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WHEN INNOVATION MEETS EXCLUSION: THE JUDICIAL EVOLUTION OF SECTION 3(I)

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Few provisions in the Indian Patents Act have travelled as quietly - and as far - as Section 3(i). For years, it sat in the background as a safeguard: a simple statement that the law would not allow monopolies over methods of medical treatment. Today, it is at the centre of a trilogy of high-profile decisions - Madras High Court's *Chinese University of Hong Kong & Sequenom*, and the Delhi High Court's *Sequenom* and *Hirotsu Bio Science* - that are reshaping the patentability of diagnostic inventions in India.

For innovators in molecular diagnostics, genomics, AI-driven healthtech and laboratory medicine, understanding this evolving jurisprudence is no longer optional. It has become central to developing an effective patent strategy in India.

Why Section 3(i) exists - and why it suddenly matters again

Section 3(i) excludes from patentability:

"any process for the medicinal, surgical, curative, prophylactic, diagnostic, therapeutic or other treatment of human beings or any process for a similar treatment of animals to render them free of disease or to increase their economic value or that of their products."

The legislative intent was clear: doctors should be able to treat patients without being sued for infringement; core clinical procedures should not become private monopolies; public health must take precedence over method-of-treatment patents.

For a long time, prosecution practice evolved a pragmatic compromise. Methods *"practised on the human or animal body"* were viewed as excluded, while many *in vitro* methods - performed on tissues or fluids removed from the body - *were treated as potentially patentable.* The 2010 Patent Office Manual reflected this thinking when it noted that methods of diagnosis practised on the body are not patentable, but methods performed on removed tissues or fluids *"may not be excluded."*

The balance once struck by the legislature is now being recalibrated in the courtroom.

Case one: Madras High Court and the "diagnostic" line - *Chinese University of Hong Kong & Sequenom*

The first major change came from the Hon'ble Madras High Court. In *The Chinese University of Hong Kong and Sequenom, Inc. v. Assistant Controller of Patents and Designs,* the Court was required to determine whether a non-invasive prenatal testing (NIPT) method constituted a diagnostic method excluded from patentability under Section 3(i).

This case may be distilled into three key aspects of the Court's reasoning:

1) **"Diagnostic" must be read in context.** The Court rejected the argument that "diagnostic" in Section 3(i) should be confined only to treatment that renders humans disease-free. Instead, it read the term in the company of "medicinal, surgical, curative, prophylactic, therapeutic" and concluded that any process that discloses pathology for treatment can be captured.

2) **Form is not everything; substance matters.** The Court emphasized that claims must be examined in the context of the complete specification, and that the label used ("screening", "testing", "risk assessment") is not conclusive. If a skilled person - such as a doctor - would understand the process

to lead to a diagnosis for treatment, it is diagnostic in the sense of Section 3(i).

3) **Not all tests are diagnostic.** Importantly, the Court also indicated that processes used purely for research or quality control, without leading to a diagnosis for treatment, may not be excluded. Diagnostic methods under Section 3(i) must disclose pathology per se; if further testing is inherently required before any diagnosis, the process may fall outside the exclusion.

In other words, the Court did not simply shut the door. It tried to define the threshold: when does a process cross the line from "generating information" into "making a diagnosis"?

Case two: Delhi High Court and NIPT - Sequenom v. Controller of Patents

Two years later, the Hon'ble Delhi High Court picked up the baton in *Sequenom Inc. v. Controller of Patents,* involving non-invasive prenatal testing claims refused under Section 3(i).

The Court drew a clear line:

1) **Section 3(i) covers *in vitro* diagnostic methods.** The Court expressly rejected the idea that the exclusion applies only to *in vivo* processes. If an *in vitro* process effectively confirms or rules out abnormalities for treatment - here, genetic irregularities in the fetus - it is diagnostic and non-patentable.

2) **Diagnosis is about capability, not marketing language.** The Court looked beyond how the applicant styled the invention. If the process is inherently capable of identifying disease, disorder or condition for treatment, it qualifies as diagnostic under Section 3(i), regardless of whether it is marketed as "screening" or "testing."

3) **Methods are excluded; products are not.** The Court reaffirmed that Section 3(i) is confined to process claims. Devices, tools and products - including diagnostic kits and instruments - remain capable of patent protection if they meet novelty, inventive step and industrial application requirements.

It is this last point that now divides patent strategy. The Delhi High Court has made it clear that one cannot save a diagnostic method by calling it screening, and one cannot evade Section 3(i) by moving the process outside the body. But it also confirmed that diagnostic products and tools are patentable, which is where many applicants are now retreating.

Case three: The nematode that could smell cancer – *Hirotsu Bio Science*

The most recent - and perhaps most headline-grabbing - decision is *Hirotsu Bio Science Inc. v. Assistant Controller of Patents and Designs,* decided by the Delhi High Court in January 2026.

Hirotsu's invention involved a cancer detection technique using the behavioural response of *Caenorhabditis elegans* worms to human urine samples. The Applicant argued that this was merely an *in vitro* detection tool - no clinical decision-making, no direct intervention on the human body - and therefore, it is outside the purview of Section 3(i).

The Court disagreed, and its reasoning is instructive:

1) ***in vivo* vs *in vitro* is not the dividing line:** Relying on the earlier *Chinese University* and *Natera* reasoning, the Court reiterated that Section 3(i) "does not make any distinction between *in vivo* or *in vitro* processes" and prohibits both where they are diagnostic in nature.

2) **Look at the specification, not just the claims:** The specification described the method as a cancer diagnosis system: sensitive, capable of early-stage detection, suitable for clinical testing, and able to diagnose multiple cancers through a single assay. The Court held that even if the claims avoided the word "diagnosis", the invention was inherently diagnostic.

3) **Detection that reveals pathology is diagnostic:** The Court aligned with commentary that if a screening test identifies the existence or non-existence of disease for treatment, it is diagnostic under Section 3(i). Even if additional

confirmatory tests are required, the first test can still fall within the exclusion if it reveals pathology in a way that a medical professional can act upon.

The result is striking: a novel, non-invasive, potentially valuable cancer-sniffing technology is barred from patent protection because, in substance, it performs a diagnostic function.

What do these three cases collectively tell us?

From the perspective of an IP practitioner who has lived with Section 3(i) for over a decade, three themes emerge clearly from this case law.

1. Section 3(i) is now being read purposively - and broadly - for diagnostic methods

The courts have emphasised that the purpose of Section 3(i) is to prevent patents from monopolising clinical decision-making and core medical activities. If a process, taken as a whole, enables diagnosis for treatment, it is likely to be caught, regardless of whether it is *in vitro* or *in vivo,* and regardless of the language used.

In short, you cannot draft patent specification around Section 3(i) simply by:

a) moving the test to the lab,

b) calling it "screening" rather than "diagnosis", or

c) avoiding the word "treat" in the claims.

The substance of the invention - what the skilled person understands it to do - now governs.

2. Methods are OUT; tools are IN

Both Madras and Delhi High Courts have been careful to remind us that Section 3(i) is a process exclusion. Products, devices, tools and diagnostic kits remain patentable subject matter, even if they are used in diagnosing or treating disease, provided they satisfy the usual tests of patentability.

This creates a strategic pivot for future applications:

a) **Method-centric inventions** (where the innovation lies in the sequence of steps, thresholds, interpretive logic) are increasingly vulnerable in India.

b) Product-centric inventions (novel reagents, kits, instruments, sample-processing systems) still have room, though often with narrower commercial reach.

Now, we see this in practice. Many applicants now strip out method claims entirely and focus their Indian filings on products and tools. That may protect some value, but it often leaves the real intellectual contribution - the diagnostic workflow itself - outside the patent fence.

3. Research and quality - control processes may still survive

An important nuance, especially from the *Chinese University* reasoning and subsequent commentary, is the recognition that not every process that touches medical data is "diagnostic" under Section 3(i).

If a test is used purely for:

a) research,
b) quality control,
c) manufacturing validation, or
d) generating data that cannot itself be used to diagnose disease for treatment,

then it may not be excluded. The key question is whether the process inherently reveals pathology in a way that triggers treatment decisions.

This is a small but important window for innovators whose workflows live at the pre-clinical, research or quality-control stage rather than directly in patient care.

Why this matters for innovators and investors

These cases are not academic curiosities. They are already shaping cross-border collaborations and R&D strategy.

For Indian startups and universities working on biomarkers, lab-developed tests, AI pathology, and digital diagnostics, three practical lessons stand out:

1) **Early IP triage is essential:** If your core value lies in a method that directly identifies disease or drives treatment decisions, you must assume Section 3(i) risk in India and plan your filing, licensing and markets accordingly.

2) **Portfolio structure matters:** Separating method innovations from product innovations may allow you to secure patents on kits, platforms and tools even where method claims fail. But do not overestimate the commercial value of peripheral protection if the real differentiator is a workflow that cannot be claimed.

3) **Global strategy must be jurisdiction specific:** Jurisdictions that allow *in vitro* diagnostic method claims will not align with India post - *Sequenom* and *Hirotsu*. Licensing deals, co-development agreements and valuation models must reflect that mismatch.

For investors, Section 3(i) is now a due-diligence question. The right question is not "does the company have patents?" but "are the patents in India covering the true diagnostic innovation, or only the surrounding hardware and consumables?"

Where does this leave Section 3(i)?

The trilogy of *Chinese University*, *Sequenom* and *Hirotsu* has done something important: it has told us what Section 3(i) means when read seriously and purposively. It protects clinical autonomy; it bars processes that reveal pathology for treatment; it does not distinguish between *in vivo* and *in vitro* diagnostic methods; and it leaves room for products, devices, and non-diagnostic technical processes.

What it has not yet done is resolve the policy tension: India wants to be a serious player in biotechnology, med-tech and precision diagnostics, but its current reading of Section 3(i) makes it harder to protect the very methods that drive those fields.

Until legislation or clear examination guidance revisits that balance, practitioners and innovators will have to navigate Section 3(i) as it is - not as they might wish it to be.

Looking ahead

For now, three practical markers can guide your next diagnostic filing in India:

a) **Ask what a doctor sees:** If a skilled medical professional can look at your claimed process and make a diagnosis for treatment, you are inside Section 3(i).

b) **Separate tools from treatment:** Draft claims that clearly focus on technical tools, devices and platforms rather than on clinical decision-making steps.

c) **Know where your innovation lives:** If your invention sits at the research, QC or data-generation stage, document that purpose and draft claims accordingly. If it sits at the diagnostic stage, be realistic about what Indian Patent law will allow.

The courts have spoken for now; the statute has not yet changed. For those of us who have watched Section 3 evolve over close to twenty years, the message in 2026 is simple: diagnostics are no longer at the edge of patent law - they are at its centre. In that landscape, Section 3(i) is no longer merely a statutory exclusion; it has become the boundary between patentable innovation and unpatentable diagnosis, and one that every innovator must learn to navigate.

References:

1. The Chinese University of Hong Kong and Sequenom, Inc. v. The Assistant Controller of Patents and Designs (Madras High Court, CMA (PT) No. 14 of 2023)

2. Sequenom Inc. v. Controller of Patents (Delhi High Court, C.A. (COMM.IPD-PAT) 448/2022 & 13/2022 (decided on 9 October 2025))

3. Hirotsu Bio Science Inc. v. Assistant Controller of Patents and Designs (Delhi High Court, COMM.IPD-PAT) 45/2023 (decided 17 January 2026))

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5. Emd Millipore Corporation vs Assistan Controller Of Patents And (Delhi High Court - 9 October, 2025)

10,000 GI TAGS BY 2030: IS INDIA'S IP INFRASTRUCTURE READY?

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The 10,000 GI Tag Target

In January 2025, at the GI Samagam held in New Delhi, Union Minister of Commerce and Industry Shri Piyush Goyal announced an ambitious vision to increase the number of Geographical Indication (GI) registrations in India to 10,000 by 2030. He emphasized that this objective would be achieved through a "whole-of-government approach" and underscored the Government's commitment, under the leadership of Prime Minister Shri Narendra Modi, to strengthening India's Intellectual Property Rights (IPR) ecosystem

He further stated that the Government has strengthened the department's manpower and made the entire IPR process online in a time-bound manner, thereby improving the ease and efficiency of obtaining intellectual property rights. The announcement reflected the government's objective of transforming GI protection into a tool for promoting India's cultural heritage, increasing the value of exports, rural entrepreneurship, and traditional industries.

India's GI ecosystem has expanded significantly since the enactment of the Geographical Indications of Goods (Registration and Protection) Act, 1999. From agricultural products and handicrafts to textiles, food products, and manufactured goods, GI registration has become an important instrument for preserving traditional knowledge, uniqueness of products and promoting local economies. The objective of securing 10,000 GI registrations is not merely a numerical milestone. Geographical Indications serve as instruments for preserving traditional knowledge, protecting regional identities, and creating economic opportunities for local producer communities. The government's vision therefore extends beyond intellectual property protection and seeks to position GI-tagged products as ambassadors of India's cultural heritage and economic potential. However, with the rapid expansion of GI filings, an important question emerges: is the existing intellectual property infrastructure capable of supporting the ambitious targets set by the government?

The success of this vision set by the government depends not merely on identifying GI-worthy products but also on creating an efficient mechanism through which producer groups, associations, and authorized representatives can successfully and timely complete the registration process without wasting many resources.

Growth in GI Applications: The Numbers

Since the commencement of the Geographical Indication registration system in India, there has been a significant growth in awareness and adoption of GI protection among producer groups, government bodies, and industry associations. The GI Registry began accepting applications after the enactment of the Geographical Indications of Goods (Registration and Protection) Act, 1999, with the Registry becoming operational in 2003. During the initial years, GI filings remained relatively limited due to lack of awareness and the novelty of the intellectual property framework. However, over time, recognition of GI as a tool for protecting traditional knowledge, promoting regional products, and improving market identity resulted in a steady increase in applications.

As per the records of the GI Registry, 526 GI applications had been filed up to March 2015, representing the first phase of GI development, where the filing process was predominantly dependent on physical submission. After the introduction of the e-filing facility in March 2015, GI activity witnessed further expansion, with approximately 1465 applications being filed between April 2015 and March 2026. The growth became particularly significant after 2020, with increasing participation from states and local producer communities.

The increase in GI applications from year 2020 to 2026 is as follows:

Financial Year	GI Applications Filed	GI Applications Registered
2020–21	58	5
2021–22	116	50
2022–23	211	55
2023–24	134	160
2024–25	275	62
2025–26	510	125

The data demonstrates a significant rise in GI activity, particularly in recent years. However, filing numbers alone cannot determine whether the target of 10,000 GI tags is achievable. Registration depends on several stages including examination, compliance with requirements, hearings, opposition proceedings, and final approval.

The Infrastructure Gap in GI Protection

Although the Geographical Indications Registry has adopted online filing and digital services, stakeholders continue to face practical challenges relating to processing timelines, procedural complexity, limited awareness among producer groups, and the need for greater digital integration.

Unlike several other forms of intellectual property where applications can often be completed through relatively standardized forms and supporting documents, GI registration requires extensive evidence establishing the relationship between the product and its geographical origin. Applicants are required to compile substantial documentation demonstrating the historical reputation, unique characteristics, production methods, and territorial linkage of the product.

The challenges of such extensive filings are enhanced when users face problems with portal functioning, difficulty in generating attorney/user credentials, website instability and technical errors while e-filing the GI application. Unlike other IP systems where digital filing has significantly reduced physical dependency, practitioners have repeatedly experienced operational difficulties with the online filing system for GI applications, making electronic filing less predictable than intended. In several instances, applicants continue to rely on manual interventions or experience delays arising from technical issues. For example, in many cases, producer groups represent hundreds of artisans, farmers, or traditional practitioners. Maintaining and submitting multiple copies of extensive documentation before the GI registry is required. The applicants are compelled to print and transport large volumes of documents. This creates additional financial burden on applicants, delays due to physical movement of documents, administrative workload for processing, significant paper consumption and wastage.

In other intellectual property domains such as Patents, trademarks, electronic filing has substantially streamlined the process. Once an application is filed online with payment of prescribed fees, acknowledgement and filing details are generally generated electronically. In GI filings, the practical process may still involve further verification and physical submission of requirements before final acknowledgement.

This creates a contradiction, while the policy objective is faster and simplified IP protection, the practical filing experience still carries elements of a traditional physical filing system.

Amendments of Rules: Is It Enough?

Recognizing some of these procedural challenges, the Government has introduced reforms through the Geographical Indications of Goods (Registration and Protection) Amendment Rules, 2025. The objective of amendments is making the GI registration system more accessible, affordable, and

efficient, particularly in light of the Government's vision of significantly increasing GI registrations. However, an important question remains whether procedural reforms alone can adequately address the infrastructural and operational challenges experienced by applicants and practitioners.

A successful GI ecosystem cannot depend only on identifying products eligible for protection and reducing registration fees. It requires –

- A fully functional and reliable e-filing portal;
- Elimination of unnecessary physical submissions;
- Immediate digital acknowledgement of filing;
- Better technical support for applicants;
- Faster examination and disposal mechanisms.

India's GI movement represents the protection of cultural identity, traditional knowledge, and regional economic potential. However, the journey from application to registration depends on the efficiency of the registration framework.

Conclusion:

The vision of achieving 10,000 GI registrations by 2030 is undoubtedly ambitious and reflects India's commitments towards protecting and commercializing its rich cultural, agricultural, and artisanal heritage. Without corresponding improvements in filing systems, examination capacity, procedural efficiency, and stakeholder support, the growing volume of applications may lead to delays and administrative bottlenecks. If the number of applications continues to increase without corresponding improvement in filing infrastructure and processing capacity, the milestone to achieve 10,000 GI tags by 2030 will remain an aspirational policy rather than an achieved reality.

*[**Note: Ms. Siddhi, author of this article, made a significant contribution during her internship at DuxLegis Attorneys in the Patents and GI Department. This article is a collaborative effort and represents one of her completed projects during her internship with the firm.]*

IP SNIPPETS:

PATENT CASES

DEEPAK NITRITE LIMITED (Appellant) vs THE ASSISTANT CONTROLLER GENERAL OF PATENTS AND DESIGNS (Respondent)

CASE NO.: COMMERCIAL MISCELLANEOUS PETITION NO. 107 OF 2025
DECIDED ON: 06th July 2026

In the present case, the petition has been filed against the respondent for refusing the petitioner's patent application under section 2(1)(ja) for lack of inventive step. The petitioner states that the respondent refused the product claim of the said application for a reason that it is "common general knowledge" without disclosing the same in the cited prior art and the process claim was refused by isolating a single step. The petitioner argues that the respondent failed to pass a well-reasoned order and also failed to consider the invention as a whole. The respondent countered that the refusal order of the said application has been passed after due examination and application of mind.

The Hon'ble Bombay High Court observed the following matter and stated that a well-reasoned and speaking order is mandatory to demonstrate an independent application of mind. The Hon'ble Court further stated that the reasoning must fairly disclose the basis of conclusion recorded in the order. The Hon'ble Court concluded by setting aside the impugned order and directed the respondent to consider and decide the matter afresh within twelve weeks from the date on which a copy of this Order is communicated to the Controller.

INTRA-CELLULAR THERAPIES, INC. (Appellant) vs THE CONTROLLER OF PATENTS (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 24/2023
DECIDED ON: 06th July 2026

The Appellant has filed an appeal against the respondent for rejecting the appellant's patent application on the ground of lack of novelty under section 2(1)(j), inventive step under section 2(1)(ja) and non-patentability under section 3(d) of the Act.

The appellant argued that the respondent has errored while evaluating novelty and the invention should be considered as a whole while determining the inventive step, rather than relying on individual parts of the claims which are known or obvious. None of the cited prior arts render the claimed invention to be obvious. The appellant further argued that the respondent failed to identify "known" substance in the objections and incorrectly objected claims to be non-patentable without any foundation and an affidavit of the co-inventor was also submitted which was disregarded by the respondent. The respondent countered that the claimed invention has been correctly refused as it failed to comply with the requirement of novelty and the inventive step when compared with the cited prior arts. Further the compound formula claimed in the appellant's patent application is already disclosed in the prior arts, which is merely a discovery of a new form of a known substance, correspondingly making the claimed invention non-patentable.

The Hon'ble Delhi High Court noted that the appellants patent application is not novel when compared with the prior art cited by the respondent. Further, the Hon'ble Court stated that the affidavit of the co-inventor does not overcome the requirement of non-patentability, and the appellant has not been able to meet the requirement of proscription under Section 3(d). In the view of lack of novelty under Section 2(1)(j) and non-patentability under Section 3(d) of the Act, the Hon'ble Court concluded by upholding the impugned order passed by the respondent.

TRADEMARK CASES

ABHISHEK SHARMA (Plaintiff) vs ASHOK KUMAR & ORS. (Defendants)

CASE NO.: CS(COMM) 702/2026
DECIDED ON: 9th July 2026

In the present case, the Plaintiff filed a suit against the Defendants seeking protection of his personality and publicity rights against the unauthorized commercial exploitation of his name, image, voice, likeness, and other attributes of his persona across various online platforms. The Plaintiff alleged that the Defendants were disseminating AI-generated, morphed, and objectionable content and were using his identity for unlawful commercial gain.

The Plaintiff contended that he had acquired substantial goodwill, reputation, and public recognition through his achievements as an Indian international cricketer and that the impugned acts amounted to infringement of his personality rights and caused irreparable reputational harm. The Defendants submitted that they would comply with the directions of the Hon'ble Court and remove the identified infringing content and URLs.

The Hon'ble Delhi High Court observed that personality and publicity rights are well recognized under Indian law and extend to an individual's name, image, voice, likeness, and other distinctive attributes. The Hon'ble Delhi High Court further noted that the unauthorized use of such attributes through AI-generated and deepfake content for commercial purposes constitutes a prima facie infringement of such rights.

Accordingly, the Hon'ble Delhi High Court granted an ex parte ad interim injunction in favour of the Plaintiff and restrained the Defendants from using, reproducing, exploiting, or disseminating the Plaintiff's name, image, voice, likeness, or any other attributes of his persona, including through AI-generated and deepfake content, without his authorization or consent.

FDC LIMITED (Plaintiff) vs WELLFORD PHARMACEUTICAL PRIVATE LIMITED AND ANR. (Defendants)

CASE NO.: CS(COMM) 707/2026
DECIDED ON: 7th July 2026

In the present case, the Plaintiff filed a suit before the Hon'ble Delhi High Court seeking permanent injunction restraining the Defendants from using deceptively similar trade dresses and packaging in respect of **Oral Rehydration Salt (ORS)** and electrolyte products. The Plaintiff alleged that the Defendants had dishonestly adopted packaging deceptively similar to its

well-known "**ELECTRAL/**  " product, thereby infringing its copyright and passing off their products as those of the Plaintiff.

The Plaintiff contended that it is the registered proprietor of the trademark "**ELECTRAL**" and the copyright owner of its distinctive green-and-white trade dress and packaging, which has been extensively used for over five decades. The Plaintiff further submitted that the Defendants had adopted deceptively similar packaging **"ELECTROFORD/**  " for identical pharmaceutical products with the sole intention of misleading consumers and trading upon the immense goodwill and reputation associated with the **"ELECTRAL"** brand. Despite the issuance of cease-and-desist notices, the Defendants failed to cease their infringing activities.

The Hon'ble Delhi High Court observed that the Plaintiff had established a prima facie case for the grant of an ex parte ad interim injunction. The Hon'ble Delhi High Court held that confusion in pharmaceutical products such as **ORS** and **electrolytes** is not in public interest and that the Plaintiff's goodwill and proprietary rights warranted immediate protection.

Accordingly, the Hon'ble Delhi High Court granted an ex parte ad interim injunction restraining the Defendants from manufacturing, marketing, offering for sale, selling, advertising, or otherwise dealing

in products bearing the impugned trade dresses or any packaging identical or deceptively similar to the Plaintiff's packaging amounting to copyright infringement and passing off.

INDUSTRIA DE DISENO TEXTIL, S.A. (Appellant) vs REGISTRAR OF TRADE MARKS & ANR. (Respondents)

CASE NO.: C.A.(COMM.IPD-TM) 52/2024
DECIDED ON: 6th July 2026

In the present case, the Appellant filed an appeal challenging the order passed by the Registrar of Trade Marks rejecting its opposition against the registration of the mark **"ZORA"** in Class 24. The Appellant, being the proprietor of the well-known trademark **"ZARA"**, sought protection of its reputed mark on the ground that the impugned mark was deceptively similar and likely to dilute its distinctive character and reputation.

The Appellant contended that the mark **"ZARA"** enjoys substantial goodwill and transborder reputation and is entitled to protection under Section 11(2) of the Trade Marks Act, 1999. The Respondents, on the other hand, contended that the competing marks were distinguishable and that the Appellant cannot claim exclusive rights over entire class.

The Hon'ble Delhi High Court observed that the Registrar failed to appreciate the statutory protection available to well-known trademarks under the Trade Marks Act, 1999. The Hon'ble Delhi High Court further noted that the protection contemplated under Section 11(2) extends beyond mere likelihood of confusion and includes protection against dilution and unfair advantage being taken of a reputed mark. The Hon'ble Delhi High Court held that the mark **"ZARA"** has acquired significant goodwill and recognition and is therefore entitled to a broader scope of protection.

Accordingly, the Hon'ble Delhi High Court allowed the appeal, set aside the impugned order passed by the Registrar of Trade Marks, and directed the removal of the mark **"ZORA"** from the Trade Marks Register.

COLUMBIA PICTURES INDUSTRIES, INC. (Appellant) vs REGISTRAR OF TRADE MARKS & ANR. (Respondents)

CASE NO.: C.A.(COMM.IPD-TM) 44/2025
DECIDED ON: 6th July 2026

In the present case, the Appellant filed an appeal challenging the order passed by the Registrar of Trade Marks rejecting its opposition against the registration of the mark **"GHOST BUSTER"** in Class 05. The Appellant, proprietor of the internationally renowned **"GHOSTBUSTERS"** trademark and franchise, sought protection of its mark under the provisions of the Trade Marks Act, 1999.

The Appellant contended that the mark **"GHOSTBUSTERS"** has acquired extensive goodwill and reputation across various jurisdictions and that the Respondent had dishonestly adopted the impugned mark. The Respondents, on the other hand, contended that the Appellant had no registration in Class 05 and had failed to establish prior use in relation to the goods in question.

The Hon'ble Delhi High Court observed that the Registrar had erroneously confined its analysis to the classification of goods and failed to consider the Appellant's claim of well-known trademark status under Section 11(2) of the Trade Marks Act, 1999. The Hon'ble Delhi High Court further noted that a trademark need not be formally declared as a well-known trademark to avail statutory protection, provided it satisfies the requisite parameters under the Act.

Accordingly, the Hon'ble Delhi High Court set aside the impugned order and remanded the matter to the Registrar of Trade Marks for fresh consideration in accordance with law.

LANDMARK CRAFTS LIMITED (Plaintiff) vs SHALINI GARG PROPRIETOR OF SHREE MANGE RAM AND SONS (Defendant)

CASE NO.: CS(COMM) 693/2026
DECIDED ON: 6th July 2026

In the present case, the Plaintiff filed a suit before the Hon'ble Delhi High Court seeking protection of its registered trademark "**HP**" in respect of self-drilling screws, blind rivets, and allied fastener products. The Plaintiff alleged that the Defendant had dishonestly adopted an identical and deceptively similar trademark in relation to identical and similar goods, thereby infringing the Plaintiff's statutory and common law rights.

The Plaintiff contended that it is the prior adopter and registered proprietor of the trademark "**HP**" since 1995 and has acquired immense goodwill and reputation through long, continuous, and uninterrupted use of the mark. The Plaintiff further submitted that the Defendant's adoption of the impugned mark **"ISI HP/**  " was likely to cause confusion amongst consumers and members of trade. The Defendant had earlier denied the allegations of infringement and passing off in its response to the cease-and-desist notice.

The Hon'ble Delhi High Court observed that the Plaintiff had established a prima facie case for consideration and that the matter involved urgent protection of valuable trademark rights. The Hon'ble Delhi High Court took note of the Plaintiff's longstanding use, registrations, substantial goodwill, and previous successful enforcement of its trademark rights.

Accordingly, the Hon'ble Delhi High Court issued summons in the suit and notice in the interim injunction application and directed the Defendant to file its written statement within the prescribed period. The matter has been listed for further proceedings before the Court.

ADIDAS AG (Plaintiff) vs MOHD. SIRAJ (Defendant)

CASE NO.: CS(COMM) 698/2022
DECIDED ON: 6th July 2026

In the present case, the Plaintiff filed a suit before the Hon'ble District Court, Delhi seeking permanent injunction, damages, and protection of its registered trademarks and copyrighted artistic works against the Defendant dealing in counterfeit Adidas products. The Plaintiff alleged that the Defendant was manufacturing, stocking, and selling counterfeit goods bearing identical and deceptively similar Adidas trademarks, logos, and artistic works.

The Plaintiff contended that it is the registered proprietor of the trademarks "**adidas**", "**3-Stripes**", "**Three Bars**", and "**Trefoil**" and enjoys substantial goodwill and reputation worldwide. The Plaintiff further submitted that the Defendant had dishonestly adopted its trademarks and logos with the sole intention of trading upon its goodwill and reputation. The Defendant failed to contest the proceedings, hence proceeded ex parte.

The Hon'ble District Court observed that substantial quantities of counterfeit goods bearing the Plaintiff's trademarks and logos were seized from the Defendant's premises pursuant to the execution of the Local Commission. The Hon'ble Court further noted that the evidence adduced by the Plaintiff remained unchallenged and unrebutted throughout the proceedings. The Hon'ble Court held that the Defendant's unauthorized use of the Plaintiff's trademarks and copyrighted artistic works amounted to infringement and warranted the grant of appropriate relief.

Accordingly, the Hon'ble District Court partly decreed the suit in favour of the Plaintiff, awarded damages amounting to Rs. 6,45,000/- and permanently restrained the Defendant from using the Plaintiff's registered trademarks, copyrighted artistic works, or any deceptively similar marks or logos in relation to its products.

GEMINI EDIBLES AND FATS INDIA LTD. (Plaintiff) vs M/S HEMA INDUSTRIES (Defendant)

CASE NO.: CS(COMM) 674/2026
DECIDED ON: 2nd July 2026

In the present case, the Plaintiff filed a suit before the Hon'ble Delhi High Court seeking permanent injunction restraining the Defendant from using the deceptively similar trademark "**FREEDINE/**  "

and an identical trade dress in relation to edible oil products. The Plaintiff alleged that the Defendant had dishonestly adopted the impugned trademark and packaging, thereby infringing its registered trademark "**FREEDOM/**  ", copyrighted artistic

work, and passing off its goods as those of the Plaintiff.

The Plaintiff contended that it is the registered proprietor of the trademark "**FREEDOM**" and its formative marks and has acquired immense goodwill and reputation through their continuous and extensive use since 2009. The Plaintiff further submitted that the Defendant had slavishly copied its distinctive trade dress, including the colour combination, stylized representation of the mark, sunflower device, and packaging elements in respect of identical goods. The Defendant, despite being served with a cease-and-desist notice, denied the allegations of infringement, compelling the Plaintiff to approach the Hon'ble Court for urgent relief.

The Hon'ble Delhi High Court observed that the Plaintiff had established a prima facie case for the grant of an ex parte ad interim injunction. The Hon'ble Delhi High Court further noted that the impugned mark "**FREEDINE**" was phonetically, visually, and structurally deceptively similar to the Plaintiff's registered trademark "**FREEDOM**". The Hon'ble Delhi High Court held that the Defendant had attempted to come as close as possible to the Plaintiff's well-established trademark and trade dress by adopting an almost identical colour scheme, stylization, and packaging, thereby causing a likelihood of confusion and irreparable harm to the Plaintiff's proprietary rights and goodwill.

Accordingly, the Hon'ble Delhi High Court granted an *ex parte* ad interim injunction restraining the Defendant from using the impugned trademark "**FREEDINE**", the deceptively similar trade dress and packaging, or any other identical or deceptively similar mark or trade dress amounting to trademark infringement, copyright infringement, and passing off. The Hon'ble Delhi High Court further directed the Defendant to remove all references to the impugned mark and trade dress from third-party websites and advertisements within three weeks from the receipt of the order.

COPYRIGHT CASES

ATYATI TECHNOLOGIES PVT. LTD. vs COGNIZANT TECHNOLOGY SOLUTIONS U.S.

CASE NO.: COMMERCIAL IP SUIT (L) NO. 7958 OF 2024
DECIDED ON: 7th July 2026

In the present case, the Plaintiff filed a suit before the Hon'ble Bombay High Court seeking protection of its trademark, artistic work, and goodwill associated with its logo and composite mark against the Defendants. The Plaintiff alleged that the Defendants had adopted a deceptively similar logo and were thereby infringing its copyright and passing off their services as those of the Plaintiff.

The Plaintiff contended that it enjoys substantial goodwill and reputation in its marks and artistic works and that the Defendants' adoption of the impugned logo was likely to cause confusion and dilute its proprietary rights. The Defendants, on the other hand, contended that the competing marks were visually and conceptually distinct and that there existed no likelihood of confusion or misrepre

sentation. The Defendants further challenged the Plaintiff's claims of prior adoption and protectable goodwill.

The Hon'ble Bombay High Court observed that trademark infringement, copyright infringement, and passing off are distinct causes of action and must be independently examined on their respective legal requirements. The Hon'ble Bombay High Court further noted that composite marks must be compared as a whole and that the Plaintiff had failed to establish a prima facie case warranting the grant of interim relief. The Hon'ble Bombay High Court held that the rival marks and logos, when viewed in their entirety, were sufficiently distinguishable and did not justify an ad interim injunction at the present stage. Accordingly, the Hon'ble Bombay High Court declined ad-interim relief in favour of the Plaintiff.

DESIGN CASE

CROCS INC USA (Plaintiff) vs M/S BATA INDIA LTD. & ORS. (Defendant)

CASE NO.: CS(COMM) 625/2018
DECIDED ON: 2nd July 2026

In the present case, the Hon'ble Delhi High Court adjudicated upon an application seeking the award of actual costs arising out of the long-standing design infringement proceedings instituted by the Plaintiff against the Defendants in respect of its registered footwear design. The application was filed subsequent to the cancellation of the Plaintiff's registered design and the disposal of the suit, wherein the Defendants sought recovery of the actual costs incurred during the course of the litigation.

The Plaintiff contended that its registered footwear design was entitled to protection under the Designs Act, 2000 and had acquired substantial goodwill and reputation worldwide. The Defendants, on the other hand, contended that the Plaintiff's registered design lacked novelty and originality and had already been published in the public domain. The Defendants further sought the award of actual costs incurred during the prolonged litigation.

The Hon'ble Delhi High Court observed that the Plaintiff's registered design had been cancelled by the Deputy Controller of Patents & Designs on the ground of lack of novelty and prior publication and that the term of the design had itself expired. The Hon'ble Delhi High Court further noted that the Plaintiff had pursued the present proceedings for over a decade, during which the Defendants had successfully defended the matter before multiple judicial forums. The Hon'ble Delhi High Court held that commercial litigation must be accompanied by realistic consequences in terms of costs.

Accordingly, the Hon'ble Delhi High Court directed the Plaintiff to pay actual costs amounting to Rs. 24,63,400/- to the Defendants within a period of three months and disposed of the application along with the connected execution proceedings.

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