

Intellectual Property
Newsletter

The IP Odyssey

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TRADEMARK TAPESTRY

CAN A SUIT FOR INFRINGEMENT BE FILED AGAINST REGISTERED TRADEMARK OWNERS? DELHI HIGH COURT REFERS ISSUE TO LARGER BENCH

The Division Bench addressed a dispute involving the trademarks "ABROS" and "NEBROS," both used for footwear. The court referred the matter to a larger bench to determine whether using a registered trademark can constitute infringement or passing off against another registered mark. This case is significant for clarifying the interplay between registered trademarks and potential infringement claims.

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DELHI HIGH COURT RULES COMMON NAMES LIKE 'NEHA' CAN BE TRADEMARKED IF DISTINCTIVENESS IS PROVEN

The Delhi High Court has ruled that common Indian names, such as "Neha," can be protected as trademarks if they acquire inherent distinctiveness or a secondary meaning through extensive commercial use. In a case involving competing claims over the "NEHA" trademark for herbal products and face creams, Justice Sanjeev Narula emphasized that while common names are inherently weaker in legal protection, they can gain trademark status if consumers associate them with a specific source. The court highlighted the necessity of presenting credible evidence—like advertising expenses, market share, and consumer surveys—to establish such distinctiveness.

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DELHI HIGH COURT REJECTS IPL TEAM RCB'S PLEA FOR INTERIM RELIEF AGAINST UBER'S 'DISPARAGING' AD FEATURING TRAVIS HEAD.

RCB filed a plea against an Uber Moto advertisement featuring cricketer Travis Head, alleging it negatively affected their trademark and reputation. The court dismissed the plea, finding no evidence of disparagement or trademark infringement, and noted the advertisement was intended as light hearted humour.

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TRADEMARK RUSH FOR 'OPERATION SINDOOR' SPARKS LEGAL AND ETHICAL DEBATE

In the wake of India's military strikes termed 'Operation Sindoor', multiple trademark applications have been filed for the term across India, the US, and the UK. In India alone, at least 14 filings have been made across sectors such as media, apparel, and digital services. Jio Studios initially filed for the trademark but withdrew the application, citing internal miscommunication after public criticism.

International applicants have also rushed to secure rights over the term, including individuals in New York and the UK. The filings have sparked a debate on the ethical and legal implications of commercialising military operation names, particularly those with national significance. Experts have noted that such attempts, while technically permissible, may run afoul of public policy standards under trademark law.

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DELHI HIGH COURT LIFTS INJUNCTION AGAINST FOX MANDAL & ASSOCIATES IN TRADEMARK DISPUTE

The Delhi High Court has set aside a prior order from the Patiala House Court that restrained Bengaluru-based law firm Fox Mandal & Associates from using the 'FoxMandal' trademark. The initial injunction was granted ex parte, without hearing the defendants. Upon appeal, the High Court found procedural lapses in the lower court's decision and emphasized the importance of due process. Justice Hari Shankar remarked on the necessity for courts to avoid becoming arenas for internal disputes within law firms, suggesting that such matters are better resolved internally or through alternative dispute resolution mechanisms.

This development underscores the judiciary's cautious approach in intervening in intra-firm conflicts, especially concerning trademark usage, and highlights the significance of following due legal procedures.

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DELHI HC UPHOLDS TRADEMARK REGISTRATION FOR NUMERICAL TRADE MARK '2929'

In Vineet Kapur v. Registrar of Trade Marks, the Delhi High Court upheld the registration of the numeric trademark '2929', reinforcing the legal recognition of non-traditional marks. The petitioner had sought registration in Class 43 for hotel and hospitality services, which was initially refused on the grounds that

TRADEMARK TAPESTRY

numbers lacked distinctiveness. Justice Anish Dayal ruled that numeric marks, though inherently non-distinctive, can acquire distinctiveness through use and market presence.

The Court observed that when a number is presented in a stylised or consistent manner and has gained recognition in the relevant trade, it may indeed qualify for trademark protection. The decision emphasized that the Trade Marks Registry must assess distinctiveness in context, rather than applying a blanket rule against numeric marks. This ruling is likely to pave the way for broader acceptance of number-based brand identities in India.

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DELHI HIGH COURT RESTRAINS FRANCHISE INDIA FROM USING 'RASNA' MARK

The Delhi High Court recently issued an ex parte ad interim injunction in favour of Piruz Khambatta, Chairman of Rasna Group and Ambassador of the government's Make In India initiative, on his plea against Franchise India Brands Limited.

Piruz claims that his company had entered into a franchisee distribution agreement with Franchise India but the latter failed to clear payments for franchise fees and royalties and exhibited lack of transparency in revenue reporting. It is further alleged that Franchise India continued to distribute 'Rasna Buzz' franchisee, despite expiry of the Work Order issued to it. Noting that the brand associates with edible items, the Court said it has to be cautious and it cannot allow Franchise India to pass off their products as that of Rasna's, since it may confuse the members of the trade and also of the general public involved.

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DELHI HIGH COURT RESTRAINS UNAUTHORISED USE OF 'ANDAZ APNA APNA' INTELLECTUAL PROPERTY

The Delhi High Court has granted an ex-parte ad interim injunction in favour of Vinay Pictures, the production house behind the 1994 cult film Andaz Apna Apna. The Court restrained several parties from using the film's title, characters, dialogues, and related elements without authorisation. The defendants were allegedly producing and selling merchandise like t-shirts, mugs, and posters, and even using AI-generated content mimicking characters from the film. The Court held that such use was likely to dilute the plaintiff's intellectual property rights and cause irreparable harm. Finding a prima facie case, the Court directed the defendants to cease all infringing activities and remove the content from online platforms.

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REGISTRATION OF TRADEMARK IN OTHER COUNTRIES DOESN'T BY ITSELF ENTITLE PARTY TO ITS REGISTRATION IN INDIA: DELHI HIGH COURT

In a significant ruling, the Delhi High Court has held that merely possessing a trademark registration in foreign jurisdictions does not automatically entitle an applicant to trademark registration in India. The court emphasized that the Indian Trade Marks Act, 1999 operates independently and grants rights based on use and goodwill within the Indian territory.

The judgment came in a case where a party sought Indian registration for a mark already registered in several other countries. The court clarified that while foreign registrations can support a claim, they do not guarantee protection in India without evidence of local usage, reputation, or intent to use.

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DELHI HIGH COURT HELD THAT DEMANDING UNREASONABLE LICENCE FEES AMOUNTS TO REFUSAL UNDER COPYRIGHT ACT

The Delhi High Court has ruled that demanding excessive licence fees to play copyrighted music can amount to a refusal to license under Section 31 of the Copyright Act, 1957. The ruling came in a case where event organiser Al Hamd Tradenation challenged Phonographic Performance Limited (PPL) for quoting an arbitrary flat fee for a small corporate event.

The Court held that rigid, one-size-fits-all pricing models can qualify as constructive refusals and may trigger the compulsory licensing mechanism to ensure fair access to copyrighted works. The judgment emphasized that refusal isn't limited to an outright denial—it also includes unreasonable or unfair licensing terms.

Notably, the Court also took into account PPL's status as an unregistered entity for public performance rights and clarified that sound recordings fall within the scope of the Copyright Act. The case has been allowed to proceed toward determining the licence terms and compensation, with the next hearing scheduled for May 29, 2025.

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DELHI HIGH COURT BLOCKS UNAUTHORIZED STREAMING OF PREMIER LEAGUE MATCHES

The Delhi High Court has issued an injunction against several rogue apps and websites, restraining them from illegally streaming English Premier League football matches. This action was taken following a lawsuit filed by Football Association Premier League Ltd (FAPL), the organizer of the Premier League, to protect its broadcasting rights. The court's order aims to curb digital piracy and safeguard the intellectual property rights associated with the Premier League's content.

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DELHI HIGH COURT DIRECTS YOUTUBER MOHAK MANGAL TO REMOVE DEFAMATORY CONTENT AGAINST ANI

The Delhi High Court has directed YouTuber Mohak Mangal to take down parts of his video titled 'Dear ANI', which contained allegations of extortion, blackmail, and used terms like "thugs" and "gunda raj" to describe the news agency ANI. The Court found the language to be prima facie defamatory and stressed the importance of maintaining civility in public discourse.

Mangal agreed to remove the video temporarily, redact the objectionable portions, and submit a revised version for re-upload. The suit also named comedian Kunal Kamra and journalist Mohammed Zubair for sharing the video online, both of whom have since deleted their posts. The matter highlights the evolving judicial approach towards reputational harm in the digital age.

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AI-BASED APP 'SHOWREEL' SECURES COPYRIGHT REGISTRATION IN INDIA

ShowReel, an AI-powered application developed by Hotmail co-founder Sabeer Bhatia, has been granted copyright registration in India. The app delivers personalised, AI-generated entrepreneurship courses designed to guide users through starting and scaling a business. The copyright was granted for the original structure and presentation of the course content, which was created with the assistance of generative AI.

The registration is seen as a milestone in recognising the protectability of AI-generated works under Indian copyright law. The developers aim to position ShowReel as a transformative platform for entrepreneurial learning across India.

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DELHI HC GRANTS 'DYNAMIC+' INJUNCTIONS TO CULVER MAX IN TWO DIGITAL PIRACY CASES

The Delhi High Court has granted Dynamic+ injunctions in favour of Culver Max Entertainment (formerly Sony Pictures Networks India) in two landmark copyright infringement cases involving large-scale digital piracy. In the first case, the Court restrained 41 rogue websites from illegally streaming Culver Max's copyrighted content and directed internet service providers and domain registrars to block all infringing variants within 72 hours.

In the second case, the Court extended similar relief to prevent unauthorised live-streaming of sporting events on platforms like VIPBox.lc. The Court recognised the urgent need for real-time takedowns in the context of live broadcasts and permitted Culver Max to notify ISPs and authorities of new infringing websites for immediate blocking, subject to court reporting. These rulings mark a major step forward in tackling digital piracy through dynamic enforcement tools.

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DELHI HIGH COURT STAYS INTERIM RULING AGAINST AR RAHMAN IN COPYRIGHT INFRINGEMENT SUIT

The Delhi High Court stayed an interim injunction against music director A R Rahman and two production companies, under which Rahman and Madras Talkies and Lyca Productions were directed to credit celebrated Dhrupad exponents, the late Ustad Nasir Faiyazuddin and Ustad Nasir Zahiruddin Dagar, in a song in Ponniyin Selvan-2 (PS-2).

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DELHI HIGH COURT DIRECTS TAKEDOWN OF DEEPFAKE VIDEOS OF THE SOCIAL MEDIA PERSONALITY ANKUR WARIKOO

The Delhi High Court ordered the removal of deepfakes of social media star Ankur Warikoo offering financial advice and inviting people to join a WhatsApp group for free financial guidance. The Court was informed that there are deepfakes of Warikoo circulating on social media, depicting him advertising stocks of various firms.

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PATENT PULSE

DR. REDDY'S TELLS DELHI HIGH COURT IT WILL NOT SELL NOVO NORDISK'S OZEMPIC-LIKE DRUG IN INDIA

Dr. Reddy's Laboratories has informed the Delhi High Court that it will manufacture and export the weight-loss drug semaglutide but will not sell it in the Indian market. This statement comes amid a patent infringement lawsuit filed by Danish pharmaceutical company Novo Nordisk, the original developer of semaglutide, marketed globally as Wegovy.

The Delhi High Court had previously issued an order restraining Dr. Reddy's and OneSource Specialty Pharma from selling semaglutide domestically. The next hearing in the matter is scheduled for August 19, 2025.

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CALCUTTA HC SETS ASIDE PATENT REJECTION AGAINST ITC, REJECTS MORALITY-BASED OBJECTIONS

The Calcutta High Court has overturned the Patent Office's rejection of ITC Limited's patent application for a heater assembly designed to generate aerosol. The application was initially rejected under Section 3(b) of the Patents Act, with the Controller citing potential harm to human health and morality as grounds for refusal.

The Court held that such objections must be supported by scientific or technical evidence, and cannot be based solely on assumed moral concerns. It clarified that the claimed invention is not necessarily linked to tobacco use, and noted that the 2019 ban on e-cigarettes does not apply to the patenting process itself. The Patent Office has been directed to reconsider the application afresh within three months.

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INTERNATIONAL

DOJ BACKS COX OVER SONY IN ISP COPYRIGHT LIABILITY BATTLE BEFORE SCOTUS

The U.S. Department of Justice has come out in support of Cox Communications in its Supreme Court dispute with Sony Music over liability for users' copyright infringement. The case originated from a massive damages verdict against Cox, where it was held responsible for allegedly allowing continued infringement by its subscribers.

In its filing, the DOJ urged the Court to hear Cox's appeal while dismissing Sony's, warning that upholding the lower court ruling could pressure internet providers to disconnect users based on unverified complaints. This, it argued, could lead to unfair consequences for families, institutions, and public users who share internet access.

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NINTENDO SUES ACCESSORY MAKER GENKI OVER SWITCH 2 TRADEMARK VIOLATIONS

Nintendo has filed a lawsuit in California against accessory maker Genki, alleging trademark infringement, unfair competition, and false advertising. The legal action follows Genki's public display of a mockup version of the unannounced Switch 2 console in January 2025—months ahead of Nintendo's official launch.

Nintendo claims Genki misused its trademarks, including the Nintendo Switch name and logo, and misled consumers about the compatibility of its accessories with the upcoming device. The company is seeking a court order to stop Genki from using Nintendo's marks, making misleading claims, and to compel destruction of any infringing products or promotional materials.

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LEVI'S SUES PREMIER BRANDS GROUP OVER 'LARGE-SCALE COUNTERFEIT TRAFFICKING OPERATION

Levi's stated that the products allegedly sold by PBG "were of exceeding low quality" and stated that some of the products bore "obvious errors" that should have indicated their status as counterfeits. Levi's has asked a judge for a preliminary and permanent injunction that would prohibit PBG, Chartash and the Doe defendants from "further acts of counterfeiting, infringement, dilution and/or unfair competition with respect to LS&Co. and the LS&Co. trademarks.

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EMINEM'S PUBLISHER INITIATES A LAWSUIT AGAINST META, ALLEGING COPYRIGHT INFRINGEMENT

Eight Mile Style, the song publisher for Detroit rapper Eminem, is suing Meta, the social media powerhouse. The publisher alleges Meta did not have the required rights to utilize the rapper's music on its platform.

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FIRM HIGHLIGHTS



ANM Global has been recognised by Benchmark Litigation in its latest rankings. The firm has been ranked as a **Recommended Firm in Mumbai**, and the **Intellectual Property** practice has also been recognised. Further, **Mr. Rahul Dhote, Head of Intellectual Property**, has been named a **Future Star in Intellectual Property**. **Benchmark Litigation** in its review has commended ANM Global for its growth in **contentious IP law**, especially following its merger with **Literati Juris** in 2022.

ANM Global is proud to be recognised in the **2025 Intellectual Property Rankings** by Asian Legal Business (ALB), featured in their **May issue**. This recognition underscores the strength of our IP practice and the dedication of our team to delivering strategic, innovative, and client-focused solutions across the intellectual property landscape.



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FIRM HIGHLIGHTS



Ms. Anushree Rauta, Equity Partner and Head of the Media & Entertainment Practice at ANM Global, was invited to speak at the prestigious World Intellectual Property Organization – WIPO-National Law University, Delhi- IPO Joint Masters/LL.M. in Intellectual Property Law and Management Programme for a special session on “Licensing in Bollywood”



Anushree Rauta, Equity Partner and Head of the Media and Entertainment Practice at ANM Global, joined Anirban Chowdhury and Rajesh N Naidu to offer nuanced insights into the legal framework surrounding such disputes and what this means for the broader film industry.



Thrilled to announce the promotion of Deepank Singhal to principal associate at ANM Global! Deepank has been a vital part of our journey, consistently showcasing sharp legal insight, dedication, and a client-first approach



Rahul Dhote, Head of Intellectual Property at ANM Global, was featured in The The Economic Times for his expert views on the trademark race surrounding ‘Operation Sindoor’, following India’s recent cross-border military action

FIRM HIGHLIGHTS

REPRESENTATIONS



ANM Global is proud to have advised and represented Soham Rockstar Entertainment Private Limited for their upcoming Hindi-language horror film “The Bhootnii”, from inception through to release

ANM Global is proud to have advised the co-producers Chalk and Cheese Film Productions LLP, and Filmjazz Productions LLP on the crucial co-production agreement, and further assisted with the agreements of the astounding cast and crew of the film



ANM Global advised and represented the producer, Wetcloud Productions, from the very initiation of the film till its release



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FIRM HIGHLIGHTS

REPRESENTATIONS

ANM Global is proud to have advised and represented FilterCopy Candid (a division of Pocket Aces Pictures Private Limited) for their latest Hindi-language reality web series “Find The Farzi”, from inception through to release



ANM Global is pleased to have advised Applause Entertainment Private Limited on its upcoming legal drama series, “Criminal Justice: A Family Matter”, from the initiation of the project through to its release

ANM Global proudly represented Naad Sstudios Pvt Ltd, in their joint production with Dreamiyata Entertainment Pvt Ltd for the project "Saunkan Saunkanay 2", and our team also represented Tips Music Limited (erstwhile known as Tips Industries Limited) in acquiring the music rights of film



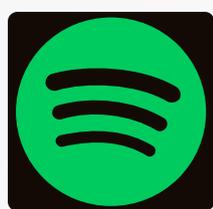
AWARDS



ANM GLOBAL RECOGNIZED FOR MEDIA AND ENTERTAINMENT

ANM Global has been named the **Winner in the Media & Entertainment category** at the India Business Law Journal **Law Firm Awards 2025**.

This recognition marks a year of strong momentum for the firm driven by strategic growth, key lateral hires, and high-impact work for clients across media, entertainment, and intellectual property.



ANM ThinkPod

FIRM HIGHLIGHTS

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