

Intellectual Property
Newsletter

The IP Odyssey

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TRADEMARK TAPESTRY

BOMBAY HIGH COURT IMPOSES ₹50 LAKH COST FOR SUPPRESSION OF MATERIAL FACTS IN A TRADE MARK SUIT

The Bombay High Court dismissed a trademark infringement suit filed by Shoban Salim Thakur, proprietor of *M/s Family Footwear*, at the interim stage itself, for deliberately suppressing material facts and misleading the court. The plaintiff had obtained an *ex parte injunction* against Delhi-based traders, concealing that his trademark registration was restricted only to Maharashtra and that the defendants had prior use of their mark. Holding that the plaintiff had “played fraud on the court” and abused the process of law, the Court vacated the injunction, dismissed the suit, and imposed exemplary costs of ₹50 lakh under Section 35 of the Civil Procedure Code (as amended by the Commercial Courts Act, 2015).

The ruling underscores that equitable relief in IP litigation is contingent on the plaintiff’s bona fides and full disclosure. Suppression of material facts constitutes abuse of process and fraud upon the court, disentitling the plaintiff to injunctions or any discretionary relief.

DELHI HIGH COURT CONCLUDES 25-YEAR ‘CELEBRATIONS’ TRADEMARK BATTLE BETWEEN MARS AND CADBURY WITH SWEET GESTURE

The Delhi High Court has finally brought to an end a 25-year-long trademark dispute between Mars Incorporated and Cadbury (India) Ltd., both claiming rights over the mark “CELEBRATIONS.” The parties reached an amicable settlement under Order XXIII Rule 3 CPC, agreeing to withdraw all related oppositions and rectifications pending before the Trade Marks Registry. In a symbolic close to their long rivalry, and in the spirit of Diwali, both companies voluntarily undertook to distribute confectionery products worth ₹5 lakh each to schoolchildren in Delhi, supervised by the Directorate of Education and the Delhi State Legal Services Authority (DSLISA). Justice Sanjeev Narula appreciated the gesture, noting that the true meaning of “CELEBRATIONS” lies in shared joy rather than commercial victory.

The judgment stands as a rare instance where corporate competitors concluded an IP dispute through goodwill and public spirit, turning a decades-long courtroom contest into a gesture of community celebration. The Delhi High Court’s order highlights the value of amicable settlement in protracted IP disputes. By resolving the 25-year “CELEBRATIONS” battle under Order XXIII Rule 3

CPC, the parties exemplified that goodwill and cooperative resolution can achieve what litigation often cannot.

SKECHERS SECURES EX-PARTE INJUNCTION AGAINST COUNTERFEITERS

The Bombay High Court granted an *ex-parte* ad-interim injunction in favour of Skechers South Asia (P) Ltd. against Manmeet Singh Trading & Ors. Skechers alleged that the defendant was manufacturing and distributing counterfeit goods bearing its registered trademarks “SKECHERS”, “HYPER ARC”, “ARCH STEP”, and associated artistic works without authorisation. The Court found a strong *prima facie* case of both trade mark and copyright infringement, highlighting dishonesty in the defendant’s adoption of the marks and works. It appointed a Court Receiver to seize and seal all infringing goods, packaging, labels, moulds, printing equipment and related material at the defendant’s premises authorising police assistance if required. The relief covers all goods, materials and items bearing Skechers’ marks or artistic works that were not legitimately authorised by Skechers, emphasising the urgency and potential irreparable harm to the brand’s goodwill.

DELHI HIGH COURT RECOGNIZES TRADEMARK PROTECTION FOR COMPOSITE “WOW” -FORMATIVE MARKS

In *Wow Momo Foods Pvt. Ltd. v. Wow Burger*, the Delhi High Court considered whether common exclamatory words like “WOW” could receive trademark protection when used as part of a composite mark. Wow Momo Foods, known for its brands WOW MOMO and WOW DIMSUMS, accused Hong Kong-based Wow Burger of trademark infringement and passing off for using WOW BURGER. A Single Judge had earlier denied injunction, reasoning that “WOW” was a laudatory term lacking inherent distinctiveness and that Wow Momo had no exclusive claim over it, having disclaimed rights to “WOW” when registering its marks.

On appeal, the Division Bench revisited the principles of consumer confusion, distinctiveness, the anti-dissection rule, and the “family of marks” doctrine. It applied the test of an average consumer with imperfect recollection and held that “WOW BURGER” could likely be associated with Wow Momo’s “WOW”-formative marks, as consumers form broad impressions rather than detailed comparisons. The Court ruled that, although “WOW” is a common word, its consistent use with specific food items such as “MOMO” or “BURGER” gives the composite mark distinctiveness and identifies the brand’s origin.

TRADEMARK TAPESTRY

Accordingly, the defendants were restrained, pending the final disposal of the suit, from using the marks “WOW BURGER” or any other mark identical or deceptively similar to the plaintiff’s “WOW! MOMO” and other “WOW”-formative trademarks.

The judgment highlights that even common or descriptive terms can acquire trademark protection when used creatively and consistently within a recognizable brand family. Distinctiveness may arise from the overall impression of the composite mark, not from individual words alone, emphasizing the importance of brand identity and consumer perception in trademark law.

DELHI HIGH COURT PROTECTS ‘TAJ’ BRAND FROM DEEPFAKE DEFAMATION

On 29 October 2025, the Delhi High Court granted an interim injunction in *The Indian Hotels Company Limited (IHCL) v. John Doe & Anr.*, protecting the *Taj Lake Palace*, Udaipur from reputational harm caused by a malicious AI-generated deepfake video. The Court ordered the immediate removal of the defamatory video posted by a social media account named “Travelagio,” which falsely alleged that hotel staff had poisoned guests. The Court found the content “patently false,” holding that it defamed IHCL and infringed its *TAJ* trademark, a “well-known” mark in India. Represented by advocate Ms. Shwetaree Majumder, IHCL established a strong prima facie case of both defamation and trademark misuse. The Court directed Meta (Instagram’s parent company) to delete the video and prevent its re-uploading, introducing a “notice-and-staydown” mechanism.

This case marks a pioneering judicial response to AI-generated misinformation, reaffirming courts’ readiness to use existing legal tools in defamation and trademark law to combat deepfakes. It underscores India’s commitment to safeguarding brand reputation and public trust while addressing emerging digital threats through proactive judicial measures.

BOMBAY HIGH COURT ALLOWS CONCURRENT USE OF ‘BIRLA’ MARK

In this trademark dispute, Grasim Industries and UltraTech Cement, flagship firms of the Aditya Birla Group sued Saboo Tor Pvt. Ltd. for using marks such as “BIRLA TMT” and “BIRLA E-BIKE.” They claimed exclusive rights over the “BIRLA” name, citing its strong goodwill. The defendants countered that they had used the mark independently since 2004 and held valid trademark registrations since 2008. Justice R.I. Chagla held that both parties were lawful proprietors

of the “BIRLA” mark under Sections 28(3) and 30(2)(e) of the Trade Marks Act, which prevents infringement claims between concurrent registrants absent fraud or bad faith. The Court found no evidence of deception or consumer confusion, emphasizing that “BIRLA” is a common surname lacking inherent distinctiveness. Consequently, it refused the plaintiffs’ request for an interim injunction but required the defendants to maintain detailed sales records.

The ruling highlights the limits of trademark exclusivity for common or shared names. Even established conglomerates cannot monopolize a widely used surname without proving distinctiveness, bad faith, or consumer confusion, reinforcing fairness and balance in India’s trademark jurisprudence.

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DELHI HIGH COURT PROTECTS HRITHIK ROSHAN'S PERSONALITY RIGHTS AGAINST AI MISUSE

The Delhi High Court granted an ex-parte ad-interim injunction in favour of Hrithik Roshan, restraining several known and unknown defendants from using his name, image, voice, or likeness through AI-generated content, deepfakes, morphed images, and obscene material for commercial or defamatory purposes.

The Court held that Hrithik Roshan's personality and publicity rights are legally protectable and that unauthorized digital use of his persona causes irreparable harm to his reputation and goodwill. Platforms such as Google, Meta, Amazon, Flipkart, and Telegram were directed to take down infringing links and provide details of those responsible for the misuse.

The order marks a significant step in safeguarding celebrity identity and personality rights in the age of artificial intelligence, emphasizing that digital impersonation and exploitation will not be tolerated.

The Delhi High Court's injunction in favour of Hrithik Roshan marks a pivotal affirmation of personality rights in the digital era. By curbing AI-generated misuse and deepfakes, the Court underscored that a celebrity's name, image, and likeness are proprietary attributes, and their unauthorized digital exploitation amounts to a violation of privacy, reputation, and goodwill.

ALLAHABAD HIGH COURT UPHOLDS COPYRIGHT IN PHARMACEUTICAL DOSSIERS IN FAVOUR OF JUBILANT GENERICS LTD.

The High Court of Judicature at Allahabad dismissed appeals filed by Jamp India Pharmaceuticals Private Limited and V S International Private Limited against a lower court order restraining them from using the plaintiff's proprietary product dossiers. The Court held that the dossiers containing regulatory-approval data, manufacturing processes and technical studies qualify as "original literary works" under the Copyright Act, 1957 and that their unauthorised use for manufacturing in India constituted copyright infringement. The licence agreement between Jubilant and its Canadian partner was confined to Canada, and the defendants' conduct exceeded the scope of that licence.

The Allahabad High Court's ruling reinforces that product literature, containing regulatory and technical data, are protectable as original literary works under the Copyright Act.

PATENT PULSE

DELHI HIGH COURT CLARIFIES WHEN DIAGNOSTIC METHODS CAN BE PATENTED

The Delhi High Court, in *EMD Millipore Corporation v. Assistant Controller of Patents* (October 2025), clarified how Section 3(i) of the Patents Act, 1970 should be understood. This section says that “diagnostic, therapeutic and surgical methods” can’t be patented but the Court explained that the rule only applies to methods carried out directly on humans or animals by doctors.

In this case, the patent office had refused EMD Millipore’s application for an infrared-based method to detect biomolecules, calling it a diagnostic method. The Court disagreed, saying that tests or tools performed outside the body (*in vitro*) such as lab-based or non-invasive techniques can be patented if they are new and useful.

The ruling narrows the scope of the restriction under Section 3(i) and gives clarity to inventors in biotech, healthcare, and diagnostics, confirming that innovative laboratory or device-based methods are eligible for patents even if they assist in diagnosis.

The Delhi High Court’s decision provides crucial interpretive clarity on Section 3(i) of the Patents Act. It limits the exclusion of “diagnostic methods” to those performed *in vivo*, affirming that *in vitro* or lab-based techniques remain patentable thus strengthening protection for innovation in biotechnology and medical diagnostics.

NOVARTIS PATENT ON ‘ENTRESTO’ REVOKED FOR LACK OF NOVELTY AND EFFICACY

The Indian Patent Office has revoked Novartis AG’s patent for its heart-failure drug Entresto (sacubitril + valsartan) after post-grant oppositions by Indian pharmaceutical companies, including the Indian Pharmaceutical Alliance, IPCA Laboratories, and Micro Labs. The Controller found that the invention lacked novelty and inventive step, and that the claimed compound did not show any enhanced therapeutic efficacy over existing drugs, thereby attracting the restriction under Section 3(d) of the Patents Act, 1970. The decision also noted inconsistencies in Novartis’s previous filings and non-disclosure of related foreign applications.

This ruling reaffirms India’s firm stance against evergreening in pharmaceuticals and highlights the importance of full disclosure and genuine innovation for sustaining patent rights.

DELHI HIGH COURT DISMISSES PHILIPS’ SEP PATENT INFRINGEMENT CLAIM FOR LACK OF TECHNICAL PROOF

The Delhi High Court dismissed Koninklijke Philips N.V.’s long-standing patent infringement suit against BCI Optical Disc Ltd., ending nearly twenty years of litigation. Philips had alleged that BCI’s production of Video CDs (VCDs) infringed its “Digital Transmission System” patent (IN 175971), claimed to be essential for MPEG-based technologies. In a 95-page judgment delivered on October 13, Justice Mini Pushkarna ruled that Philips failed to establish infringement, as its comparison between the patented system and BCI’s process was “fundamentally flawed.” The Court clarified that Philips’ patent required three elements those being a transmitter, receiver, and transmission medium, none of which were used in BCI’s VCD replication, which merely involved copying data without any digital transmission or compression. Philips’ expert had never examined the replication equipment, relied solely on data from finished discs, and wrongly invoked Section 104A of the Patents Act, which pertains to process patents rather than system patents. Moreover, Philips could not prove that its patent was actually incorporated into the MPEG standard.

The judgment underscores that even holders of standard-essential patents must provide concrete, technical proof of infringement. Courts will not presume violation based on standards or assumptions. Patent enforcement demands rigorous claim mapping and credible technical evidence, reaffirming that legal assertions alone cannot substitute for scientific precision.

DELHI HIGH COURT UPHOLDS GENERIC RISDIPLAM, PRIORITIZES AFFORDABLE HEALTHCARE

On 9 October 2025, the Division Bench of the Delhi High Court upheld the decision allowing Natco Pharma to produce and sell a generic version of *risdiplam*, dismissing Roche’s patent infringement appeal. The Court affirmed Justice Mini Pushkarna’s earlier finding that Roche’s patent lacked novelty, thereby undermining its claim to exclusivity. This judgment allows Natco to immediately market its affordable version priced at ₹1 5,900, about 97% cheaper than Roche’s product for treating spinal muscular atrophy (SMA). The decision relied partly on submissions in *Seba P.A. v. Roche* and data from Knowledge Ecology International (KEI), which questioned Roche’s innovation and cost claims. While Roche can appeal to

PATENT PULSE

the Supreme Court, the ruling is celebrated as a major step toward balancing patent protection and public health imperatives.

The judgment reinforces India's long-standing policy of prioritizing access to essential medicines over monopolistic patent control. By promoting affordable generics, the Court reaffirms that innovation must coexist with equity, ensuring life-saving drugs remain accessible to those in need.

INTERNATIONAL

KAZAKHSTAN PASSES FIRST COMPREHENSIVE AI LAW WITH COPYRIGHT AND DEEFAKE PROVISIONS

Kazakhstan has enacted its first-ever Artificial Intelligence Law, introducing clear rules on AI-generated works, data use, and digital transparency. The law states that content entirely produced by AI without human creative input will not receive copyright protection, while works created with meaningful human contribution such as prompt design or creative oversight may qualify. It also restricts the use of confidential or biometric data in AI training, bans certain high-risk applications like emotion-recognition and unlabelled deepfakes, and requires users to be informed when interacting with AI systems. This marks one of the world's earliest frameworks explicitly balancing AI innovation, copyright, and ethical safeguards, setting a precedent for emerging digital economies.

MISCELLANEOUS

DRAFT AMENDMENTS TO THE IT (INTERMEDIARY GUIDELINES AND DIGITAL MEDIA ETHICS CODE) RULES, 2021: REGULATING AI-GENERATED CONTENT AND DEEPFAKES

In October 2025, the Ministry of Electronics and Information Technology (MeitY) proposed amendments to the *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021*, introducing stricter compliance obligations for intermediaries handling AI-generated or modified content. The draft rules define “*Synthetically Generated Information*” (SGI) as content artificially created or altered to appear genuine, targeting the misuse of deepfakes and synthetic media that can spread misinformation or cause reputational harm. Platforms that host or generate SGI would be required to embed a permanent, unique label or metadata identifier covering at least 10% of the content, clearly marking it as synthetic. Significant Social Media Intermediaries (SSMIs) must also require users to disclose if their uploads are AI-generated and use technical means to detect and label such content.

However, experts have flagged concerns over the amendments’ broad scope, technical feasibility, and potential overreach. The definition of SGI might inadvertently capture benign AI-assisted material, and the fixed 10% labelling requirement could affect usability and content design. Moreover, the rules place disproportionate compliance burdens on intermediaries rather than content creators.

While the proposed amendments represent a proactive move to curb AI-driven misinformation and deepfakes, they must balance regulation with innovation. A risk-based, proportionate framework focusing on harmful, high-impact synthetic media would better promote accountability, safeguard expression, and ensure practical compliance in India’s evolving digital ecosystem.

NOVENCO BUILDING AND INDUSTRY A/S V. XERO ENERGY ENGINEERING SOLUTIONS PVT. LTD. & ANR. (2025): SUPREME COURT CLARIFIES URGENCY UNDER SECTION 12A IN IP INFRINGEMENT CASES

In *Novenco Building and Industry A/S v. Xero Energy Engineering Solutions Pvt. Ltd. & Anr. (2025)*, the Supreme Court interpreted the phrase “contemplates any urgent interim relief” under Section 12A of the *Commercial Courts Act, 2015*, which mandates pre-institution mediation unless urgency is shown. The

Danish company Novenco, owner of patents and designs for “ZerAx” industrial fans, alleged that its former distributor, Xero Energy, and its associate, Aeronaut Fans, were manufacturing deceptively similar products. After some delay in filing the suit, Novenco sought an injunction and exemption from mandatory mediation, arguing ongoing harm from continued infringement.

The Delhi High Court dismissed the plaint, finding that the delay negated urgency. However, the Supreme Court overturned this decision, holding that in cases of *continuing intellectual property infringement*, urgency stems from ongoing injury to goodwill and reputation, not merely from the timing of the suit. The Court emphasized that every act of infringement constitutes a fresh cause of action and that enforcing pre-suit mediation in such situations would unfairly benefit the infringer.

This ruling provides crucial clarity on Section 12A, confirming that ongoing IP violations inherently justify urgent relief. The decision strengthens rights holders’ ability to seek immediate judicial protection against continuing infringement, reaffirming that procedural requirements must not undermine substantive justice.



ANM ThinkPod

FIRM HIGHLIGHTS

Our Equity Partner, Anushree Rauta, was featured in ET BrandEquity's article, "Two-Minute Tales, Billion-dollar Bets." She shared her expert insights on the legal and regulatory landscape governing India's rapidly growing short-format video ecosystem.



Our Equity Partner and Head of the Media, Entertainment & Gaming Practice, Anushree Rauta, was featured in The Economic Times article, "Draft online gaming rules set stage for clean-up, esports growth." She shared her insights on the evolving regulatory framework and its impact on India's growing online gaming and esports industry.

FIRM HIGHLIGHTS

The Game: You Never Play Alone, a gripping new Tamil series, released on 2nd October 2025. ANM Global is proud to have represented Applause Entertainment Private Limited, extending advisory and transactional support for the series, encompassing S&P, format acquisition, and the revenue agreement.



Search – The Naina Murder Case, a compelling Hindi series, releasing on 10th October 2025 on JioStar.



ANM Global is proud to have represented Applause Entertainment Private Limited and Applause Productions, providing advisory and transactional services, including cast and crew agreements, format acquisition, and the revenue agreement for the series.

FIRM HIGHLIGHTS

We are delighted to announce the appointment of Shaili B. as Director – Strategy & Client Relations at ANM Global. She will lead strategic growth initiatives, strengthen client engagement, and enhance the firm’s market presence.

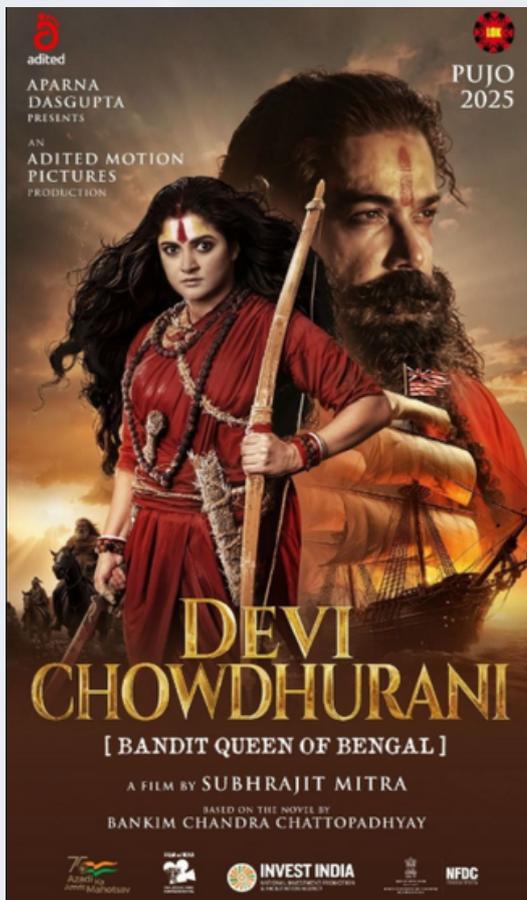


We are delighted to announce the appointment of Shaili Bhat as Director – Strategy & Client Relations at ANM Global.



Shaili Bhat

ANM GLOBAL
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Devi Chowdhurani, a Bengali drama, released on 26th September 2025.

ANM Global is proud to have represented Adited Motionpictures LLP in drafting, negotiating, and executing the agreements for the production of the film and the exploitation of music rights in and to the film.

FIRM HIGHLIGHTS

Bison: Kaalamaadan, an original Tamil film dubbed in Hindi, Telugu, Malayalam, and Kannada, is set to release on 17th October 2025 across all major territories.

ANM Global is proud to have provided overall legal advisory for the film, including the drafting, reviewing, and negotiation of agreements.



ANM Global is proud to be recognised in the **asialaw 2025** Rankings.

The Firm has earned accolades in **Media & Entertainment** and **Intellectual Property**, reflecting our deep expertise and commitment to delivering high-quality, client-focused legal services.

Anushree Rauta has been named a **Notable Practitioner** in **Media & Entertainment**, and Rahul Dhote has been named a **Notable Practitioner** in **Intellectual Property**.

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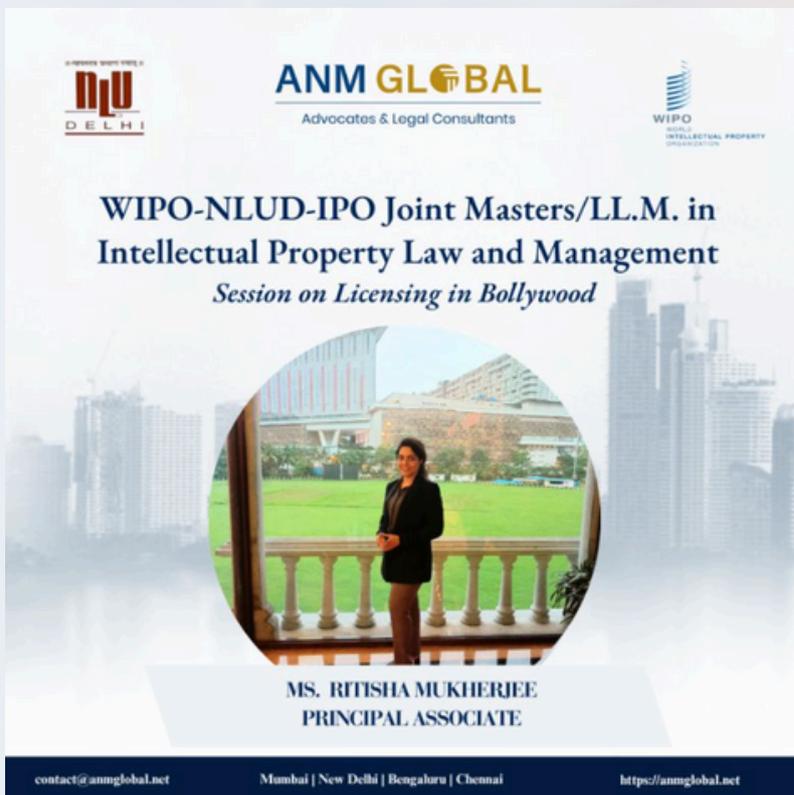
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FIRM HIGHLIGHTS

Our Equity Partner and Head of the Media, Entertainment & Gaming Practice, Anushree Rauta, was featured in ETLegalWorld's article, "Playing by the Rules: India's Effort to Regulate Online Gaming Disputes." She shared her insights on the evolving regulatory framework and its impact on India's online gaming and esports landscape.



Ms. Ritisha Mukherjee, Principal Associate, 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.

FIRM HIGHLIGHTS

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