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A TASTE OF PLACE: THE LEGAL AND ECONOMIC SIGNIFICANCE OF INDIA'S GI FOODS



Ananya Sinha



Aditi Kumbhar**

Geographical Indications (GIs) are a distinct category of intellectual property that identify goods as originating from a specific territory, where a given quality, reputation, or other characteristic is attributable to that geographical origin. In India, GIs are protected under ***the Geographical Indications of Goods (Registration and Protection) Act, 1999,*** which provides a statutory framework for the registration and enforcement of such rights.

Unlike trademarks, which are associated with individual ownership, GIs protect a **collective association** between a product and its geographical origin. Their significance therefore extends beyond market differentiation. A GI can preserve the relationship **between a product,** its environment, traditional knowledge, and community practices, making it both a commercial asset and a marker of intangible cultural heritage.



Image courtesy: Google's nano banana 2

GI-tagged foods demonstrate this relationship particularly clearly. They offer consumers more than a product: they communicate region-specific traditions, community knowledge, and historically embedded production practices. For travellers and consumers, this can turn food into a form of cultural engagement, while for producer communities, GI protection can provide a platform for building recognition and economic value.

Indian GI Foods as Cultural & Economic Assets

GI products can be understood as edible representations of place. Their distinctive qualities may reflect geography, climate, cultivation methods, processing techniques and local knowledge. As a result, GI foods can contribute to regional identity, cultural storytelling and place-based branding. With growing interest in authentic experiences, these products can also become part of tourism ecosystems, connecting visitors with farms, producers, local cuisines and traditional practices.

India's diverse GI landscape illustrates this potential. GI-tagged foods such as *Bhaderwah Rajmash, Boka Chaul, Mahabaleshwar Strawberry, and Sirsi Supari* are examples of India's food products whose characteristics and reputations are closely associated with particular geographical origin.

a) **Bhaderwah Rajmash (Jammu & Kashmir):** Bhaderwah Rajmash is a distinctive kidney bean variety associated with the Bhaderwah region of Jammu & Kashmir, where its cultivation is closely linked with the region's traditional agricultural practices and distinctive mountainous environment. Its unique taste, texture and local identity make it more than an agricultural product - it represents the food traditions and agrarian heritage of the Bhaderwah community.

b) **Boka Chaul (Assam):** A semi-fermented rice, integral to local food traditions and festive

consumption, representing indigenous processing practices. A distinctive GI-tagged rice variety from Assam, traditionally associated with local food practices and community gatherings. Traditionally consumed after soaking rather than conventional cooking, it is associated with local dietary practices and community gatherings. Its GI status therefore protects more than the name of a rice variety; it helps preserve a food practice connected with Assam's cultural heritage.

c) **Mahabaleshwar Strawberry (Maharashtra):** A distinctive GI-tagged fruit closely associated with the hill station of Mahabaleshwar in Maharashtra. Its distinctive qualities are linked to the climate and growing conditions of the Mahabaleshwar region, while strawberry farms and locally prepared products have become part of the area's tourism identity. The product therefore connects agriculture, local identity and visitor experience.

d) **Sirsi Supari (Karnataka):** Cultivated in the Western Ghats, reflecting climate-specific agriculture and traditional processing techniques. A distinctive variety of areca nut cultivated mainly in Sirsi, Siddapur and Yellapur taluks of Uttara Kannada district, Karnataka. It is known for its medium size, round and flattened/coin-like shape, ash-colored hard seed, distinctive texture and characteristic taste. Its unique flavor is associated with its particular chemical composition.

These examples show that the value of a GI does not end with registration. A GI can become a cultural and economic asset only when consumers recognize its origin, understand its distinctiveness and are able to connect that recognition with the communities that produce it.

Key Challenges in Promoting GI Products

Under **Section 2(1)(e) of the Geographical Indications of Goods (Registration and Protection) Act, 1999,** a GI is defined as "an indication which identifies goods as originating, or manufactured in, the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin." However, transforming these GI-tagged foods into meaningful cultural assets poses a significant challenge. Below are key challenges that hinder the successful utilization of GI culinary heritage:

1. Limited Awareness and Consumer Perception: A significant gap persists between GI registration and public recognition. Many GI products have strong recognition within their regions but limited visibility elsewhere. Consumers may know the product without understanding its geographical significance, production methods or the legal protection attached to its name. Fragmented promotion, language barriers and limited digital visibility can further restrict market reach.

2. Authenticity vs Commercialization: GI products face a continuing tension between authenticity and commercialization. Traditional methods, region-specific ingredients and community-held skills can be difficult to reproduce at scale, such as the traditional wood-fired ovens used for Dharwad Peda or the hand-pounding techniques required for Navara Rice, are difficult to replicate at scale, and substituting them with modern methods risks violating GI specifications. The challenge is therefore to meet growing demand without disconnecting the product from the practices and communities that give it its reputation.

3. Threat of Imitation and Enforcement Gaps: Counterfeit and enforcement remain important concerns. Counterfeit or misleading products can exploit the reputation of a GI by using similar names, falsely claiming geographical origin, replicating / reproducing the appearance of authentic goods. Such practices can harm genuine producers and, over time, undermine consumer confidence. Effective enforcement therefore requires monitoring, legal support, consumer awareness and, particularly for export markets, international cooperation.

From the GI Tag to Market Value

A GI registration provides an important legal foundation, but it does not automatically create a

successful market identity. Unlike conventional brands, GI products depend on a collective reputation. Coordinated branding, consistent quality and effective communication are therefore essential to convert geographical reputation into commercial value.

Digital tools can support this process. QR-based traceability verified information on origin and production, digital storytelling and targeted online promotion can help consumers understand what makes a GI product distinctive. Short-form videos, documentaries and user-generated content can similarly connect products with the communities and places from which they originate.

The objective, however, should not be to commercialize heritage at the expense of authenticity. Promotion is most effective when it reinforces the genuine relationship between the product, its producers and its geographical origin.

Government Support and Sustainable Growth of GI Products in India

India has developed one of the most dynamic GI ecosystems, covering textiles, handicrafts, agricultural produce, and food products. GI-tagged goods such as *Darjeeling Tea, Alphonso Mangoes*, and *Basmati Rice illustrate* how geographical indications can command premium pricing and achieve strong positioning in global markets, highlighting their dual role as economic assets and cultural identifiers.

Government bodies such as the Department for Promotion of Industry and Internal Trade (DPIIT), the Ministry of Commerce and Industry, and the Agricultural and Processed Food Products Export Development Authority (APEDA) have played a pivotal role in promoting GI products through trade fairs, export facilitation, and digital commerce initiatives. Collaborations with private stakeholders, including hospitality and retail sectors, have further expanded market access through curated product offerings and branded experiences, contributing to the economic sustainability of local producer communities.

The promotion of GI products also aligns with the growing emphasis on ethical and local consumption. As consumers increasingly prefer authentic and responsibly sourced goods, GI-tagged products provide a reliable framework for supporting regional economies. Expenditure directed toward GI producers, artisan groups, and cooperatives generates a multiplier effect, ensuring that economic benefits remain within local communities while preserving traditional knowledge and skills.

The International Challenge: Protection Beyond India's Borders

The limits of domestic GI registration become particularly important when Indian producers seek to enter foreign markets. A GI registered in India does not, by itself, guarantee equivalent protection in another jurisdiction. International recognition and enforcement therefore remain critical to converting domestic legal protection into meaningful export value.

The recently concluded India–EU Free Trade Agreement illustrates the complexity of this process. Announced on 27 January 2026, the FTA's Intellectual Property Chapter addresses several areas of IP protection, geographical Indications have been dealt with separately from the main FTA negotiations. From the outset, the EU and India structured their talks as three separate tracks the trade agreement, an investment protection agreement, and a standalone GI agreement precisely because GI recognition involves politically sensitive, product-specific negotiation (think *Champagne* and *Parmaschinken* for the EU, *Basmati Rice* and *Darjeeling Tea* for India) that neither side was willing to rush. As of mid-2026, that GI agreement remains a work in progress, still being negotiated separately even after the main FTA was concluded.

Recent bilateral developments also illustrate how reciprocal recognition can translate into practical opportunities. The India–Oman Comprehensive Economic Partnership Agreement has been associated with exports of GI-tagged Indi Lime from Karnataka, demonstrating how a protected regional product can reach a foreign market through a

dedicated trade framework. Similarly, the India–New Zealand Free Trade Agreement, signed in April 2026, provides for New Zealand to amend its domestic law within eighteen months to enable registration of Indian GI goods other than wines and spirits. These developments demonstrate the importance of reciprocal mechanisms that connect domestic GI protection with recognition abroad.

For Indian GI producers, the lesson is therefore broader than the number of registrations secured. Sustainable international value depends on a combination of legal protection, market access, effective enforcement, quality control and coordinated promotion. Without these elements, the GI tag risks remaining a legal recognition with limited economic reach.

GI Protection as a Tool for Sustainable Regional Value

GI foods occupy a distinctive space at the intersection of law, culture and commerce. Their value derives not only from the qualities of the product but from the geographical, historical and community relationships that give the product its identity. This makes GI protection particularly relevant to regional development and the preservation of traditional knowledge and practices.

For India, the next stage of GI development should therefore focus not merely on increasing registrations, but on strengthening the ecosystem surrounding those registrations. Producer organizations need greater awareness and enforcement support; consumers need clearer information about authenticity and origin; and GI products with export potential require coordinated strategies for branding and international protection.

Concluding Remark:

A GI tag is more than a legal label. It is a recognition of the relationship between a product and a place - and, ultimately, between that product and the community whose knowledge, labour and traditions give it its identity.

Yet legal recognition alone does not guarantee economic or cultural value. The journey from GI registration to sustainable success runs through consumer awareness, authenticity, effective enforcement, coordinated branding and, critically, access to international markets. For India's GI foods, the challenge is therefore no longer simply to secure protection, but to ensure that protection creates lasting value for the communities behind the name.

*[**Note: Ms. Aditi Kumbhar, co-author of this article, made a significant contribution during her internship at DuxLegis Attorneys in the Trademark & Geographical Indication Department. This article is a collaborative effort and represents one of her completed projects during her internship with the firm.]*

IP SNIPPETS:

PATENT CASES

ESTEVE PHARAMACEUTICALS S.A. (Appellant) vs CONTROLLER OF PATENTS AND DESIGNS (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 118/2022
DECIDED ON: 07th August 2026

The appellant filed an appeal against the respondent for rejecting the appellant's patent application (subject application) under section 2(1)(ja), Section 3(d) and Section 3(e) of the Act. The appellant contended that none of the prior art cited by the respondent provides any motivation to PSITA nor makes the subject application obvious for rejecting under section 2(1)(ja). The respondent has errored while raising an objection under section 3(d) as none of the cited prior arts fails to disclose any content as disclosed in the subject invention. Further, the appellant argued that the respondent failed to provide any strong reasoning and analysis while objecting the subject application under section 3(e). The respondent countered that the subject application is well known in the cited prior arts document, its just a new form of the known substance and non-patentable, sufficient to reject the application under 2(1)(ja), Section 3(d) and Section 3(e).

The Hon'ble Delhi High Court observed the following matter and stated that the subject invention lacks inventive step while comparing with the prior art cited by the respondent. Therefore, the subject application is barred under section 2(1)(ja) of the Act. The Hon'ble Court concluded by dismissing the present appeal and upholding the objection raised by the respondent on the ground of lack of inventive step under section 2(1)(ja) of the Act.

ASTRAZENECA AB AND ANR (Plaintiffs) vs AJANTA PHARMA LIMITED (Defendant)

CASE NO: CS(COMM) 154/2020
DECIDED ON: 5th August, 2026

In the present case, the plaintiffs filed a suit against the defendant seeking permanent injunction for infringement of Indian Patent Nos. 205147 and 235625. During the pendency of the suit, the plaintiff and defendant settled their disputes amicably and entered into a Settlement Agreement. Both plaintiff and defendant jointly informed the Court about the settlement in terms of the Settlement Agreement. Further, the defendant also agreed to waive and not pursue the Rs. 5 lakh costs awarded in its favour in earlier proceedings.

The Hon'ble Delhi High Court examined the settlement terms and found them to be lawful. Therefore, the Hon'ble Court accepted and recorded the settlement between the plaintiff and defendant. Accordingly, the present suit was declared in terms of the settlement, making the settlement terms part of the decree and binding on both plaintiff and defendant. The counter-claim was withdrawn, and the plaintiffs were entitled to a refund of the entire court fee.

ENVIRO AMBIENT CORPORATION (Appellant) vs ASSISTANT CONTROLLER OF PATENTS (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 74/2024
DECIDED ON: 3rd August 2026

In present case, the appellant filed an appeal against the impugned order passed by the respondent for rejecting the appellant's patent application (subject application) on the grounds of lack of novelty and lack of inventive step. The appellant argued that the respondent failed to explain why the invention lacked novelty and inventive step. The appellant further argued that the respondent failed to provide the explanation on how the cited prior art documents are relevant when compared with the subject application. The respondent maintained that the essential features of the subject invention is already disclosed in the cited prior art D1 and adjacently the other cited documents supports the finding of lack of inventive step.

The Hon'ble Delhi High Court examined the following matter and stated that the respondent has failed to provide proper analysis or discussion in the impugned order while rejecting the subject application. The Hon'ble Court further noted that while considering the inventive step the respondent failed to explain how a person skilled in the art would arrive at the subject invention from the cited prior art documents. The Hon'ble Court stated that the patent application cannot be rejected without proper reasoning and analysis. The Hon'ble Court concluded by setting aside the impugned order and directed a fresh consideration of the appellant's patent application.

SIGA TECHNOLOGIES INC (Appellant) vs THE CONTROLLER GENERAL OF PATENTS DESIGNS AND TRADE MARK CGPDTM AND ORS. (Respondent)

CASE NO.: IPDAID/45/2024
DECIDED DATE : 24th July, 2026

The present appeal is directed against the impugned order passed by the respondent rejecting the appellant's patent application under sections 2(1)(ja), 3(d) and 3(e) of the Patents Act. The appellant argued that the respondent relied on one of the document for the first time in their post hearing written submission, subsequently failing to provide an opportunity to the appellant to deal with the same. The impugned order also relied on the same document, leading to procedural irregularity. The respondent accepted that the appellant had not been given any opportunity to deal with said document submitted in post hearing written submissions.

The Hon'ble Calcutta high court noted that the said document submitted by the respondent was introduced for the first time in their post hearing submission, which failed to provide an opportunity to the appellant to deal with the same. The Hon'ble Court further stated that the impugned order was passed in violation of the principles of natural justice. The Hon'ble Court concluded by setting aside the impugned order and sent the matter back for fresh consideration.

TRADEMARK CASES

NOVIETS PHARMA & ORS. (Appellants) vs NOVARTIS AG & ORS. (Respondents)

CASE NO.: FAO(OS) (COMM) 143/2026 & CM APPL. 35368/2026
DECIDED ON: 17th August 2026

Mark of the respondents/plaintiffs	Mark of the appellants/defendants
NOVARTIS	NOVIETS
NOVARTIS	NOVIETS

In the present case, the appellants filed an appeal against the respondents challenging the order of the Learned Single Judge dated 28 February 2026, whereby the respondent's application for temporary injunction was allowed and the appellants were restrained from using the mark **"NOVIETS"**,

on the grounds that it was deceptively similar to the respondent's well-known mark **"NOVARTIS"**.

The appellants contended that the competing marks **NOVARTIS** and **NOVIETS** were visually, phonetically and conceptually dissimilar when compared as a whole, that the respondent could not claim monopoly over the common prefix **"NOV"** without separately registering it. The respondents submitted that **NOVARTIS** was a coined and well-known mark with goodwill built over decades, that the appellants had offered no plausible explanations for adopting a strikingly similar mark, and that even use as a trade mark amounted to infringement.

The Hon'ble Delhi High court observed that the prefix **"NOV"** was the dominant feature of both the marks, and that the appellant's plea that it was generic or common to the trade did not appeal to the court, given the respondent's long and reputed use of mark since 1996. The Hon'ble Delhi High court further noted that both parties dealt in allied pharmaceutical and veterinary products through similar trade channels, creating a 'triple identity' of similar marks, identical product category and similar consumer base, warranting a stricter approach given that confusion between pharmaceutical products could have serious or life-threatening consequences. The Hon'ble Delhi High court also observed that the appellant had failed to furnish any credible explanation for coining a mark so close to **NOVARTIS**, reinforcing the finding of dishonest adoption, and held that using **NOVIETS** merely as a trade name did not shield the appellant from a claim of infringement or passing off. The Hon'ble Delhi High court held dismissed the appeal and the impugned order passed by the learned Single Judge was upheld.

AMRIT SINGH MEHTA TRADING AS MEHTA COSMETICS (Petitioner) vs CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADE MARKS (Respondent)

CASE NO: W.P.(C)-IPD 5/2026

DECIDED ON: 4th August 2026

In the present case, the Petitioner filed a writ petition seeking a direction to the Respondent to restore and reinstate the trademark registration of the mark '**BLUE CHIP**' and to permit the Petitioner to file an appropriate application for renewal of the registration.

The Petitioner contended that Rule 64(3) of the 2002 rules entitled him to a six-month window from the actual date of registration to seek renewal, since registration had been granted after the original renewal date had already lapsed, and since the registration certificate was never received, he remained unaware of the registration and could not exercise this right. The Petitioner also contended that no notice was issued prior to removal. The Respondent submitted that the Petitioner had approached the Hon'ble Court belatedly and that, owing to the passage of time, physical records were untraceable, making it impossible to confirm whether the certificate or notice had been dispatched.

The Hon'ble Delhi High Court observed that Rule 64(3) affords a registered proprietor a six-month window from the actual date of registration to seek renewal where the mark is registered after the date on which renewal originally fell due, and held that the Petitioner's stand of non-receipt remained uncontroverted, and the Petitioner could not be blamed for failing to file the renewal application within the said window. The Hon'ble Court further held that it is well settled that issuance of notice under Section 25(3) of the 1999 Act is a mandatory statutory pre-condition to removal of a mark from the Register, and mere expiry of registration by lapse of time does not ipso facto justify removal, the Hon'ble Court held that removal of the mark was in clear violation of Section 25(3).

Accordingly, the Hon'ble Delhi High Court allowed the write petition, holding that the Petitioner could not be faulted for non-filing of the renewal application, and directed the Respondent to restore and reinstate the trademark registration for the mark **BLUE CHIP.**

N. RANGA RAO & SONS PRIVATE LTD. (Appellant) vs SREE ANNAPOORNA AGRO FOODS (Respondent)

CASE NO.: O.SA. (CAD) No.3 of 2022
DECIDED ON: 28th July 2026



The present Appeal was filed by the appellant/plaintiff, challenging the judgment and decree dated 17.08.2021 passed by the learned Single Judge, whereby the plaintiff's suit for permanent injunction restraining infringement and passing off came to be dismissed. The appellant contended that its long, continuous and extensive use of "**CYCLE**" had conferred upon the mark a secondary meaning and reputation extending beyond agarbathies, entitling it to protection even against use on dissimilar goods. The respondent, on the other hand, contended that the plaintiff had never used "**CYCLE**" for edible oils, that its registrations were on a *"proposed to be used"* basis and liable to cancellation for non-use, that "**CYCLE**" was a common dictionary word incapable of monopoly, and that it had been the honest and continuous prior user of the mark for edible oils since 2009, with incense sticks and edible oils being neither allied nor cognate goods.

The Division Bench of the Hon'ble Madras High Court observed that the appellant's evidence of continuous use, and prior litigation in which "**CYCLE**" had repeatedly been recognized as well-known, established that the mark had acquired an independent reputation and distinctiveness not confined merely to *"**Cycle Brand Agarbathies**"*. The Hon'ble Court found that the respondent had failed to furnish any satisfactory explanation despite trading under multiple other brand names such as *Annapurna, Thendral, Dr. Gold and Samyngold* for choosing the identical mark "**CYCLE**", and held that such unexplained adoption could not be treated as honest or bona fide. Accordingly, the Hon'ble Court concluded that the respondent's use of "**CYCLE**" for edible oils was without due cause and was likely to take unfair advantage of, and be detrimental to, the distinctive character and reputation of the appellant's registered trademark, however, the Hon'ble Court held that the ingredients necessary to establish passing off were not made out, therefore declined the reliefs of passing off and rendition of accounts.

Accordingly, the Original Side Appeal was partly allowed, and the judgment and decree of the learned Single Judge were set aside. The suit was partly decreed by granting a permanent injunction restraining the respondent, from manufacturing, marketing, advertising, selling or dealing in edible oils or any other goods under the trademark "**CYCLE**".

HAVELLS INDIA LIMITED & ANR. (Plaintiffs) vs HAVAI HOME PRODUCTS PVT. LTD & ORS. (Defendants)

CASE NO.: CS(COMM) 778/2024
DECIDED ON: 13th July 2026

PLAINTIFFS' REGISTERED HAVELLS MARKS	DEFENDANT NO.1's REGISTERED MARK IN CLASS 11	IMPUGNED MARKS ACTUALLY USED ON THE PRODUCTS
HAVELLS	HAVAI	HAVAI

In the present case, the Plaintiffs, proprietors of the well-known trademark **HAVELLS** filed an application seeking an ad interim injunction restraining Defendants from using the impugned marks **HAVAI** alleging infringement and passing off. The Plaintiffs alleged that Defendants, while holding registration for the word mark **HAVAI**, was actually using a stylised variant on its products in which the font of the final letter ' **I** ' was altered so as to be misread as '**L**', thereby creating an impression phonetically identical to **HAVELLS**. The Plaintiffs also contended that the goods, trade channels and consumer base were identical as well.

The Defendants contended that they were the regis

tered proprietor of **HAVAI** in several classes, that one registered proprietor cannot sue another for infringement, that the marks **HAVELLS** and **HAVAI** were neither visually nor phonetically similar, and that the adoption of **HAVAI** was honestly derived from *"HAVA" (air),* relevant to their air-cooling products.

The Hon'ble Delhi High Court held that registration of a mark is not a defence to an action for passing off. The Hon'ble Court found that, while registered word mark **HAVAI** would ordinarily be pronounced distinctly from **HAVELLS**, the stylised font actually used in the marketplace caused the letter 'I' to be perceived as 'L', rendering the mark deceptively similar to **HAVELLS**, and held that this deliberate alteration amounted to a mala fide attempt to create an impression of association with the Plaintiffs. The Hon'ble Court further observed that identity of goods, copying of colour scheme and get-up, and the well-known status of the **HAVELLS** mark enhanced the likelihood of confusion. Accordingly, the Hon'ble Delhi High Court held that the Plaintiffs had established a prima facie case, in their favour, and restrained the Defendants and all others acting on their behalf from selling, marketing, advertising or offering for sale goods under the impugned trademarks **HAVAI** and its device marks.

ITC LIMITED & ANR. (Appellants) vs ADYAR GATE HOTELS LIMITED (Respondent)

CASE NO.: FAO(OS) (COMM) 207/2025 & CM APPL. 79554/2025
DECIDED ON: 01st July 2026

In the present case, the Appellants filed an appeal against the Respondent challenging the dismissal, by a learned Single Judge, of their application seeking an interlocutory injunction restraining the Respondent from using the " Dakshin "

mark in respect of a restaurant in a hotel run by the Respondent under an ***Operating Service Agreement*** with the Appellants and continued by the Respondent even after expiry of that agreement in 2015.

The Appellants contended that they were the first adopters of the " Dakshin " mark and that, under

the terms of the Agreement, all trademarks and associated goodwill belonged exclusively to them, with the Respondent's use being merely permissive and liable to cease on expiry of the Agreement. The Respondent contended that it had itself conceived the " Dakshin " mark, that the Appellants were

merely a paid service provider under the Agreement, that it held its own registration for the mark, and that the Appellants had agreed in its continuous and open use of the mark for over three decades without objection.

The Hon'ble Delhi High Court observed that the Appellants were prima facie merely a service provider engaged for a service fee, and that the Agreement itself contemplated the Respondent as a beneficiary of the Appellants' goodwill. The Hon'ble Delhi High Court further observed that, since the " Dakshin " mark came into existence only after

execution of the Agreement, there was no pre-existing goodwill of the Appellants in the mark, and that the Respondent's use of the mark was found to have commenced from the very inception of the restaurant, thereby defeating the first essential ingredient of passing off. The Hon'ble Delhi High Court held that the Appellants' decades-long silence despite the Respondent's open use of the mark amounted to acquiescence under Section 33(1) of the Trade Marks Act, 1999, barring an injunction. It further held that the Appellants' copyright registration did not establish ownership, as no written assignment from the third-party agency's employee was produced. Accordingly, the Hon'ble Delhi High Court declined to interfere with the finding of the learned Single Judge that no prima facie case for grant of interlocutory injunction was made out against the Respondent, and dismissed the appeal, thereby refusing the injunction sought by the Appellants restraining the Respondent's use of the " Dakshin " mark.

COPYRIGHT CASES

HOTEL APPOLO AND TOURS PRIVATE LIMITED (Petitioners) vs THE INDIAN PERFORMING RIGHT SOCIETY LIMITED (Respondent)

CASE NO.: Petition(s) for Special Leave to Appeal (C) No(s). 28489/2026
DECIDED ON: 20th August 2026

The present petition was filed by the petitioners/defendant, a hotel, challenging the impugned final judgment and order dated 04-08-2026 passed by the Hon'ble High Court where by the plaintiff/respondent alleged that the petitioner was communicating respondent member's literary and musical works to guests through cable-connected TV sets in hotel rooms, without a license or royalty payment. The respondent contended that this amounted to "communication to the public" under section 2 (ff) of the copyrights Act, 1957, requiring a license from them. The petitioners contended it had merely subscribed to a licensed cable operator's services and was not liable to pay a separate royalty.

The Hon'ble Calcutta High Court observed that section 2(ff) expressly deems cable communication to hotel rooms as "communication to the public" and that under the cable television networks (regulation) act, 1995, a "subscriber "cannot further transmit signals to other persons such as hotel guests. The Hon'ble Court also held that section 52(1)(k)'s exemption expressly excludes hotels and commercial establishments. Accordingly, the Hon'ble Court set aside the impugned order and granted an ad interim injunction restraining the petitioners from communicating the respondent's repertoire of literary and musical work to the public without a valid license.

Subsequently, the petitioners challenged the High Court's order before the Hon'ble Supreme Court. On 20 August 2026, the Hon'ble Supreme Court issued notice in the Special Leave Petition and granted an interim stay on the operation of the Calcutta High Court's judgment. Accordingly, the operation of the High Court's injunction presently stands stayed pending further proceedings before the Supreme Court.

902, Kamdhenu Commerz, Sector - 14, Kharghar, Navi Mumbai - 410210. MH, INDIA

+91 22 46083609 / +91 83739 80620
info@duxlegis.com

www.duxlegis.com

Editorial Board

Editor in Chief
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