTD & ANR. (Plaintiffs) vs XIAOMI CORPORATION & ORS. (Defendants)

CASE NO.: CS(COMM) 734/2025 & I.A. 17509/2025
DECIDED ON: 30th April 2026

The plaintiffs filed a patent infringement suit against the defendants alleging unlicensed manufacture, import and sale of of 4G and 5G compliant devices. The plaintiffs are seeking to license a portfolio of cellular Standard Essential Patents ("SEPs") having the patent assets of plaintiff no. 1 (MALIKIE INNOVATIONS LTD) acquired from BlackBerry Limited ("BlackBerry").

The plaintiff contended that the defendants were engaged in negotiations without taking a license and continued to exploit the patented technology. The plaintiff further states that the defendants were obligated under FRAND principles to furnish security during negotiations. The defendants countered that the suit cannot be maintained without impleading BlackBerry that the plaintiff had not established validity, essentiality, infringement or FRAND rates and that no pro team could be ordered without such findings.

The Hon'ble Delhi High Court observed that in SEP disputes, pro teams serves as a temporary equitable measure to balance the interest of the parties and does not require any detailed adjudication on merits. The Hon'ble Court further states that the plaintiffs has established a prima facie case regarding validity, essentiality and infringement of the suit patents, that the defendants had participated in licensing negotiations and continued commercial exploitation of the technology without furnishing security and that non-production of comparable license agreements was not fatal at the pro tem stage. The Hon'ble Court concluded by allowing the application and directing the defendants to deposit ₹272 crores or submit an unconditional Bank Guarantee.

FIVE FINGERS EXPORTS INDIA PRIVATE LIMITED (Petitioner) vs Lohia Corp Ltd and another (Respondent)

CASE NO.: A227 No. - 1258 of 2026
DECIDED ON: 30th March 2026

The petitioner filed a petition before the High Court of Judicature at Allahabad requesting the relief to set aside the impugned order passed by the commercial court, Varanasi and for stay orders of the further proceedings of the original Suit No. 2 of 2026. The petitioner states that the Commercial Court, Varanasi has exempted the respondent from mandatory pre institution mediation and granted ex-parte interim injunction to the petitioner without recording the mandatory requirement. Also, the petitioner argued that its company is situated in Tamil Nadu, therefore, Varanasi Commercial Court lacks the jurisdiction. The respondent states that the infringing machines were installed and used in Varanasi by the respondent and hence falls under its jurisdiction and all the required documents were recorded by the Court.

The Hon'ble Allahabad Court perused the matter and stated that the Commercial Court failed to record Prima Facie findings regarding jurisdiction by granting an ex-parte order. The Hon'ble Court set aside the Commercial Court's orders and remanded the matter back for fresh hearing with a reasoned order.

TRADEMARK CASES

HINDWARE LTD. (Plaintiff) vs GROHE INDIA PVT LTD & ORS. (Defendants)

CASE NO.: CS(COMM) 591/2017
DECIDED ON: 22nd May 2026

In the present suits, the plaintiff filed suits against defendants, seeking permanent injunction, damages, and other reliefs for infringement of its well-known trademark **"HINDWARE".** The grievance arose from the defendants' use of the plaintiff's registered trademark as a keyword under Google's AdWords programme, whereby sponsored advertisements of competing brands appeared when internet users searched for **"HINDWARE"** or related search terms.

The plaintiff argued that defendant no. 2 (Google) actively suggested, auctioned, and monetized the plaintiff's trademark as a keyword for competitors, thereby causing consumer confusion, diversion of internet traffic, dilution of the mark, and infringement under Section 29 of the Trade Marks Act, 1999. Defendant no.2 defended stating that the keywords function merely as invisible backend triggers and do not amount to "use" of a trademark in the trademark sense. It argued that advertisers independently select keywords on which they want their advertisement to be triggered and Google acted only as an intermediary entitled to safe harbour protection under the IT Act.

The Hon'ble Delhi High Court held that use of a registered trademark as a keyword through Google Ads constitutes "use" under the Trade Marks Act and that defendant no. 2's role was not entirely passive owing to its keyword planner and advertising tool. The Court restrained defendants from permitting use of the plaintiff's mark "HINDWARE" as a keyword and awarded damages of ₹30 lakhs in favour of the plaintiff.

TOYOTA JIDOSHA KABUSHIKI KAISHA (Appellant) vs TECH SQUARE ENGINEERING PVT LTD & ANR. (Respondents)

CASE NO.: LPA 176/2023 & CM APPL. 11804/2023, LPA 177/2023 & CM APPL. 11807/2023, and LPA 178/2023 & CM APPL. 11810/2023
DECIDED ON: 4th May 2026

In the present appeal the appellant filed rectification proceedings seeking removal of the trademark **"ALPHARD",** registered by the respondents. Appellant contended that it had adopted and extensively used the mark **"ALPHARD"** globally and that the mark had acquired trans-border reputation and goodwill in India prior to respondents 2015 registration. Appellant alleged that the respondent's adoption was dishonest and intended to capitalize on the goodwill associated with its globally reputed mark. Appellant argued that despite no formal launch in India, the **"ALPHARD"** vehicles had established spill-over reputation and consumer recognition in the Indian market.

Respondents, on the other hand, claimed to be the bona fide adopter and prior user of the mark in India since 2015, asserting that Appellant had never commercially used or launched the **"ALPHARD"** mark in India and therefore could not claim prior goodwill or protection under ***Section 11 of the Trade Marks Act.***

The Hon'ble Division Bench of the Delhi High Court extensively examined the doctrine of trans-border reputation and clarified that the absence of a formal commercial launch in India does not defeat a claim of goodwill where the mark enjoys recognition among the relevant consumer segment. The Hon'ble Court emphasized that in the case of luxury automobiles, market penetration cannot be judged by mass sales, and unsolicited imports by Indian consumers themselves constitute strong evidence of brand recognition and goodwill. Accordingly, the Hon'ble Court held that appellant had established sufficient trans-border reputation

and goodwill in India and that the respondent's registration of the identical mark **"ALPHARD"** was unsustainable. The appeal was allowed, and the Hon'ble Court directed rectification/removal of the Respondent's impugned trademark registrations from the Register.

MEDECINS SANS FRONTIERES INTERNATIONAL (Plaintiff) vs DHARMA PRODUCTIONS PRIVATE LIMITED AND ORS (Defendants)

CASE NO.: CS(COMM)1134/2024
DECIDED ON: 30th April 2026

In the present suit, plaintiff filed an infringement suit against the defendants, alleging infringement and disparagement of its well-known trademarks **"Médecins Sans Frontières"** and **"Doctors Without Borders"** under Section 29(4) and 29(9) of the Trade Marks Act, 1999. The grievance arose from the use of the plaintiff's marks in defendants' film "Jigra", where fictional characters allegedly impersonated representatives of "Doctors Without Borders" to illegally cross international borders and escape from prison.

The plaintiff contended that its mark enjoys global reputation and goodwill. It argued that the defendants deliberately used the plaintiff's reputation to get credibility and realism to the film's narrative, thereby taking unfair advantage of its goodwill and causing detriment to the distinctive character and reputation of the marks. The defendants contended that the use was merely referential and part of a fictional storyline protected under artistic and creative expression. They argued that the use was minimal, non-commercial in the trademark sense, did not suggest endorsement by the plaintiff, and caused no actual dilution, confusion, or reputational harm to the plaintiff.

The Hon'ble Delhi High Court held that the plaintiff's marks possess substantial reputation in India and that the defendants had used the marks without due cause in the course of trade. While the Court found no prima facie evidence of "unfair advantage" being derived by the defendants, but it was also held that the use of the mark was likely to adversely affect the distinctive character and reputation of the plaintiff's mark. Accordingly, the Court declined to grant an injunction restraining the release of the film but directed the defendants to display an acknowledgment/disclaimer at the commencement of the film clarifying that no harm or detriment to the plaintiff's reputation in any way was intended.

COPYRIGHT CASES

VODAFONE IDEA LIMITED (Appellant) vs THE INDIAN PERFORMING RIGHT SOCIETY LIMITED & ANR. (Respondents)

CASE NO.: A.O (COM) No. 17 of 2024, CS-COM 140 OF 2024, IA NO. GA-COM 1 OF 2024, GA-COM 2 OF 2024, GA-COM 3 OF 2024
DECIDED ON: 8th May 2026

In the present suit the appellant filed appeals against the orders passed in suits instituted by the respondents concerning the commercial exploitation of musical and literary works embedded in sound recordings through appellant Value Added Services (VAS), such as caller tunes and ring tones. Appellant contended that its agreements with respondent no. 2 entitled it to commercially exploit the sound recordings without requiring any separate license from respondent no. 1.

Appellant argued that once a license for sound recordings was obtained from respondent no. 2, no separate royalty was payable to respondent no. 1 for the underlying literary and musical works. It relied on pre-2012 copyright jurisprudence and contended that the producer of the sound recording retained composite rights over the work. On the other hand, respondent no. 1 argued that after the Copyright (Amendment) Act, 2012, authors of literary and musical works retained an independent

statutory right to royalties whenever such works were commercially exploited, and that appellant had no valid license from respondent no. 1 permitting such exploitation.

The Hon'ble Calcutta High Court extensively analysed the Copyright Act, 1957, particularly the amendments introduced in 2012, and observed that the amendments created a ***"paradigm shift"*** in favour of authors and composers. The Hon'ble Court held that copyright in literary and musical works subsists independently from copyright in sound recordings, and that *Sections 18 and 19 of the Act* expressly preserve the authors' right to receive royalties when their works are commercially exploited. The Hon'ble Court further clarified that any agreement contrary to these statutory protections would be void. Importantly, the Hon'ble Court held that music companies such as respondent no. 2 could not grant licenses for exploitation of underlying literary and musical works in derogation of respondent no. 1 rights.

The Hon'ble Court ultimately ruled in favour of respondent no. 1 and held that appellant could not commercially exploit the underlying musical and literary works incorporated in sound recordings without obtaining express permission from respondent no. 1. The appeals filed by appellant were dismissed, the interim protections granted earlier were continued in favour of respondent no. 1.

AMAN GUPTA (Plaintiff) vs JOHN DOE/ASHOK KUMAR AND ORS. (Defendants)

CASE NO.: CS(COMM) 462/2026
DECIDED ON: 7th May 2026

In the present case, the plaintiff filed a suit seeking protection of his personality and publicity rights, trademark rights, and reputation against various unidentified persons and online entities for the unauthorized commercial exploitation of his name, image, voice, likeness, catchphrases, trademarks, and digital persona across online platforms. The defendants primarily submitted that they would comply with the Court's directions and remove the identified infringing content and URLs.

The Hon'ble Delhi High Court extensively examined the scope of personality and publicity rights in the digital era, particularly in the context of AI-generated and deepfake content. The Hon'ble Court observed that the plaintiff had, over a short span of time, established significant commercial reputation, public recognition, and distinct personality traits uniquely associated with him. The Hon'ble Court emphasized that the unauthorized exploitation of a celebrity's persona, voice, image, slogans, and digital identity for commercial purposes constitutes a prima facie infringement of personality and publicity rights. Importantly, the Hon'ble Court noted that the creation and circulation of sexually explicit deepfake and AI-generated content using the plaintiff's identity required urgent judicial intervention, especially where such misuse was driven by unlawful financial gain and resulted in severe reputational injury.

Accordingly, the Hon'ble Court granted an *ex-parte ad-interim injunction* in favour of the plaintiff and restrained the defendants from using, exploiting, reproducing, or disseminating the plaintiff's name, likeness, image, voice, trademarks, GIFs, videos, or any aspect of his persona without authorization, including through AI and deepfake technologies.

RELIANCE INDUSTRIES LIMITED (THROUGH ITS MEDIA AND ENTERTAINMENT DIVISION, JIO STUDIOS) (Plaintiff) vs MASTERCHOW FOODS PRIVATE LIMITED & ORS. (Defendants)

CASE NO.: COMIP (L) NO. 14751/2026
DECIDED ON: 4th May 2026

In the present suit, the plaintiff filed an infringement suit against the defendants, seeking relief for copyright infringement arising from the unauthorized use of a character from the plaintiff's film in an advertisement and behind-the-scenes ("BTS") promotional content. The plaintiff contended that the impugned advertisement reproduced and exploited the visual depiction of the character and underlying works of the film without authorization, thereby violating its copyright.

The plaintiff further alleged that the infringing advertisement and BTS videos were subsequently reposted and disseminated across multiple social media platforms by unknown third parties (John Doe defendants), causing continued unauthorized circulation of the copyrighted content. Defendant no.1 entered into settlement negotiations with the plaintiff and agreed not to use, exploit, or utilize the film, portions thereof, or any underlying works without prior written approval of the plaintiff. The defendant no. 1 also acknowledged that the plaintiff and defendant no.2 were co-owners of all intellectual property rights in the film, including the concerned character.

The Hon'ble Bombay High Court recorded the consent terms and decreed the suit accordingly. The Hon'ble Court further held that continued dissemination of the impugned advertisement by third parties was liable to be restrained and directed the removal, disabling, and deletion of the infringing advertisement, hence relief granted against John Doe.

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This Newsletter is published by DuxLegis Attorneys from 902, Kamdhenu Commerz, Sector 14, Kharghar, Navi Mumbai, Maharashtra, India on 5 June, 2026.