

DuxLegis®
Attorneys

IPAY ATTENTION

Gateway to IP World

Newsletter | Issue 46 | October 2026

In This Issue

- THE EXPANDING UNIVERSE OF WELL-KNOWN TRADEMARKS IN INDIA: PROTECTION OR OVERREACH? – II
- IP SNIPPETS





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



Ananya Sinha



Vikas Anil Awale

In Part I of this article, we examined the growing recognition of well-known trademarks in India and questioned whether the expanding list risks diluting the exceptional nature of such protection. Since its publication in June 2026, a further 57 marks have been declared well-known, according to the latest Trade Marks Journal published by the Trade Marks Registry. Recent judicial and administrative developments, however, have added a further dimension to this debate. Courts have increasingly considered whether a mark may claim the protection accorded to a well-known trademark even without a prior formal declaration of such status. This raises a more fundamental question: what exactly makes a trademark “well-known” in the eyes of Indian law, and does formal recognition remain necessary to secure its broader protection? Part II examines these emerging developments and their implications for the evolving scope of well-known trademark protection in India.

The article previously described a dual-route framework for well-known trademark status in India: the administrative route under Rule 124, carrying a publication-and-opposition safeguard, and the judicial route, arising as supplementary relief in infringement or passing-off suits and largely free of that safeguard. Recently, two Delhi High Court decisions delivered in July 2026 suggest that this framework now needs another category: recognition granted neither at the Registry nor in a full infringement trial, but within an ordinary opposition or appeal proceeding before the Hon’ble High Court, on the strength of evidence placed

before the Registrar or the Court alone.

Industria de Diseño Textil, S.A. v. Registrar of Trade Marks (“ZARA v. ZORA”) [C.A. (COMM.IPD-TM) 52/2024]

The Delhi High Court set aside the Registrar’s order permitting registration of “ZORA” for textile fabrics in Class 24, holding it deceptively similar to “ZARA”. The Court held that Section 11(2) of the Trade Marks Act protects well-known marks even against dissimilar goods, and that a formal declaration of well-known status is not a precondition for claiming that protection. Reputation established under Section 11(6), read with the statutory definition in Section 2(1)(zg), is sufficient on its own. Applying the anti-dissection principle and relying on *Corn Products Refining Co. v. Shangrila Food Products Ltd.*, the Court found that the two marks shared sufficient structural and phonetic similarity that an average consumer with imperfect recollection could confuse them, and allowed ZARA’s appeal, reversing the Registrar’s rejection of the opposition.

Columbia Pictures Industries, Inc. v. Registrar of Trade Marks & Anr. (the “GHOSTBUSTERS” case) [C.A. (COMM.IPD-TM) 44/2025]

This appeal arose from the Registrar’s rejection of Columbia Pictures Industries’ opposition to the registration of “GHOST BUSTER” in Class 05 for pharmaceutical and sanitary goods, on the ground that Columbia held no registration in that class and that the goods were dissimilar. The Delhi High Court quashed the order, holding that the word “entitled” in Explanation (b) to Section 11 means qualifying for well-known protection, rather than having been formally declared as such, and that a Registrar hearing an opposition is independently empowered to determine well-known status under Sections 11(6) and 11(7), without waiting for a Rule 124 declaration or a prior court decree. The Court also flagged the respondent’s earlier, abandoned attempt to register the same mark in the United



States as indicative of bad-faith adoption. The matter was remanded for fresh adjudication within three months, with the Court expressly declining to rule on the merits of Columbia's well-known-status and bad-faith claims itself.

A COUNTERWEIGHT: THE DOCTRINE WORKING AS INTENDED

Not every recent grant fits the pattern criticised above. In *Ferrero S.p.A. & Ors. v. M.B. Enterprises* [CS (COMM) 593/2021], the Delhi High Court declared **NUTELLA** a well-known trademark after the defendant was found manufacturing and selling counterfeit Nutella using identical packaging and trade dress. The declaration rested on Nutella's uninterrupted presence in India since 2009 and global recognition since 1964, findings that were not seriously in dispute. Unlike Shaadi.com and SOCIAL, where the declaration turned on unchallenged affidavits and an open question of whether urban popularity meets the statutory threshold, Nutella involved a mark whose fame is effectively beyond argument, paired with clear evidence of counterfeiting and consumer deception. The case is a reminder that the doctrine still functions as intended when the underlying fame is genuine and the harm is real. The concern is not that such declarations are being made, but that the easier cases are increasingly indistinguishable, procedurally, from the harder ones.

DIGITAL REACH: JURISDICTION KEEPS EXPANDING

The territorial reach of well-known mark enforcement has also widened. Jurisdiction in online infringement matters is not confined to where a defendant is physically located—targeted e-commerce activity and online sales may be sufficient to create a valid cause of action wherever the goods reach consumers, regardless of any brick-and-mortar presence there. This extends the reasoning already visible in the Shaadi.com dispute, where the defendant's use of "Shaadi.com" as a website meta-tag to divert internet traffic was itself treated as online passing off. Taken together, these developments show well-known mark protection expanding not only in how many marks qualify and through how many routes, but also in where a rights holder

can sue to enforce it.

A 2026 Delhi High Court decision illustrates how far territorial jurisdiction has moved in online-commerce disputes. In *Rukhmani Keshwani v. Raju Agarbatti Works & Anr.* [FAO (COMM) 99/2024, decided 1 July 2026], a Division Bench of the Delhi High Court restored a trademark suit over the mark "**RADHEY KRISHNA**" that the trial court had twice thrown out for want of territorial jurisdiction. Both the plaintiff and the defendants were based in Ajmer, Rajasthan, and the trial court, relying on the Supreme Court's caution against forum-shopping in *Indian Performing Rights Society Ltd. v. Sanjay Dalia & Ors.* [(2015) 10 Supreme Court Cases 161], had held that Ajmer, not Delhi, was the proper jurisdiction for the dispute, and that mere accessibility of an interactive website could not confer jurisdiction on the Shahdara Court. On appeal, the Division Bench disagreed, holding that Sanjay Dalia only bars forum-shopping through a defendant's subordinate office; it does not exclude an independently arising part-cause-of-action under Section 20(c) of the CPC. Applying its own recent ruling in *Kohinoor Seed Fields India Pvt. Ltd. v. Veda Seed Sciences Pvt. Ltd.* [2025:DHC:10789-DB], which had held that an interactive e-commerce listing accessible in a forum amounts to "carrying on business" there without requiring proof of an actually concluded sale, the Bench found that the defendants' admitted IndiaMART listings (bearing their own GST and address details) and the plaintiff's documented deliveries within Delhi were sufficient to found jurisdiction.

Hon'ble Courts are, in practice, extending jurisdiction to reach online infringers with no physical footprint in a state, a real benefit to well-known mark owners policing sellers nationwide. However, the Delhi High Court has itself acknowledged that the underlying tests are inconsistent, and a Larger Bench ruling could tighten this reach again. For now, the direction of travel favours plaintiffs, echoing the meta-tag-based passing-off reasoning already applied in the Shaadi.com matter discussed in Part I of this article, but the doctrine is explicitly a work in progress rather than settled law.

CONCLUSION: WHERE THIS LEAVES THE DEBATE



Looking at everything that happened in 2026, one thing is clear: it is now easier than ever for a mark to be declared “well-known” in India, and the reach of that protection keeps growing. Courts have opened up a third way to obtain this status through opposition proceedings that bypasses both the usual Rule 124 process and a full trial. At the same time, courts are also finding new ways to let trademark owners sue online sellers outside their home state.

But it is not one-sided. Some courts have pushed back too, cancelling a mark for being too generic, refusing to treat registration as a free pass, and, in Nutella’s case, applying the “well-known” label to a mark that genuinely deserved it.

So, the real question—is India’s well-known trademark system working well, or has it drifted too far from what it was meant to be?—is actually harder to answer now than it was six months ago. There are simply more ways to obtain this status, and more ways to enforce it, than there were before.

References:

1. Industria de Diseño Textil, S.A. v. Registrar of Trade Marks [C.A. (COMM.IPD-TM) 52/2024]
2. Columbia Pictures Industries, Inc. v. Registrar of Trade Marks & Anr. [C.A. (COMM.IPD-TM) 44/2025]
3. Ferrero S.p.A. & Ors. v. M.B. Enterprises [CS (COMM) 593/2021]
4. “Territorial Jurisdiction in the Digital Era: Delhi HC on Online Trademark Disputes (2026)” — Legal Service India, on Rukhmani Keshwani v. Raju Agarbatti Works & Ors. — <https://www.legalserviceindia.com/Legal-Articles/territorial-jurisdiction-digital-era-rukmani-keshwani-raj-u-agarbatti-works-delhi-high-court-2026/>
5. Rukhmani Keshwani v. Raju Agarbatti Works & Anr. [FAO (COMM) 99/2024, decided 1 July 2026]
6. Kohinoor Seed Fields India Pvt. Ltd. v. Veda Seed Sciences Pvt. Ltd. [2025:DHC:10789-DB]
7. Indian Performing Rights Society Ltd. v. Sanjay Dalia & Ors. [(2015) 10 Supreme Court Cases 161]



**IP SNIPPETS:****PATENT CASES****CONQUEROR INNOVATIONS PRIVATE LIMITED. & ANR.**  **(Appellants) vs XIAOMI****TECHNOLOGY INDIA PRIVATE LIMITED**  **(Respondent)**

CASE NO.: FAO(OS) (COMM) 147/2025 & CM APPL. 60385/2025 CM APPL. 72055/2025
DECIDED ON: 08th September 2026

The present appeal has been filed by the appellants against the judgement passed by the learned Single Judge concluding that the appellants failed to establish prima facie case of infringement against the respondent from infringing their patent. The appellants alleged that the respondent has been selling the impugned devices incorporating the technology of the suit patent. The appellants also sent a legal notice to the respondent asserting their statutory rights in the suit patent also offered the Respondent a non-exclusive license on FRAND royalty rates. However, no response was received by the respondent, thereafter the respondent instituted the suit seeking interim restraint against the respondent which was dismissed.

The appellants state that the impugned judgement was proceeded on erroneous construction of the suit patent and the granted claims, the respondent's 'Find Device' feature maps onto the essential features of the suit patent, corresponding to the independent claim 1. The appellants argued that the learned Single Judge imported features from the complete specification which do not form part of the granted claims and consequently concluded that the impugned devices do not map with the suit patent. The appellants further argued that learned Single Judge's finding of non-working of the suit patent is not a statutory defense to infringement and delay in filing the suit cannot defeat their patent rights. The

respondent argued that part of the claimed mechanism in the suit patent is absent in the impugned device. The respondent stated that the appellants cannot adopt different construction in appeal, only because their original construction failed to establish infringement before the learned Single Judge. The respondent submitted that the appellant assertion that they became aware of the infringement in 2023 is unsatisfactory as the suit patent was granted in 2010 and the appellants have been filing form 27 showing that they were aware of other smartphones using similar technology, the appellants failed to satisfy any of the requirements for interim infringement.

The Hon'ble Delhi High Court analyzed the following matter and noted no error in the reasoning of the learned Single Judge. The Hon'ble Court states that the respondent's 'Find Device' do not infringe the independent claim 1 of the suit patent. And the learned Single Judge has provided substantial reasons for concluding the balance of convenience in favour of the respondent. The Hon'ble Court found no infirmity in the impugned judgment warranting interference in the present appeal. The Hon'ble Court concluded by dismissing the present appeal.



DR. TARKESHWAR CHANDRAKANT PATIL (Petitioner) vs 1. INDIAN INSTITUTE OF TECHNOLOGY, BOMBAY; 2. CONTROLLER GENERAL OF PATENTS, DESIGNS & TRADEMARKS; 3. PROF. SIDDHARTHA PRAKASH DUTTAGUPTA; 4. RAMESH PUSHPAGANDHA (Respondents)

CASE NO.: COMMERCIAL MISCELLANEOUS PETITION (L) NO. 12000 OF 2026
DECIDED ON: 11th August 2026

The petitioner filed a petition which is essentially a statutory appeal challenging the rejection of patent



application by the respondent 2. The petitioner is an original inventor of the subject patent application which was filed by the respondent 1. The petitioner stated that respondent 1 executed a Worldwide Deed of Assignment, transferring their rights in the invention to him, authorizing him to file the patent application anywhere in the world. The respondent had been repeatedly changing the applicant name between the respondent 1 and petitioner without proper explanation. The petitioner argued that the respondent 2 rejected the subject patent application without considering petitioner's claim of ownership or merits of the subject patent application. The respondent 1 countered that the invention primarily belonged to them as the petitioner's research was undertaken as a part his association with them. Further the assignment relied upon by the petitioner is in connection with the US patent proceedings and not to transfer the Indian rights. The respondent 2 countered that they treated petitioner as an employee whose duty was to conduct research and invent, therefore did not accept petitioner's claim to ownership. Also, the respondent 2 didn't not meaningfully examine the subject application's merits and accordingly refused it.

The Hon'ble Bombay High Court observed the following matter and stated that the Deed of Assignment transferred the full and exclusive right, title and interest in the invention to the petitioner including rights in India. The Hon'ble Court found no basis for treating the assignment limited to USA and other foreign countries. Further, the Hon'ble Court noted that the respondent 2 failed to properly adjudicate the ownership dispute and wrongfully rejected the opposition under section 25(1)(a) filed by the petitioner. The Hon'ble Court settled the ownership issue and concluded by setting aside the respondent 2's rejection and restoring the patent application for examination on its substantive merits.



UPL CORPORATION LIMITED & ANR. (Appellants) vs ASSISTANT CONTROLLER OF PATENTS AND DESIGNS (Respondent)



CASE NO.: C.A.(COMM.IPD-PAT) 6/2025
DECIDED ON: 10th August 2026

The present appeal has been filed by the appellant against the respondent for refusing the appellant's patent application under the ground of lack of novelty. The respondent cited seven new documents which were not cited in FER or hearing notices. The appellant argued that the respondent failed to provide an opportunity to respond to the objection and documents. The appellant states that the respondent has not correctly analyzed the inventive step or explained how the cited prior art documents would lead to a person skilled in the art.

The Hon'ble Delhi High Court observed the following matter and stated that the respondent cannot revive a dropped novelty objection or rely on new document for the first time in final order without giving an opportunity to respond to the appellant. Also, the respondent failed to provide adequate inventive step analysis violating the principle of natural justice. The Hon'ble Court concluded by setting aside the impugned order passed by the respondent and directed to consider the subject patent application a fresh considering the factual and legal pleas raised.



9449710 CANADA INC (Appellant) vs DEPUTY CONTROLLER OF PATENTS AND DESIGN (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 69/2024
DECIDED ON: 06th August 2026

The appellant filed the present appeal against the impugned order passed by the respondent rejecting the appellant's patent application under the ground of lack of clarity under Section 10(5), lack of



inventive step under Section 2(1)(ja) and non-patentability under Section 3(d) of 1970 Act. The appellant argued that the respondent erred in understanding the scope of the claims and also failed to provide any reasoning as to how the claims were unclear. The appellant further states that none of the document D1-D6 teach or suggest the features as disclosed in the subject patent application, the respondent has simply cherry picked the features and mosaiced them together with the benefit of hindsight which is impermissible in law. The respondent countered that the appellant filed the amended claims along with the written submission, yet the amended claims were unclear, lack inventive step and is non-patentable.

The Hon'ble Delhi High Court noted that the respondent has erred in not looking into the factual and legal points highlighted by the appellant in respect of the prior art, which were crucial for determining the objection under Section 2(1)(ja) as also Section 3(d). The Hon'ble Court further states that the impugned order is wholly unreasoned on material aspect. The Hon'ble Court concluded by setting aside the impugned order passed by the respondent and by partially allowing the appeal.



TRADEMARK CASES

**METRO BRANDS LIMITED (Petitioner/Plaintiff)
vs MET BRANDS PRIVATE LIMITED (Respondent/Defendant)**

CASE NO.: Leave Petition (L) No. 12067 of 2025 in
Comm IPR Suit (L) No. 12028 of 2025
DECIDED ON: 3rd September 2026

In the present case, the Petitioner/Plaintiff, sought an injunction against the Respondent/Defendant, alleging infringement of its registered trademark "METRO" through the use of "MET-BRANDS/METBRANDS SHOES & BAGS.". The Plaintiff contended that the Bombay High Court had

jurisdiction over the trademark infringement claim under Section 134 of the Trade Marks Act, 1999, as its registered office was situated in Mumbai. Since the alleged cause of action for passing off had arisen in Kerala, the Plaintiff sought leave under Clause 14 of the Bombay High Court Letters Patent to join the passing-off cause of action with the trademark infringement claim, primarily to avoid multiplicity of proceedings.

The Respondent opposed the grant of leave, arguing that it was a Kerala-based entity and that the passing-off cause of action had arisen in Kerala. It further pointed out that the Plaintiff itself operated 18 Metro stores in Kerala and contended that allowing the suit to proceed in Mumbai would cause hardship and would amount to an unjustified choice of forum.

The Hon'ble Bombay High Court observed that, under Clause 12 of the Letters Patent, its jurisdiction over the passing-off claim depended upon the cause of action arising within its jurisdiction or the defendant residing or carrying on business there. Neither condition was satisfied in the present case. The Hon'ble Court further observed that, although Section 134 of the Trade Marks Act provided the Plaintiff with an additional forum for a trademark infringement claim, the passing-off claim continued to be governed by the applicable principles of territorial jurisdiction. The Hon'ble Court held that both the trademark infringement and passing-off claims could be pursued in Kerala, where the cause of action had arisen and where the Defendant carried on business and granted the Plaintiff liberty to take appropriate steps in accordance with law.



**ZEE LEARN LIMITED (Petitioners) vs PRAGATI
SHIKSHA SHROT TRUST (Respondent)**

CASE NO.: COMM ARBITRATION PETITION (L)
NO.21131 OF 2026
DECIDED ON: 1st September 2026

In the present case, the Petitioner filed a petition seeking interim reliefs against the Respondent



following the termination of their contractual arrangements. The Petitioner alleged that, despite termination on 24th March 2026, the Respondent continued to use its registered trademarks **"MOUNT LITERA ZEE SCHOOL"** and **"MLZS"** and implement its proprietary MLZS Program. The Respondent disputed the termination and relied upon Government directions concerning the use of prescribed textbooks. It also challenged the territorial jurisdiction of the Bombay High Court, contending that the school was situated in Dehradun and that no part of the cause of action had arisen in Mumbai.

The Hon'ble Bombay High Court held that Mumbai was the agreed juridical seat of arbitration and rejected the Respondent's jurisdictional objection. The Hon'ble Court further observed that the Government directions did not prohibit the use of supplementary educational material and that the relevant directions pre-dated the contractual arrangements. The Hon'ble Court held that, pending arbitration, the Respondent could not claim a continuing contractual right to use the Petitioner's trademarks or represent an ongoing association with it. However, the validity of the termination was left open for determination by the Arbitral Tribunal. Accordingly, the Hon'ble Court partly allowed the petition and restrained the Respondent from using the Petitioner's trademarks and MLZS Program or representing any continuing association with the Petitioner.



ASR MARKET VENTURES PRIVATE LIMITED (Petitioner) vs FITSHIP PRIVATE LIMITED & ANR. (Respondents)

CASE NO.: C.O. (COMM.IPD-TM) 93/2025 & I.A. 9159/2025

DECIDED ON: 31st August 2026

In the present case, the Petitioner sought cancellation of the Respondent's registered **"Fit Feast"** trade

mark on various grounds under the Trade Marks Act, 1999. The Petitioner claimed prior and continuous use of **"FITFEAST"** since 2017 for nutrition and wellness services and alleged that the Respondent

had dishonestly adopted an identical mark for protein-rich snacks. The Respondent contended that the Petitioner predominantly operated under the trademark **"FITPASS"** and had not used **"FITFEAST"** as an independent source identifier. It further submitted that  was honestly adopted

in 2021 after conducting trademark and market searches.

The Hon'ble Delhi High Court held that the Petitioner failed to establish independent goodwill and reputation in **"FITFEAST"**, as the mark was predominantly used under **"FITPASS"** and did not function as an independent source identifier. The Hon'ble Court also held that **"FITFEAST"** could not be treated as an "earlier trademark" under Section 11(1), and found no bad faith in the Respondent's adoption after due diligence. Accordingly, the Hon'ble Court dismissed the rectification petition, holding that the Petitioner had failed to establish the grounds necessary for cancellation of the Respondent's registration.



HAHNEMANN SCIENTIFIC LABORATORY INDIA PVT. LTD. (Appellant) vs MEERA RASTOGI TRADING AS HAHNEMANN MEMORIAL LABORATORY (Respondent)

CASE NO.: FAO (COMM) 182/2026 CM APPL.

43491/2026 CM APPL. 43489/2026

DECIDED ON: 20th August 2026



In the present case, the Appellant challenged the order refusing an interim injunction against the Respondent's use of its device/label mark. The Appellant claimed that it had adopted and used the

word mark **"HASLAB'S DIGESTO"** since 1971 and contended that the Respondent's mark was deceptively similar. It further argues that **"DIGESTO"** was suggestive rather than descriptive and fully capable of distinguishing the Appellant's goods from those of others. The Respondent, on the other



hand, contended that the Appellant's earlier registration had expired in 1993 and that the dispute was therefore one of passing off. It argued that the Appellant had failed to show continuous use between 1981 and 2007, whereas documents established its use of the mark "**DIGESTO PLUS**" since 1980. The Respondent further contended that "**DIGESTO**" was descriptive, common to the trade and that the Appellant had agreed to disclaim exclusive rights over the word.

The Hon'ble Delhi High Court rejected the appeal and agreed with the Trial court's decision and observed that the Appellant had not produced any clear evidence establishing use since 1971, while the Respondent had prima facie established use since 1980. It further held that "**DIGESTO**" appeared common to the trade and that the rival marks and trade dress were not deceptively similar. Accordingly, the Hon'ble Court dismissed the appeal.



NUGENESYS PHARMACEUTICALS PVT. LTD. & ANR. (Appellants/Defendants) vs CELAGENEX RESEARCH (INDIA) PVT. LTD. (Respondent/Plaintiff)

CASE NO.: FAO(OS) (COMM) 167/2026 CM APPL. 43226/2026
DECIDED ON: 20th August 2026

In the present case, the Appellants challenged an ex-parte injunction restraining their use of the mark "**RewireX**". The appellants challenged this on the ground that the Respondent had suppressed material facts while obtaining it. The Appellants contended that the Respondent had known about the '**RewireX**' mark since October 2025 but did not disclose this fact in the plaint. Instead, the Respondent had stated that it first came to know about the Appellants' use of the mark in May 2026 and then obtained an ex-parte injunction on that basis. The Appellants further argued that the omission was not accidental, as the Respondent did not disclosed in the plaint that the Respondent had already issued a cease-and-desist notice on 29.10.2025 and filed a formal opposition to the Appellants' trademark

application on 27.01.2026 - both almost seven months prior to the date it claimed to have first become aware of the mark. The Respondent, however, stated that the non-disclosure was a *bona fide* oversight and that the Appellants had actually started using the mark only in March 2026.

The Hon'ble Delhi High Court allowed the appeal and held that the Respondent had wilfully suppressed material facts relating to the earlier notice and trademark objection. The Hon'ble Court observed that these facts were important because they showed that the Respondent had knowledge of the Appellants' mark much before May 2026. The Hon'ble Court further held that such non-disclosure had affected the decision to grant an ex-parte injunction without hearing the Appellants.



SANJAY BHATT (Petitioner) vs STATE OF RAJASTHAN & ANR. (Respondents)

CASE NO.: S.B. Criminal Miscellaneous (Petition) No. 1728/2016
DECIDED ON: 17th August 2026

In the present case, the Petitioner sought quashing of an FIR registered against him in connection with the alleged unauthorized sale of "**Dandi Salt**" using an imitational trademark, allegedly infringing the complainant's copyright and trademark rights.

The Petitioner contended that the dispute concerning the right to use "**Dandi Namak**" or "**Dandi Salt**" was already the subject of civil and intellectual-property proceedings and involved disputed questions of fact. He further argued that the Respondent No. 2 did not possess the requisite trademark or copyright rights and that continuation of the criminal proceedings amounted to an abuse of the process of law. The Respondent No. 2, on the other hand, claimed ownership of the "**Dandi Salt**" and "**Dandi Namak**" marks and argued that copyright registration was not mandatory. It was also contended that the issues raised by the Petitioner involved disputed questions of fact and therefore could not appropriately be determined in proceedings under Section 482 Cr.P.C.



The Hon'ble Rajasthan High Court observed that the dispute concerning ownership of **"Dandi Salt"** and **"Dandi Namak"** involved questions of fact requiring consideration of evidence. The Hon'ble Court further held that registration of copyright is not mandatory and that the absence of registration, by itself, did not prevent a person claiming rights in an original work from initiating proceedings for alleged infringement. The Hon'ble Court also noted that the police investigation had been concluded and that a charge-sheet had been drawn against the Petitioner, although, due to the interim order, it had not been filed against him. Importantly, the Hon'ble Court held that the dispute was not merely civil in nature, observing that infringement under the Copyright Act and Trade Marks Act may attract both civil and criminal remedies. It therefore declined to quash the FIR under Section 482 Cr.P.C.



DR. REDDY'S LABORATORIES LIMITED (Petitioner) vs M/S RAZENTA PHARMACEUTICALS PRIVATE LIMITED & ANR. (Respondents)

CASE NO.: C.O. (COMM.IPD-TM) 122/2025
DECIDED ON: 17th August 2026

In the present case the petitioner filed a petition seeking cancellation of the respondent's trademark **"DAPLOGIN"**, alleging that the mark is deceptively similar to the petitioner's earlier trademark **"DAPLO"**.

The Petitioner contended that it is the prior adopter and registered proprietor of the trademark **"DAPLO"** since 2020, which is used for a drug treating Type-2 Diabetes Mellitus. The petitioner further argued that both marks were used for pharmaceutical products containing the same active ingredient and, therefore, their concurrent use was likely to create confusion among consumers. The respondent countered that **"DAPLOGIN"** had been honestly and bona fide adopted from the API *"Dapagliflozin"*, as it is common in the pharmaceutical industry to derive brand names from the relevant molecule or salt. The Respondent further submitted that the suffix **"GIN"** rendered the mark sufficiently distinctive.

The Hon'ble Delhi High Court allowed the petition and cancelled the registration of **"DAPLOGIN"**. Comparing the marks as a whole, **"DAPLOGIN"** subsumes all five letters of **"DAPLO"** in entirety and the suffix **"GIN"** is insufficient to diminish the similarity. Phonetically, **DAP-LO** is prominently pronounced within **DAP-LO-GIN**, and even on the dominant mark test the dominant part of **"DAPLOGIN"** is **"DAPLO"**, identical to the Petitioner's mark. Applying the initial interest confusion doctrine and an average purchaser with imperfect recollection would perceive **"DAPLOGIN"** as another variant from the Petitioner's house, a confusion heightened by identical goods, shared API and common trade channels the Hon'ble Court concluded by allowing the petition, cancelling the registration of the mark **"DAPLOGIN"** and directing the Registrar of Trade Marks to rectify the Register within six weeks.



M/S FREEELECTIVE NETWORK PRIVATE LIMITED (Appellant) vs M/S MATRIMONY.COM LIMITED (Respondent)

CASE NO.: OSA(CAD) No.159 of 2022 and CMP
Nos. 20676, 20680 of 2022 & 19720 of 2024
DECIDED ON: 11th August 2026

In the present case, the Appellant filed an original side appeal challenging the judgment of the learned Single Judge dismissing its suit seeking, inter alia, a permanent injunction restraining the Respondent from using the trademark **"Jodii"**, which was alleged to be deceptively similar to the Appellant's registered trademark **"Jodi365"**.

The Appellant contended that it had been using **"Jodi365"** since 2009 and that the learned Single Judge had erred in treating **"Jodi"** separately from the composite mark and holding it to be non-distinctive. It was submitted that trademarks must be considered as a whole and that Section 17 of the Trade Marks Act, 1999 did not require separate proof of distinctiveness of individual elements. The Respondent contended that **"Jodii"** was used under its house mark **"BHARATMATRIMONY"**, and that **"Jodi"** was descriptive and commonly used in relation to matrimonial and dating services.



The Hon'ble Madras High Court held that questions relating to the validity of a registered trademark could be raised only in rectification proceedings and, since the Respondent had not initiated such proceedings, its right to challenge the validity of the Appellant's registration stood abandoned. The Hon'ble Court further held that phonetic similarity could not be ignored while comparing the rival marks and found that the Respondent had failed to establish its defence that "Jodi" was common to trade or publici juris through sufficient qualitative evidence. Accordingly, the Hon'ble Court allowed the appeal, set aside the impugned judgment and decree, and granted the reliefs relating to infringement, passing off and destruction of infringing materials. However, the claim for ₹1 crore in damages was not granted for want of sufficient evidence.



UTES LIMITED FORMERLY RAIL INDIA TECHNICAL AND ECONOMIC SERVICE LIMITED (Appellant) vs THE REGISTRAR OF TRADE MARKS (Respondent)

CASE NO.: C.A.(COMM.IPD-TM) 19/2026 & I.A. 9420/2026

DECIDED ON: 6th August 2026

In the present case, the Appellant challenged the order, treating its trademark application for "UTES" as 'abandoned' under Section 132 of the Trade Marks Act, 1999. The Appellant claimed use of the trademark "UTES" since 2008 in relation to construction, infrastructure consultancy and allied services and had filed Trademark Application in 2023. The Appellant contended that the supporting documents proving use since 2008 had been uploaded on the day after the hearing but were inadvertently filed against a related application due to a technical error. It further argued that the Trade Marks Registry had previously granted multiple registrations for the mark "UTES" in Classes 37 and 42, recognizing its longstanding use and distinctiveness. The Appellant also contended that Section 132 required the Registrar to issue a notice to remedy any default and provide an opportunity of hearing before treating an application as abandoned. The Respondent,

on the other hand, contended that the Appellant had been given time to furnish documents supporting its claimed use but failed to do so.

The Delhi High Court allowed the appeal and set aside the impugned order. It held that the Respondent's action in treating the application as 'abandoned' was passed in violation of, rather than in compliance with, Section 132 of the 1999 Act, since no notice of default had been given to the Appellant before the application was treated as abandoned. The Respondent was directed to grant the Appellant an opportunity to furnish the requisite supporting documents substantiating its claim of user, within a stipulated timeline, and thereafter proceed in accordance with law. The appeal was disposed of along with the pending application, without any expression on the merits of the underlying trademark claim.



COPYRIGHT CASES

VIPUL MUSIC COMPANY PROPRIETORSHIP FIRM OF MS. SANTOSH GOSWAMI (Petitioner) vs REGISTRAR OF COPYRIGHT & ANR. (Respondents)

CASE NO.: C.O.(COMM.IPD-CR) 21/2025 & I.A. 9511/2025

DECIDED ON: 08th September 2026

In the present case, the Petitioner filed a rectification petition seeking a direction to the Registrar of Copyright to expunge the impugned sound recording titled '*Radhey Radhey Barsane Wali Radhey*' in favour of Respondent No. 2. The Petitioner claimed ownership of the copyright in the underlying Bhajan '*Radha Naam Sang Brij 84 Kosh Yatra*', created between 2006-2007 and registered with the Copyright Office in 2008, and alleged that Respondent No. 2 had infringed the said work by uploading it on YouTube despite repeated takedown requests, compelling the Petitioner to also institute a separate suit for permanent injunction before the Trial Court. The Petitioner contended that the impugned registration



was liable to be set aside as no notice under Rule 16(3) of the Copyright Rules, 1958 (pari materia to Rule 70(9) of the 2013 Rules) was issued to it prior to grant of registration to Respondent No. 2.

The Hon'ble Delhi High Court observed that issuance of notice under Rule 16(3) of the 1958 Rules to persons claiming interest in the copyright is a statutory mandate, and non-compliance therewith vitiates the registration granted. Accordingly, the Hon'ble Delhi High Court partially allowed the petition and set aside/revoked the impugned Registration, while reviving Respondent No. 2's original application for fresh consideration.



**PARES CHANDRA DAS & ANR. (Plaintiffs) vs
NEW CENTRAL BOOK AGENCY PRIVATE LIM-
ITED & ORS. (Defendants)**

CASE NO.: G.A. No. 1 of 2023 in I.P. (COM) No. 11
of 2024
DECIDED ON: 27th August 2026

In the present case, the Plaintiffs sought an interim injunction restraining the Defendants from printing, publishing, reproducing, adapting, distributing and otherwise dealing with two English grammar books, claiming copyright ownership over the works.

The Plaintiffs contended that the publication agreements executed in 2001 and 2002 did not specify any period and, by virtue of Section 19(5) of the Copyright Act, 1957, the assignment was deemed to be for five years. They therefore contended that the agreements had expired by efflux of time in 2006 and 2007, respectively, and that the Defendants had no continuing right to publish the books. They further contended that the Co-Publishing Agreement executed in 2020 was for a period of three years and had also expired in August 2023. The Defendants, on the other hand, contended that they had continuously published, printed, marketed and distributed the books for more than two decades pursuant to the original agreements. They relied upon the Plaintiffs' conduct in permitting such continued publication. The Defendants also relied on the continued

payment of royalty under the original agreements.

The Hon'ble Calcutta High Court observed that although the five-year period under Section 19(5) had expired in 2007, the Plaintiffs had thereafter allowed the Defendants to continue as publisher and had subsequently consented to the Co-Publishing Agreement. The Hon'ble Court further held that there was no document showing that the original publication agreements had been substituted or extinguished, and the continued royalty arrangement indicated that the original agreements continued to govern the relationship between the parties. Accordingly, the Hon'ble Court held that the Plaintiffs failed to establish a *prima facie* case and balance of convenience in their favour and also found no irreparable loss or injury. The interim injunction was therefore refused and dismissed.



**THE INDIAN PERFORMING RIGHT SOCIETY
LIMITED (Appellant) vs HOTEL APPOLO &
TOURS PRIVATE LIMITED (Respondent)**

CASE NO.: FMA 322 of 2025 with CAN 1 of 2025
DECIDED ON: 04th August 2026

In the present case, the Appellant filed an appeal challenging the rejection of its application for interim injunction against the Respondent, for allegedly communicating and publicly performing literary and musical works belonging to the Appellant's members. The Appellant contended that providing cable television services to guests in hotel rooms amounted to "communication to the public" under Section 2(ff) of the Copyright Act, 1957 and constituted copyright infringement. The Respondent contended that it had obtained cable connections from a cable operator who had already secured the necessary rights and therefore no separate licence or royalty was payable to the Appellant.

The Hon'ble Calcutta High Court observed that although the cable operator was licensed to broadcast the works to its subscribers, the Respondent hotel could not rely upon such licence for



commercially making the content available to its hotel guests. The Hon'ble Court noted that the guests staying in the hotel rooms were not "subscribers" within the meaning of Section 2(i) of the Cable Television Networks (Regulation) Act, 1995, a subscriber could not further transmit the cable services to any other person, whereas the Respondent was providing the services to its guests. The Hon'ble Court further observed that the television services provided in the hotel rooms constituted an additional commercial amenity and therefore amounted to commercial exploitation and communication to the public of the copyrighted works. The cable operator's licence, being limited to its own subscriber (the respondent), could not be stretched to cover onward transmission to guests as a commercial amenity. This amounted to infringement under Section 51, and the appellant made out a strong prima facie case with balance of convenience in its favour.

Accordingly, the Hon'ble Calcutta High Court set aside the order of the Trial Court, held that the Respondent was restrained from publicly performing or communicating to the public the Appellant's repertoire of literary and musical works without the requisite licence and payment of statutory royalty.





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
Divyendu Verma

Sub - Editor
Priti More

Content Editor
Sahana Mabian

Designer
Namrata Thakur

Disclaimer: This publication is intended to provide information to clients on recent developments in IPR industry. The material contained in this publication has been gathered by the lawyers at DuxLegis for informational purposes only and is not intended to be legal advice. Specifically, the articles or quotes in this newsletter are not legal opinions and readers should not act on the basis of these articles or quotes without consulting a lawyer who could provide analysis and advice on a specific matter. DuxLegis Attorneys is a partnership law firm in India.

© 2025-26 DUXLEGIS

This Newsletter is published by DuxLegis Attorneys from 902, Kamdhenu Commerz, Sector 14, Kharghar, Navi Mumbai, Maharashtra, India on 12 October, 2026.