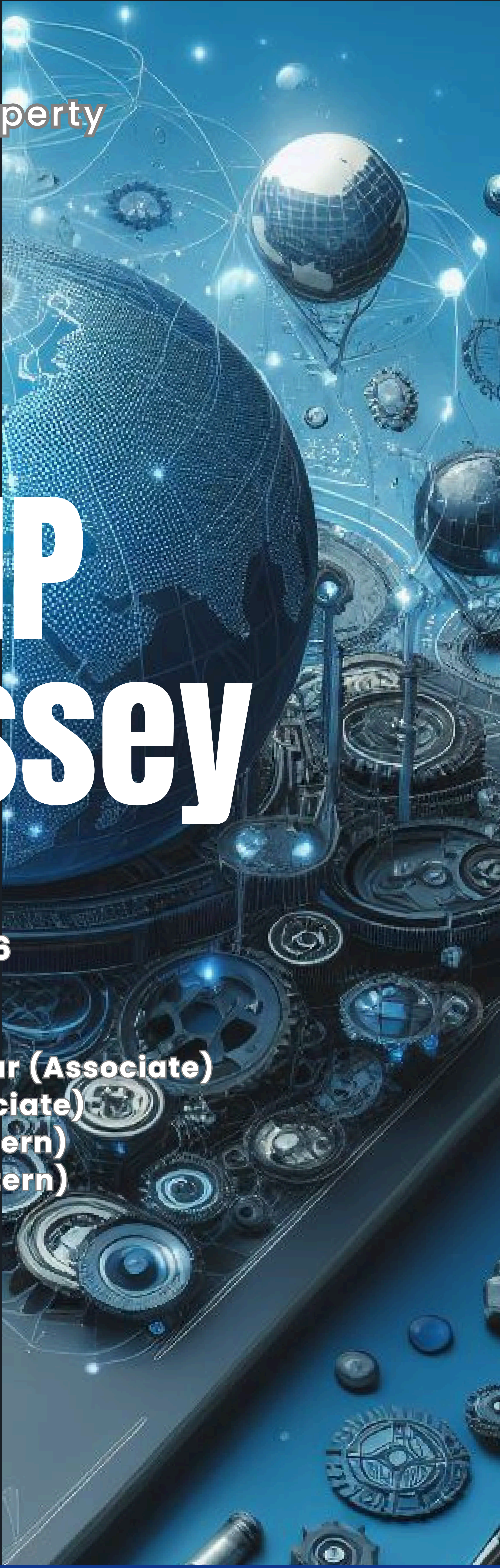
Intellectual Property Newsletter

# The IP Odyssey



APRIL & MAY 2026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# APRIL

**"HONEST MEN DO NOT SAIL NEAR THE WIND" BOMBAY HC SLAMS TACTICAL NAME CHANGES IN SUN PHARMA TRADEMARK VICTORY.[1]**

The Bombay High Court passed a permanent injunction order in the case of Sun Pharmaceutical Industries Ltd., prohibiting the use of “ABSUN” “ABSUN PHARMA” in connection with medicinal preparations. Manish Pitale J concluded that Defendant was using trademarks in such a way that it resulted in an infringement of Plaintiff’s trademarks of “SUN” and “SUN PHARMA”, which had been in use since 1978 and 1993. It was found that mere addition of alphabet letters “AB” did not remove the risk of confusion if registered trademark was completely incorporated within it. As a matter of law, it was determined that the mark was infringed when it was used in connection with a trade name, and under section 56, it was considered use if applied to the goods exported from India.

Additionally, the court found that the defendant did not demonstrate that the trademark “SUN” was common to the trade or that there was an acquiescence from the plaintiff regarding the use of the same, especially when considering that the defendant himself acknowledged knowing about Sun Pharma since 1995. In its findings, the Court noted that trademarks for pharmaceutical products needed even stricter considerations since a mistaken identity in drugs would lead to adverse consequences for the health of the consumers. Furthermore, the Court did not agree with the defendant’s attempt to rename his company to Absun Remedies late in the proceedings, saying that such manoeuvres implied bad faith since honest men do not attempt to sail near the wind. As a result, the lawsuit was successful and goodwill numbers were treated as admitted in the Commercial Court procedure, and the defendant, who was described as a knowing infringer, was made to pay ₹10 lakhs in costs.

**MADRAS HIGH COURT REJECTS "AROKYA" TRADEMARK MONOPOLY: SUMMARY DISMISSAL OF HATSUN’S SUIT AGAINST PATANJALI’S "AAROGYA" BISCUITS.[2]**

The High Court of Madras dismissed the original side appeal of Hatsun Agro Product Ltd., affirming the summary dismissal of its suit against Patanjali Biscuits Pvt. Ltd.. Justices P. Velmurugan and K. Govindarajan Thilakavadi held that Patanjali’s use of "PATANJALI AAROGYA" for biscuits did not infringe upon Hatsun’s "AROKYA" mark for milk and dairy products. The Court ruled that under Section 28(3) of the Trade Marks Act, a suit for infringement is generally not maintainable against another registered trademark holder. Legal reasoning further established that summary judgment under Order XIII-A CPC was warranted as the plaintiff had no real prospect of succeeding due to the products being non-identical and falling under different registration classes.

The Court further found that the marks were phonetically and visually dissimilar due to the distinctive "Patanjali" prefix, which effectively eliminates consumer confusion. Additionally, the word "Aarogya" was identified as a generic Sanskrit term for overall well-being, and the Court emphasized that a proprietor cannot claim a monopoly over such a generic mark for all categories of goods, especially those they do not manufacture. It was determined that there was no compelling reason to record oral evidence as the core facts regarding registration and product differences were not in dispute. Ultimately, the suit was dismissed with costs, with the Court remarking that the alleged damage to Hatsun's reputation was only an illusion rather than a real threat.

**DELHI HIGH COURT: PARLE AGRO PENALIZED ₹10 LAKHS FOR REPORTING LAPSES.[3]**

The Delhi High Court imposed exemplary costs of ₹10,00,000 on Parle Agro Private Limited for violating reporting mandates in a trademark dispute with Pepsico Inc. over the tagline "For The Bold". The Court held that while the retention of two old social media posts from 2022 was an inadvertent error rather than willful misconduct, the failure to file bimonthly sales revenue certificates for 30 months was a serious breach of judicial directions. The ruling rejected the defense that reporting was unnecessary until the trial stage, emphasizing that the sanctity of court orders must be maintained to ensure consistent administration of justice. Parle Agro was directed to pay the costs to the fund and tender an unconditional apology for its perfunctory approach to compliance.

**DELHI HIGH COURT RECTIFIES TRADE MARK REGISTER IN "S.S. WHITE" DISPUTE: CITES DISHONEST ADOPTION AND REGULATORY LAPSES.[4]**

The Delhi High Court allowed the rectification petition filed by S.S. White Burs INC. (USA), ordering the cancellation of the trademark registration for "S.S. WHITE" held by S.S. White Dental Private Limited. The Court held that the Petitioner established superior rights through prior adoption and global use of the coined mark since 1844, including a consistent commercial presence in India since at least 1991. In contrast, the Respondent’s adoption of the identical mark and its slavish imitation of the Petitioner’s unique stylized device were found to be unauthorized, dishonest, and intended to ride upon the Petitioner’s longstanding international goodwill. The Court specifically rejected the Respondent's plea of permissive use from a UK entity, noting that no valid authorization existed for the Indian territory and that the Respondent had disregarded prior cease-and-desist notices as early as 1993.

The ruling further criticized a "material and substantive error" by the Registrar of Trade Marks, who failed to conduct the mandatory search in Class 10, the most relevant class for dental instruments, where the Petitioner’s identical mark was already registered. The Court found that the Respondent exploited this

[1] Sun Pharm. Indus. Ltd. v. Meghmani Lifesciences Ltd., 2026 SCC OnLine Bom 2980)
[2]Hatsun Agro Prod. Ltd. v. Patanjali Biscuits (P) Ltd., 2026 SCC OnLine Mad 3895
[3]Pepsico Inc. v. Parle Agro (P) Ltd., 2026 SCC OnLine Del 1657
[4]S.S. White Burs Inc. v. Registrar of Trade Marks, 2026 SCC OnLine Del 1940

procedural lapse and suppressed material facts regarding the existing dispute during the registration process, rendering the grant of the trademark illegal and contrary to Section 11(1) of the Trade Marks Act. Consequently, the Respondent’s registration was set aside, its counter-rectification petition was dismissed, and total costs of ₹20,00,000 were imposed. Additionally, the Court directed the Registrar to initiate disciplinary action against the officers responsible for the inexplicable failure of the mandatory examination procedure.

**TRADEMARK INTEGRITY VS. CREATIVE LICENSE: THE JIGRA DISPUTE.[5]**

When Bollywood’s creative license meets the legal protection of a global humanitarian icon, the court must decide where artistic realism ends and trademark infringement begins. The Delhi High Court recently navigated this tension in Medecins Sans Frontières International v. Dharma Productions Private Limited, where the organization Doctors Without Borders (MSF) sought an injunction against the film Jigra. The dispute centered on scenes where protagonists impersonated MSF personnel to facilitate a prison break and cross international borders, a portrayal MSF argued could mislead the public and tarnish its reputation for neutrality. While the defendants contended the use was merely a de minimis fictional device, the court found that deliberately leveraging a well-known mark to lend credibility to a narrative constitutes use "in the course of trade" without due cause.

The court observed that while MSF did not provide evidence of immediate donor loss, the association of its mark with criminal deception was likely to prejudice its distinctive character and global repute. In a measured ruling, Justice Tejas Karia declined to halt the film's broadcast entirely, opting instead to balance the parties' interests by mandating a prominent acknowledgment at the start of the film. This disclaimer must explicitly state that the film’s depiction is not intended to harm the reputation or standing of the Plaintiff’s mark, providing a safeguard for MSF's brand integrity during the ongoing suit. This decision serves as a significant marker for how denominative use is scrutinized when commercial fiction borrows from real-world prestige.

**CEMENTING BRAND PROTECTION, ULTRATECH’S VICTORY OVER DECEPTIVE IMITATIONS.[6]**

In a sector where structural integrity is everything, brand trust isn't just a marketing asset, it’s a safety standard. The court recently lowered the hammer on a fly-by-night operation that tried to disappear into the market by mimicking one of India's most recognized industrial giants. By peddling cement under knock-off names like "UltraPlus," "Ultra HiTouch," and "UltraPower," the defendant didn't just copy a name; they hijacked an entire visual identity, from the color schemes to the specific placement of text on the bags. The court labeled this conduct ex facie dishonest, noting that such parasitic tactics in the construction industry put public infrastructure at risk by confusing consumers with potentially substandard products.

The legal consequences for this brand-stripping were anything but de minimis. Because the defendant attempted to dodge the proceedings and ignore legal notices, the court drew a sharp adverse inference against them. The result was a total shutdown of the infringing operation through a permanent injunction and a financial penalty designed to sting. Beyond just stopping the sales, the court ordered the defendant to pay a massive ₹50,00,000 in exemplary costs, plus over ₹16,00,000 to cover the heavy litigation expenses incurred by the rightful brand owners. It’s a clear, high-priced warning: in the world of well-known trademarks, riding on a giant's coattails will eventually lead to a very expensive fall.

**A LEGEND VS. A LOOKALIKE: HIMALAYA DEFENDS "LIV.52"[7]**

For over seven decades, "Liv.52" has been the undisputed heavyweight in herbal liver care, moving over a billion tablets annually and earning a spot as a household name globally. However, the brand’s iconic green-and-white identity recently faced a blatant challenger in the form of "Liv-82 DS". This wasn't just a naming coincidence; the newcomer went as far as abandoning its original packaging to adopt a trade dress that closely mirrored Himalaya’s signature look. When two products share common retail counters, distribution channels, and confusingly similar numerical names, the risk isn't just a minor mistake but it's a deliberate trap for any consumer with an imperfect recollection.

The Delhi High Court cut through the branding smoke and mirrors, finding the similarities between the two marks to be striking. The court observed that the use of the numerical "82" was ex-facie dishonest, designed to ride on the massive goodwill Himalaya has built since 1955. To prevent irreparable loss to the herbal giant’s reputation, the court issued a swift ex-parte ad-interim injunction, completely restraining the defendants from manufacturing, selling, or even advertising their infringing products. This ruling serves as a stern reminder that while herbal traditions are ancient, the legal protections surrounding their most famous modern formulations are sharp, modern, and very much active.

**HIGH COURT PROTECTS EXIDE BRAND IDENTITY IN MAJOR BATTERY SECTOR CLASH.[8]**

The Calcutta High Court recently upheld an interim injunction in a high-stakes trade dress battle between automotive battery giants Exide Industries Limited and Amara Raja Energy and Mobility Limited. The dispute centered on Amara Raja's launch of its "Elito" battery range featuring a predominantly red trade dress, which Exide claimed was a deceptive attempt to pass off its products by mimicking Exide's iconic red and white branding used since 1920. Exide argued that the similarities includes a five-letter brand name, white font on a red background, and the use of a shattered “O" device mark which were calculated to mislead consumers into thinking the products were associated with Exide. A unique turn in the case was the Court's observation of Amara Raja's historical association with the color green.

[5] Medecins Sans Frontieres Int'l v. Dharma Prods. (P) Ltd., 2026 SCC OnLine Del 2831
[6]UltraTech Cement Ltd. v. Shiv Cement Co., 2026 SCC OnLine Bom 2804
[7]Himalaya Glob. Holdings Ltd. v. Kbir Wellness Pvt. Ltd., CS(COMM) 418/2026 (Delhi High Court)
[8]Amara Raja Energy & Mobility Ltd. v. Exide Indus. Ltd., 2026 SCC OnLine Cal 3202

The Court noted that Amara Raja had previously run social media campaigns denigrating the color red in favor of its signature green, which effectively solidified the public's association of red exclusively with Exide. By later adopting red for its Elito brand, Amara Raja was found to have acted with a lack of *bona fides, as it had previously encouraged consumers to distinguish it from Exide based on these very colors.

Ultimately, the Court ruled that the "Elito" packaging was sufficiently similar to likely deceive an average consumer when placed side-by-side with Exide products on a shop shelf. While acknowledging that no company can claim an absolute monopoly over a color, the Bench held that protection is necessary when a color has acquired a secondary meaning as a source identifier through long-standing and extensive use. The ruling serves as a significant precedent for protecting brand identity and preventing unfair competition in the Indian automotive sector.

# MAY

## DELHI HC HOLDS GOOGLE LIABLE FOR TRADEMARK INFRINGEMENT IN HINDWARE KEYWORD ADVERTISING DISPUTE.[9]

The Delhi High Court held Google liable for trademark infringement in the Hindware keyword advertising dispute, where the grievance was that competitors were being allowed to use the "HINDWARE" mark as an advertising keyword on Google Ads. The Court noted that Hindware had used and registered the mark since 1991, and found that the use of the same by rival companies could divert potential customers searching for Hindware's products.

The Court also held that its advertising system was not merely passive where trademarked terms were being monetised through keyword bidding. It found that Google permitted advertisers to reserve keywords, including competitors' brand names, and that its advertising model allowed sponsored links to be displayed when users entered those keywords on Google. Google was directed to pay damages of Rs. 30 Lakhs.

## DELHI HC TEMPORARILY RESTRAINS JEANS STITCHING DESIGN SIMILAR TO LEVI'S ARCUATE MARK[10]

The Delhi High Court granted interim relief to Levi Strauss & Co. in a trademark infringement dispute concerning its Arcuate Stitching Design Mark used on jeans pockets. The Court restricted Kewal Kiran Clothing Ltd. From using stitching patterns on its "Killer" and "Integriti" jeans which were found, at the prima facie case, to be a dishonest adoption that is deceptively similar to Levi's registered arcuate mark.

However, the Court did not extend the same relief in respect of the "Lawman Pg 3" stitching design, thus giving Levi's limited interim protection against the designs that were found sufficiently close to its registered trademark while refusing a broader restraint where similarity was not made out at the prima facie stage.

## DELHI HC UPHOLDS INJUNCTION AGAINST DABUR'S COOLING HAIR OIL[11]

The Delhi High Court Division Bench upheld the interim injunction earlier granted in favour of Emami in its trade dress dispute with Dabur over "Dabur Cool King Thanda Tael". Emami had claimed that Dabur's packing copied the overall get up and red trade dress associated with its Navratna Oil which had been used for decades, as stated by Emami.

The Court treated the dispute as one involving the overall visual impression of the rival products. This included colour scheme, layout, packaging presentation, which, according to the Court created "every likelihood of misleading the consumers and" and constituted as passing off. The injunction against Dabur's impugned packaging was therefore continued.

## DELHI HC ORDERS CANCELLATION OF 'ALPHARD' TRADEMARK REGISTRATIONS IN FAVOUR OF TOYOTA[12]

The Delhi High Court ordered removal of trademark registrations for "ALPHARD" obtained by an Indian entity and recognised Toyota's rights in the mark. Toyota claimed rights over "ALPHARD" in relation to its luxury vehicle and relied on the reputation and goodwill attached to the mark, including its international use. The Court accepted Toyota's claim and directed cancellation of the impugned registrations. It also recognised "ALPHARD" as a well known trademark in India, and also Toyota's trans-border reputation and the spillover goodwill of the mark, which "qualified it for protection under the applicable provisions of Indian trademark law".

The ruling reinforces that a party cannot secure registration over a mark where another proprietor has already built significant reputation in it, even if that reputation is based substantially on international recognition.

## DELHI HC RESTRAINS RIVALS FROM USING MARKS SIMILAR TO CAPITAL FOOD'S 'SCHEZWAN CHUTNEY'[13]

The Delhi High Court granted relief to Capital Foods in its trademark dispute concerning "Schezwan Chutney". Capital Foods alleged that rival products were being sold under names such as "Schezwan Sauce Hot Chutney" and "Guddie Schezwan Hot Chutney", which were too close to its mark and likely to create confusion in the market. The Court held that merely adding the word "hot" in between would not make a distinction that would "enable an unwary consumer with an average intelligence and imperfect recollection to be able to differentiate between the two products."

The Court restrained the defendants from using marks similar to Capital Foods' "Schezwan Chutney". This judgment is relevant because the Court treated the use of closely worded expressions in the same product category as capable of affecting the distinctiveness and market identity of Capital Foods' mark, particularly where the competing products were aimed at the same class of consumers.

## DELHI HC PERMITS TRADEMARK RENEWAL AFTER SIX YEAR DELAY, FAULTS REGISTRY FOR DEFECTIVE NOTICE[14]

The Delhi High Court allowed Rajinder Singh to file a fresh renewal application for the "B.P.R." trademark design despite a delay of over six years. The dispute arose because the TradeMarks Registry had sent the renewal notice to the old address of the petitioner's agent, even though it had earlier corresponded with the petitioner at the updated address.

The Court held that the Registry could not rely on technical non-compliance after its own conduct showed

[9] Hindware Ltd. v. Grohe India Pvt. Ltd. & Ors., 2026:DHC:4614, 2026 LLBiz HC (DEL) 541.
[10]Levi Strauss & Co. v. Kewal Kiran Clothing Limited, 2026 SCC OnLine Del 4461.
[11]Dabur India Limited v. Emami Limited, 2026 LLBiz HC (DEL) 534.
[12]Toyota Jidosha Kabushiki Kaisha v. Tech Square Engg. (P) Ltd., 2026 SCC OnLine Del 2617.
[13]Capital Foods Private Limited v. Fivestar Dehydration Pvt. Ltd. & Anr., 2026 LLBiz HC (DEL) 521
[14]Rajinder Singh v. Registrar of Trade Marks, 2026 SCC OnLine Del 3407.

that it had recognised and used the changed address. The Court also noted that the service of renewal notices is mandatory and that non-renewal could have serious consequences for the proprietor. Since the defective notice contributed to the delay, the Court permitted the petitioner to file a fresh renewal application and directed the Registry to process it within eight weeks.

# APRIL

### DELHI HIGH COURT DISMISSES COPYRIGHT INFRINGEMENT AND DEFAMATION CLAIMS IN "HOUSE OF BLUE MANGOES" LITERARY DISPUTE.[15]

The Delhi High Court dismissed cross-suits between author David Davidar and Sivasundari Bose involving claims of copyright infringement and defamation. The dispute centered on allegations by Ms. Bose that Davidar's novel, House of Blue Mangoes, infringed upon the copyright of her work, Golden Stag. The Court held that while Ms. Bose's suit was not barred by limitation, the book House of Blue Mangoes did not infringe the copyright of Golden Stag. Simultaneously, the Court rejected Davidar's claim for defamation and his request for a mandatory injunction against groundless threats, ruling that he failed to establish a sufficient case. Ultimately, the Court found that neither party was entitled to damages and dismissed both suits, directing the parties to bear their own costs.

### KARNATAKA HC REFUSES TO CANCEL CBFC CERTIFICATION OF DHURANDHAR 2 DESPITE PLAGIARISM ALLEGATION.[16]

The High Court of Karnataka dismissed a writ petition filed by a filmmaker seeking to cancel the Central Board of Film Certification (CBFC) certificate for the film "Dhurandhar-2," which the petitioner alleged was a plagiarized version of his registered script, "D-Saheb." The Court held that a writ petition under Article 226 of the Constitution is not the maintainable remedy for claims of copyright infringement or plagiarism, as these involve private proprietary disputes and complex questions of fact. Such matters require a detailed evidentiary inquiry which includes the comparison of scripts and proof of access which can only be satisfactorily resolved through a full-fledged trial in a Civil Court under the Copyright Act, 1957.

The Court further clarified that the Cinematograph Act, 1952, does not grant the CBFC the judicial power to adjudicate title or ownership of a screenplay. The certification process under Section 5A is primarily a regulatory function intended to ensure a film's adherence to standards of public order, decency, and morality, acting as a safety filter rather than a forum for resolving private script thefts. Unless a film violates the specific criteria under Section 5B, its certificate cannot be revoked merely based on an inter se copyright dispute between parties. Consequently, the petition was dismissed, with the petitioner granted liberty to pursue an appropriate remedy before a competent civil forum.

### BOMBAY HIGH COURT PROTECTS KARTIK AARYAN'S PERSONALITY RIGHTS AGAINST AI-GENERATED EXPLOITATION.[17]

The Bombay High Court granted an interim injunction in favor of actor Kartik Aaryan, restraining various entities from the unauthorized exploitation of his personality attributes.

The Court found that the defendants were using the actor's name, image, likeness, and voice including through AI-generated, obscene, and misleading digital content without consent for commercial purposes. The ruling established that such unauthorized use prima facie infringes upon the actor's personality rights, publicity rights, and registered trademark rights, while also violating his right to privacy.

In a significant directive for digital enforcement, the Court ordered both identified and unidentified intermediaries to remove any infringing content or URLs that exploit the actor's persona. Intermediaries are required to delete the infringing AI-generated materials within 36 hours of being communicated the specific URLs by the plaintiff or his representatives. This order underscores the judiciary's proactive stance in protecting celebrity personas from the emerging threats of deepfakes and AI-driven digital misuse.

### DIGITAL DECEPTION HALTED: DELHI HIGH COURT PROTECTS 'THE TIMES OF INDIA' FROM IMPOSTER WEBSITE AND CONTENT SCRAPING.[18]

In a significant ruling for the protection of digital content, the Delhi High Court addressed extensive copyright concerns in the dispute between Bennett Coleman and Company Limited and the operators of a fraudulent news website. The core of the legal conflict involved the unauthorized scraping and verbatim reproduction of news articles, reports, and features curated by the plaintiff. The court determined that this illicit replication constituted a flagrant violation of the plaintiff's exclusive rights under Section 51 of the Copyright Act, 1957. Furthermore, the court extended protection to the website's unique User Interface (UI) and visual trade dress, characterizing these design elements as protected artistic works or compilations that the defendants had illegally appropriated to create a false sense of authenticity.

The judgment also highlighted a sophisticated "bait-and-switch" digital stratagem used to deceive the public. The defendants utilized the plaintiff's registered "TOI" device marks and well-known "TIMES OF INDIA" trademarks as bait to lure unsuspecting internet users. A particularly notable aspect of the case was the unauthorized use of specific bylines belonging to esteemed journalists. The court observed that misappropriating these names not only infringed upon the plaintiff's original literary works but also violated the inherent personality and publicity rights of the journalists whose reputations were being exploited.

To prevent further irreparable harm to the publisher's reputation and the interests of the public, the court issued a comprehensive ex-parte ad-interim injunction. The order explicitly restrains the defendants from scraping, reproducing, publishing, or communicating any of the plaintiff's copyrighted literary works, journalistic bylines, or artistic logos to the public in any electronic or physical media. Additionally, the court directed that the infringing website and its associated domain be taken down and transferred to the plaintiff, marking a decisive victory against digital piracy and trademark infringement in the media sector.

[15] Davidar v. Bose, 2026 SCC OnLine Del 2348
[16]Santosh Kumar R.S. v. Dhar, 2026 SCC OnLine Kar 2943
[17]Aaryan v. Vinsm Globe (P) Ltd., 2026 SCC OnLine Bom 2648
[18]Bennett Coleman & Co. Ltd. v. Www.timesofindiaa.news, CS(COMM) 342/2026 (Delhi High Court)

# MAY

**DELHI HC DISMISSES ILAIYARAAJA'S APPEAL, CONFIRMS SAREGAMA'S RIGHTS OVER THE CLASSIC TAMIL SONG "EN INIYA PON NILAVE"[19]**

The Delhi High Court dismissed Ilaiyaraaja's appeal against the interim order in the copyright dispute concerning the song "En Iniya Pon Nilave" from the Tamil Film Moodu Pani. The dispute arose because Saregama had filed a suit after Vels Film International and Divo TV proposed to use a recreated version of the song in the film Aghathiyaa, based on a licence claimed to have been obtained from Ilaiyaraaja.

The Division Bench held that Ilaiyaraaja, as the composer, could have rights only in the musical component of the song and not in its lyrics or song recording, and subsequently, could not authorise a third party to recreate or adapt the sound recording or use the lyrics of the original song. The Court also held that Saregama had the aforementioned rights which were infringed when Vels Film International adapted the sound recording without Saregama's licence.

**DELHI HC GRANTS INTERIM RELIEF TO ZEE ENTERTAINMENT, DIRECTS JIOSTAR TO STOP STREAMING LICENSED CONTENT WITHIN 15 DAYS[20]**

The Delhi High Court granted interim relief to Zee Entertainment Enterprises Ltd. in its copyright suit against JioStar India Pvt. Ltd. Zee alleged that JioStar continued to stream and exploit Zee's licensed content even after the relevant licensing arrangements had expired.

The Court directed JioStar to stop streaming the disputed licensed content within 15 days and also referred the parties to mediation with their consent. The order protects Zee's content during the pendency of the dispute while giving JioStar a short transition period to take down the material from its platforms.

**DELHI HC ORDERS TAKEDOWN OF PIRATED COPIES OF "AAKHRI SAWAL" STARRING SANJAY DUTT[21]**

The Delhi High Court passed an ex-parte ad-interim order in favour of Nikhil Nanda Motion Pictures LLP in relation to its film, Aakhri Sawal. The production house alleged that pirated copies and infringing material relating to the firm were being circulated through unauthorized third parties including YouTube channels and Telegram groups.

The Court held that the Plaintiff's copyright would be compromised and cause financial loss if the infringing content was not blocked or taken down. Subsequently, it directed the takedown of the infringing content and restrained unauthorised circulation of the film and its promotional material. Since the order was passed before the film's release, it can be construed as a preventive anti-piracy order aimed at stopping unlawful distribution at the earliest stage.

**CALCUTTA HC RULES VODAFONE IDEA MUST OBTAIN SEPARATE IPRS LICENSE FOR RINGTONES AND CALLER TUNES[22]**

The Calcutta High Court dismissed Vodafone Idea Ltd.'s appeals arising from dispute with the Indian Performing Right Society Ltd. (IPRS) and Saregama India Ltd. over Vodafone's use of sound recording for Value Added Services. Vodafone argued that its arrangement with Saregama for sound recordings was sufficient and that no separate permission from IPRS was required for the underlying musical and literary work. The Division Bench rejected this argument and held that after the Copyright Amendment Act, 2012, IPRS is entitled to claim royalties for music and literary works incorporated in sound recordings when they are commercially exploited.

The Court held that Saregama could not grant Vodafone rights over underlying works, and Vodafone could not commercially exploit them without IPRS' permission. It was established that the agreements between Vodafone and sound recording companies did not "negate the right of IPRS to royalties in respect of musical and literary works in a sound recording when such sound recording is commercially exploited."

**CALCUTTA HC UPHOLDS REJECTION OF COPYRIGHT SUIT FILED WITHOUT PRE-INSTITUTION MEDIATION: 5 YEARS DELAY BELIES URGENCY[23]**

The Calcutta High Court dismissed Indian Explosives Pvt. Ltd.'s appeal and upheld the rejection of its copyright suit against Ideal Detonators Pvt. Ltd. and other on the ground that the plaintiff had not complied with the pre-institution mediation requirement under Section 12A of the Commercial Courts Act, 2015.

The Division Bench held that there was no real urgency justifying dispensation from mandatory pre-institution mediation. The plaintiff could not claim urgent interim relief after five years from the alleged misrepresentation. The appeal was therefore dismissed.

[19] Mr Ilaiyaraaja v. Saregama India Limited, 2026:DHC:4556-DB, 2026 LLBiz HC (DEL) 525.
[20]Zee Entertainment Enterprises Limited v. JioStar India Private Limited, CS (COMM) 403/2025, 2026 LLBiz HC (DEL) 505.
[21]Nikhil Nanda Motion Pictures LLP v. Google LLC & Ors., CS(COMM) 518/2026, 2026 LLBiz HC (DEL) 507.
[22]Vodafone Idea Limited v. Indian Performing Right Society Limited, 2026 SCC OnLine Cal 5736.
[23] Indian Explosives Pvt. Ltd. v. Ideal Detonators Pvt. Ltd. & Ors., 2026:CHC-OS:157-DB, 2026 LLBiz HC (CAL) 117

# APRIL

### BOMBAY HIGH COURT SETS ASIDE UNREASONED PATENT REJECTION: EMPHASIZES "REASONS" AS THE HEARTBEAT OF JUDICIAL DECISIONS.[24]

The Bombay High Court set aside an unreasoned order from the Department of Atomic Energy (DAE) that rejected a patent application by Huntington Alloys Corporation for an invention titled "Ultra Supercritical Boiler Header Alloy and Method of Preparation." The application, pending since 2010, was referred for review under Section 20(1) of the Atomic Energy Act, 1962, and Section 4 of the Patents Act, 1970, which prohibit patents for inventions relating to atomic energy. The DAE summarily concluded that the alloy related to atomic energy without providing any justification, despite the petitioner's contention that the invention was merely a high-strength alloy for boiler applications and did not involve the release of nuclear energy.

The Court held that providing explicit reasons is a fundamental requirement of the rule of law, describing them as the heartbeat of a judicial decision that replaces subjectivity with objectivity. By failing to communicate the basis for the rejection, the authorities denied the petitioner the statutory opportunity to potentially amend its specifications under Section 65(2) of the Patents Act to address regulatory concerns. Consequently, the Bench directed the DAE to reconsider the application and issue a fresh, reasoned order on its merits, stressing that the matter should be processed expeditiously given the sixteen-year delay since the original filing.

### PROCEDURAL RIGOR OVER VERBATIM QUOTES: DELHI HIGH COURT MANDATES REASONED DECISIONS IN PATENT REFUSALS.[25]

The Delhi High Court recently set aside an order from the Indian Patent Office that had refused a patent application by Nippon Steel Corporation for a "Process for Production of Unidirectional Electromagnetic Steel Sheet". The patent was originally rejected by the Controller of Patents on the grounds of lack of inventive step under Section 2(1)(ja) of the Patents Act. However, the High Court found that the refusal order was "bereft of any application of mind," noting that the Controller had extensively reproduced text from prior art documents verbatim without providing a technical analysis or reasoning for the rejection.

The Court emphasized that quasi-judicial authorities must provide clear reasoning for their decisions. It reiterated established legal standards requiring Controllers to discuss the claimed invention, the disclosed prior art, and the specific reasons why the invention would be obvious to a person skilled in the art. Because the original order failed to address the appellant's submissions or explain the leap from existing knowledge to the new process, the Court deemed it unsustainable in law.

### DELHI HIGH COURT REJECTS BLACKBERRY'S PATENT APPEAL: CLARIFIES SCOPE OF SECTION 3(K) IN COMMUNICATION SOFTWARE.[26]

The Delhi High Court dismissed an appeal filed by Blackberry Limited challenging the rejection of its patent application for an invention designed to prevent errors in sending messages to unintended recipients. The Court held that the subject invention which involved checking for inconsistencies between message content and recipient identity lacked a technical contribution or technical effect beyond a standard computer program. It was determined that the invention essentially automated a mental act of verification, which varied from person to person and did not resolve a technical problem within the communication hardware itself.

The ruling affirmed that the invention fell within the exclusion of Section 3(k) of the Patents Act, 1970, which prohibits the patenting of computer programs per se. The Court reasoned that since the identified problem is sending a message to the wrong person depending upon human error rather than a technical failure of the system, the software-based solution did not constitute a patentable technological advancement. Consequently, the Court found no infirmity in the Controller's original decision and upheld the refusal of the patent.

### CCAI VS. ROSENBERGER: A DECISIVE VICTORY FOR INNOVATION AND FAST-TRACK JUSTICE IN INDIA'S TELECOM SECTOR[27]

The High Court of Delhi recently delivered a landmark judgment in a long-standing patent dispute between Communication Components Antenna Inc., a Canadian provider of cellular base station products, and the Rosenberger Group, a prominent German antenna manufacturer and its various subsidiaries. The case centred on Indian Patent No. 240893 (IN'893), which covers "split-sector antenna" technology designed to increase subscriber capacity in cellular networks through the use of asymmetrical beams. The Plaintiff alleged that Rosenberger's dual-beam antennas, widely sold to major Indian telecom service providers like Reliance Jio and Bharti Airtel, directly infringed upon this patented technology.

The legal battle involved intense technical scrutiny, with Rosenberger challenging the validity of the patent on several grounds, including lack of novelty and insufficiency of disclosure. However, the Court upheld the validity of IN'893, finding that the Defendants failed to prove the invention was obvious or anticipated by prior art. In establishing infringement, the Court noted the Defendants' suspect conduct in pulling down product brochures during the trial and failing to produce their actual antennas for examination. Consequently, the Court relied on the Plaintiff's expert analysis, which used MATLAB simulations to demonstrate that the beam patterns in the Defendants' sales literature were nearly identical to those protected by the suit patent.

[24] Huntington Alloys Corp. v. Union of India, WP/2086/2021 (Bombay High Court)
[25]Nippon Steel Corp. v. Controller of Patents, 2026 SCC OnLine Del 1791
[26]Blackberry Ltd. v. Controller of Patents & Designs, 2026 SCC OnLine Del 2309
[27]Commc'n Components Antenna Inc. v. Rosenberger Hochfrequenztechnik GmbH & Co., 2026 SCC OnLine Del 1357

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The Court ultimately ruled in favor of the Plaintiff, granting a permanent injunction against the Defendants to prevent the further sale or promotion of eleven specific infringing antenna models, as well as any other models using the same technology. Recognizing the commercial advantage the Defendants gained from the infringement, the Court awarded compensatory damages based on a 20% royalty rate on their total sales. This resulted in a substantial decree for ₹152,32,36,783.90 in favor of the Plaintiff for past sales.

## MAY

**DELHI HC SETS ASIDE FIRST POST TRIAL SEP DECREE IN BANSAL V. PHILIPS[28]**

The Delhi High Court Division Bench set aside the Single Judge's decree in K.K. Bansal vs. Koninklijke Philips Electronics, which had awarded royalty and damages to Philips in relation to its DVD standard essential patents. It was held that Philips had not established that the suit patent was a standard essential patent as it had not proved complete patent claim-to-standard mapping in accordance with law. Since essentiality and infringement were not proved, the damages awarded by the Single judge could not be sustained.

The judgment revisited the evidentiary standard required to establish essentiality, infringement, and FRAND based loyalty claims after trial.

**DELHI HC DIRECTS XIAOMI TO DEPOSIT RS. 272 CRORES AS PRO TEM SECURITY IN SEP INFRINGEMENT SUIT BY MALIKIE INNOVATIONS[29]**

The Delhi High Court directed Xiaomi to deposit approximately Rs. 272 crores as pro tem security in a patent infringement suit filed by Malikie Innovations concerning cellular standard essential patents relating to 3G, 4G, and 5G technologies. Malikie claimed that Xiaomi was manufacturing and selling standard compliant mobile devices in India without taking a licence on FRAND terms.

The Court found that Malikie had made out a prima facie case on the validity, essentiality, and infringement of suit patents. Xiaomi was directed to deposit the amount with the Registrar General within six weeks, or furnish an unconditional bank guarantee for the same amount. The direction was in the nature of a pro tem/interim security to secure Malikie's interests during the pendency of the proceedings and was not a final determination of damages. The Court also observed that if Xiaomi failed to comply, Malikie would be free to seek interim injunction.

**DELHI HC SETS ASIDE PATENT REJECTION OF BIOTYX'S ABSORBABLE STENT APPLICATION[30]**

The Delhi High Court set aside the Assistant Controller's refusing Biotyx's patent application for its invention titled "Absorbable Stent". The invention related to an absorbable metallic stent designed to achieve a shorter corrosion and absorption cycle while maintaining radial supporting strength.

The Court held that the Controller had recorded Biotyx's submissions but failed to deal with them in the reasoning portion of the refusal order. It also found that the rejection relied on unsupported assumptions and impermissible hindsight analysis while linking the claimed invention with the cited prior art. The matter was remanded to the Controller for fresh consideration within four months after granting Biotyx a fresh hearing.

**DELHI HC SETS ASIDE REJECTION OF JFE STEEL'S PATENT FOR ELECTRICAL STEEL SHEET MANUFACTURING METHOD[31]**

The Delhi High Court set aside the Patent Office's rejection of JFE Steel Corporation's patent application relating to a method for manufacturing an electrical steel sheet. The application had been rejected under Sections 10(4)(a) and 10(4)(c) of the Patents Act on grounds of insufficiency of disclosure and lack of support in the specification.

The Court held that the Controller should not ordinarily reject a patent application on one technical ground while leaving other objections undecided, especially where the applicant has responded to all obligations. Since patent applications have a limited 20 year term, repeated remands on undecided objections should unfairly consume the patent term. The Court directed the Patent Office to reconsider the application.

The ruling emphasises that patent refusal orders must deal with the objections in a complete and reasoned manner, especially where the applicant's statutory term of protection may be affected by procedural delays.

**BOMBAY HC REJECTS TVS-KALELKAR PLEAS TO DISMISS LASER MARKING PATENT SUITS AND IMPOSES COSTS OF RS. 1 LAKH[32]**

The Bombay High Court refused to summarily dismiss patent infringement suits filed by Bharat Bhogilal Patel against TVS Electronics Limited and Kalelkar Surgicals Pvt. Ltd. concerning laser marking and engraving technology. The suits related to two patents granted in 2003 for an improved laser marking and engraving machine and a process for manufacturing engraved design articles.

The defendants argued that the suits were not maintainable because the patents had been revoked by the IPAB orders. The Court rejected this argument, noting that the later revocation orders flowed from an earlier revocation order that had already been set aside by the Bombay High Court in 2015. It held that several triable issues arose and that the suits could not be dismissed at the threshold. The Court also imposed costs of Rs. 1 lakh, observing that the applications appeared to delay the proceedings.

[28] K.K. Bansal v. Koninklijke Philips Electronics N.V., 2026 SCC OnLine Del 3584.
[29] Malikie Innovations Ltd. & Anr. v. Xiaomi Corporation & Ors., 2026 LLBiz HC (DEL) 453.
[30] Biotyx Medical Shenzhen Co., Ltd. v. Assistant Controller of Patents and Design, C.A. 2026 SCC OnLine Del 4035.
[31] JFE Steel Corporation v. Assistant Controller of Patents and Designs, 2026 SCC OnLine Del 3396.
[32]Bharat Bhogilal Patel v. M/s TVS Electronics Ltd., 2026 LLBiz HC (BOM) 289.

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### BOMBAY HIGH COURT VACATES ATOMBERG FAN INJUNCTION: CLARIFIES "EYE TEST" AND NOVELTY IN FUNCTIONAL DESIGNS.[33]

The Bombay High Court dismissed an interim application filed by Atomberg Technologies Private Limited seeking a temporary injunction against Stove Kraft Limited for the alleged infringement of a registered ceiling fan design and passing off. While the Court had initially granted exparte ad-interim relief and appointed a Court Receiver, it ultimately vacated these orders after determining the plaintiff failed to establish a prima facie case. A primary factor in this decision was the finding that Atomberg's evidence was misleading, as it compared the defendant's "Pigeon" fan to subsequent Atomberg models rather than the specific registered design cited in the suit.

In its analysis, the Court emphasized that the basic functional features of a ceiling fan—such as blades, canopies, and motor housings are bound to be similar and cannot be considered novel without unique patterns or ornamental configurations. Applying the eye test, the Bench observed that the defendant's fan lacked the plaintiff's unique Z-shaped shank and featured visible differences in blade edge profiles and housing patterns. Furthermore, the claim for passing off was rejected because the plaintiff failed to prove something more than mere similarity or provide distinct goodwill data for the suit fan alone, as its financial evidence aggregated figures across multiple different models.

[33] Atomberg Techs. (P) Ltd. v. Stove Kraft Ltd., 2026 SCC OnLine Bom 2612

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**FEDERAL CIRCUIT AFFIRMS REJECTION OF GENERIC ALGORITHM PATENT: CLARIFIES ABSTRACT IDEA IN INFORMATION EXCHANGE.[34]**

The U.S. Court of Appeals for the Federal Circuit affirmed the Patent Trial and Appeal Board's (PTAB) rejection of a patent application filed by Brian McFadden concerning a method for improved information exchange. The Court held that the claims were both anticipated under 35 U.S.C. § 102 by the applicant's own previous patent publication and directed to ineligible subject matter under 35 U.S.C. § 101. The ruling confirmed that the proposed invention failed the Alice test as it was centered on an abstract idea without providing a sufficient inventive concept to transform it into a patentable application.

The Court's reasoning emphasized that broad and generic algorithms intended to improve mathematical calculations or information exchange on a standard computer constitute an innovation in ineligible subject matter. The ruling clarified that merely invoking generic computers to carry out improved calculations is insufficient to establish an inventive concept. Consequently, the Federal Circuit found no error in the Board's determination that the algorithms were abstract and merely represented an implementation of ineligible concepts on standard hardware.

**FEDERAL CIRCUIT AFFIRMS INVALIDITY OF ENGINE CONTROLLER PATENT BASED ON PRE-PRIORITY SALES.[35]**

The U.S. Court of Appeals for the Federal Circuit has affirmed a district court's summary judgment ruling that Definitive Holdings' U.S. Patent No. 8,458,689, which relates to methods for upgrading software in engine controllers, is invalid. The court found that the patent was barred under the pre-America Invents Act (AIA) version of the "on-sale bar". This decision was based on evidence that a third-party device known as the Hypertech Power Programmer III (PP3) embodied all the limitations of the asserted patent claims and was commercially available in the United States as early as 1996, well before the patent's critical priority date of March 30, 2000.

A key aspect of the ruling involved important evidentiary determinations regarding corporate testimony and computer source code. The court held that a corporate representative's deposition testimony could be used at the summary judgment stage to authenticate sales records, even if the representative lacked personal knowledge of the specific historical sales. Furthermore, the court clarified that computer source code commands are not considered inadmissible hearsay. The judges reasoned that source code consists of instructions and commands rather than assertive statements offered for their truth, meaning they fall outside the legal definition of hearsay.

Finally, the Federal Circuit rejected the argument that the on-sale bar should only apply if a sale explicitly discloses the "inner workings" or technical details of the invention to the public.

The court reiterated that a commercial offer for sale triggers the bar regardless of whether it reveals every detail of the invention, provided the product sold actually embodies the patented technology. This decision underscores that once a technology has been commercialized and made available to the public by any party, it is removed from the public domain and can no longer be validly patented.

[34]In re McFadden, 2025-1834 (Fed. Cir. Apr. 7, 2026

[35] Definitive Holdings v. Powerteq LLC, No. 2024-1761 (Fed. Cir. Apr. 14, 2026

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### SINGAPORE COURT OF APPEAL ENHANCES DAMAGES AGAINST ONLINE SELLER OF COUNTERFEIT LOUIS VUITTON PRODUCTS. [36]

The Singapore Court of Appeal increased the statutory damages payable by online seller Hoe Seng Ng to Louis Vuitton Malletier to $510,000 for trademark infringement involving counterfeit Louis Vuitton products sold through Instagram. The High Court had earlier awarded $200,000 after finding 121 instances of infringement, but Louis Vuitton appealed on the ground that the amount was too low.

The Court of Appeal enhanced the award while nothing that statutory damages under Singapore law are compensatory and not punitive. Although the infringer's conduct was flagrant, the Court did not award damages close to the statutory maximum because the proven scale of infringement was limited to 121 instances.

[36] Louis Vuitton Malletier v. Ng Hoe Seng (formerly trading as EMCASE SG), [2026] SGCA 22.

**ANM ThinkPod**


ANM Global is pleased to have represented Applause Entertainment Private Limited, successfully advising on the transaction, including structuring, negotiation and finalisation of the S&P and revenue agreements for the series.

ANM Global is pleased to have represented RTake Studios Private Limited, successfully advising on the transaction, including drafting, negotiation and execution of the agreements for the production and exploitation/distribution of the film.

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**ANM Global secures recognition across multiple categories in the Benchmark Litigation Rankings 2026.**

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***Mr. Nidhish Mehrotra – Litigation Star (Intellectual Property)***
***Ms. Anushree Rauta – Litigation Star (Intellectual Property)***
***Mr. Rahul Dhote – Litigation Star (Intellectual Property)***

**These recognitions are a testament to the firm's continued commitment to excellence and the trust reposed by its clients.**

# FIRM HIGHLIGHTS


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**This recognition reflects the firm's continued focus on delivering high-quality, strategic advice across intellectual property matters, and reinforces our growing presence in this space.**

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