



INTELLECTUAL PROPERTY RIGHTS

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TRADEMARK

NOVARTIS AND NOVAEGIS ARRIVE AT AMICABLE SETTLEMENT

Pharmaceutical company Novartis AG had filed a suit, alleging infringement of registered 'NOVARTIS' trademark by the Defendant Novaegis, which is using the logo "NOVAEGIS".

The parties have now arrived at an amicable resolution of the dispute between them. Novaegis has agreed to withdraw its trademark applications for its impugned mark, submit its application to change its name before the Registrar of Companies, to forthwith refrain from using its impugned mark in any manner and to dispose of its existing stock of goods under the impugned mark within 60 days of its undertaking.

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IDENTITY OF MARKS IS NOT NECESSARY FOR SECTION 29 TO APPLY; SIMILARITY OF MARKS IS SUFFICIENT.

In Foot Locker Retail, Inc V. Smt. Geeta Kewalani, The plaintiff in the said suit claimed to be a company incorporated in the United States in 1974 involved in manufacture and sale of footwear, under the brand called FOOT LOCKER and internationally since 1974. The plaintiff was commercially using FOOT LOCKER as a brand in India, at least since 2015.

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NO EXCLUSIVE RIGHTS CAN BE CLAIMED OVER THE SUPERLATIVE WORD 'PRO', RULES HIGH COURT

Astral Ltd which is engaged in the business of manufacturing and selling high quality pipes and fitting and has registration trademarks such as 'CPVC PRO' and its formative marks filed a suit against Ashirvad Pipes which is using a mark 'CPVC FLOWPRO' for similar products. The Plaintiff had submitted that it has no objection to the use of the letters 'CPVC' which is an abbreviation for a material of plastic by the Defendant but rather to the use of 'PRO' in conjunction with 'CPVC'.

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TRADEMARK 'HOT MIX' IN RELATION TO NAMKEENS IS DESCRIPTIVE

An appeal was filed in the Delhi High Court by a proprietor of food products against an order of a District Judge who had ruled that the appellant's 'HOT MIX' mark for his namkeen products was descriptive and the appellant cannot claim exclusivity over it.

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TRADE MARK REGISTRAR'S REFUSAL ORDER UPHOLD

Jainsons Lights, moved an appeal against an order of the Trade Marks Registry refusing registration of the mark in Class 11 for electric appliances including for lighting.

The application was objected due to the presence of an earlier mark 'M/s Jaainsons Lites' in the same class and the reply filed by the Appellant as well as the arguments presented at the time of show cause hearing were unable to convince the

Senior Examiner who then passed the order of refusal. The Appellant then filed its appeal in the High Court contending that its mark is a highly stylised depiction of its tradename with unique features and colours. Upholding the order of the Senior Examiner, the High Court observed that the Appellant's mark was deceptively similar to the cited mark and the Appellant's usage of the mark was also subsequent to the cited mark.

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DELHI HIGH COURT DIRECTS APPELLANT AGGRIEVED BY AD INTERIM INJUNCTION ORDER TO SEEK REMEDY VACATING ORDER UNDER CPC

Aggrieved by an order of ex-parte interim relief in a trademark infringement suit being granted against him and in favour of Rashik Soap Factory, an appeal was filed by Talkaji Bhaguji Prajapati challenging the impugned order in the Delhi High Court.

Prajapati, the Appellant/Defendant argued that the Rashik Soap Factory the Plaintiff/respondent in its trademark infringement suit had concealed from the Trial Court that the appellant had copyright registration dated 27th July, 2018 of the impugned artistic work under number A-126312/2018, which is four years prior to the copyright registration of the plaintiff/respondent.

The Delhi High Court was of the view that the appellant has an alternative effective remedy by filing an application under Order XXXIX Rule 4, CPC for vacation of ex parte ad-interim injunction orders.

However, mindful that the Appellant's business has come to a standstill as a result of the impugned ex-parte order, the High Court has directed that, in the event, the Appellant files its application under Order XXXIX Rule 4, CPC on or before 27th February, 2023, the respondent shall file its reply affidavit on or before 02nd March, 2023 and the matter shall be listed before the Trial Court on 03rd March and be disposed of on that date.

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PATENT

THE INVENTIVE CONCEPT OF THE SUBJECT PATENT APPLICATION IS A TECHNICAL ADVANCEMENT OVER THE PRIOR ART AND IS NOT OBVIOUS TO A PERSON SKILLED IN THE ART

In *Societe Des Produits Nestle Sa V. The Controller Of Patents And Design & Anr.*, the Appellant had appealed against the order passed by the Assistant Controller of Patents and Designs, Patent Office, Delhi (Patent Office) refusing the application for grant of patent for an invention title "Composition for use in the Prophylaxis of Allergic Disease".

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ORDERS PASSED BY CONTROLLER IN PATENT APPLICATION HEARINGS MUST SHOW APPLICATION OF MIND AND COGENT REASONING

An appeal was filed by Dr. Sapna Nangia in the High Court against an order of the Assistant Controller of Patents and Designs whereby her application for the registration of a patent claiming a "device and process for obtaining individualistic tactile feedback replicating breath hold of patient" was rejected.

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GEOGRAPHICAL INDICATION

ONE DISTRICT ONE PRODUCT PROGRAMME INITIATIVE TO PROMOTE GI TAGGED PRODUCTS

The Tribal Co-operative Marketing Federation of India (TRIFED) participated in Adi Mahotsav wherein it showcased its collection of tribal products with several GI products viz. Kullu, Himachal

Pradesh, Darjeeling Tea from Darjeeling, West Bengal, Blue Pottery from Jaipur, Rajasthan, Bidriware from Bidar, Karnataka, Pattachitra paintings from Puri, Odisha, Bagh Prints from Dhar, Madhya Pradesh, Coffee from Wayanad, Kerala, Bastar Craft from Kondagaon, Chattisgarh & Rice-Jeeraphool from Balrampur, Chhattisgarh.

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