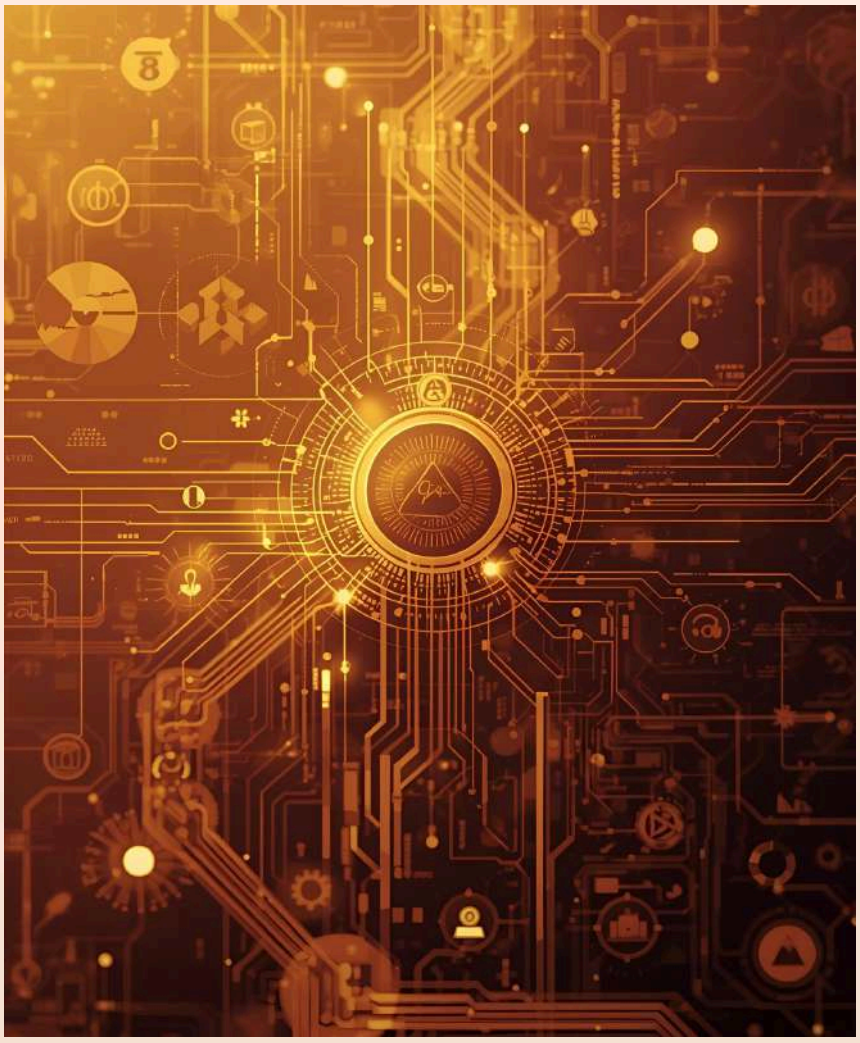
IP UPDATE

17TH EDITION

AUGUST 2025

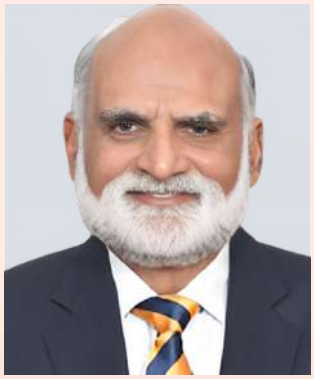


EMPOWERING INDIA'S ECONOMIC BACKBONE THROUGH INTELLECTUAL PROPERTY

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EMPOWERING INDIA'S ECONOMIC BACKBONE THROUGH INTELLECTUAL PROPERTY



Mr. Anil Rajput

India is entering an Intellectual Property (IP) revolution that will propel our nation into a new era of innovation and leadership. This is much more than growth; it is about unlocking India's true potential as a global creator. The momentum is on our side, and the opportunities are immense. For our MSMEs and startups, protecting ideas through IP is the foundation for competing globally, scaling confidently, and leading with pride.

Global innovation powerhouses have demonstrated an irrefutable truth: "Intellectual property is the ultimate competitive differentiator and revenue multiplier across all industries". Beyond numbers, India's IP advancement reflects a broader vision: empowering innovators, fostering entrepreneurial growth, protecting traditional knowledge and enhancing global competitiveness. The National Intellectual Property Awareness Mission (NIPAM), which reached over 25 lakh students, underscores the emphasis on spreading IP literacy and embedding a culture of innovation from the grassroots level.

Complementing these initiatives, FICCI has established the Intellectual Property Education Centre (IPEC) to impart specialized IP education and build a skilled professional workforce. Through online certificate courses covering IP protection, commercialization, competition law, and licensing, IPEC has equipped entrepreneurs, professionals, and students with practical knowledge to navigate the complex IP landscape.

India's SMEs are no longer just the backbone of our economy, they are the engines of innovation and global competitiveness. The recent surge in entrepreneurship, digital adoption and government-backed initiatives underscores a transformative shift in the way India creates, delivers, and protects value. In the year 2024, companies like Sabyasachi Calcutta LLP have led the way in textile innovation with over 1,400 patent filings, while tech startups like Euphoric Innovations achieved a staggering 409% growth in patents, demonstrating that Indian entrepreneurship is embracing IP as a strategic tool.

In 2025, India has seen a remarkable increase in GI registrations. Such recognition not only preserves India's heritage but also strengthens its rural economy and promotes exports. India's trademark landscape also reflects a strategic shift towards brand consolidation and diversification, particularly among leading digital service platforms. Zomato, rebranded itself as Eternal Ltd in February 2025, a move designed to encompass its broader business ecosystem, including quick-commerce through Blinkit, live events via District and kitchen supplies under Hyperpure. India's copyright landscape has also undergone significant transformations, driven by technological advancements and the evolving digital economy.

Despite these achievements, India is in the race of IP globally with countries like the USA, China, Japan, South Korea, Germany, and Israel have built strong innovation ecosystems, investing heavily in research and development and protecting their ideas through intellectual property. Globally, these nations file thousands to over a million patents annually, alongside millions of trademarks, copyrights and design registrations, giving them a clear competitive edge. While global leaders have long invested strategically in IP and R&D reaped the benefits of market dominance and revenue growth. IP filings in the last five years have increased by44%, rising from 4,77,533 in 2020–21 to 6,89,991 in 2024–25.

The highest growth was observed in Geographical Indications (GI) with a 380% increase, followed by Designs (266%), Patents (180%), Copyright (83%), Trademarks (28%), and Semiconductor Integrated Circuits Layout-Designs (SICLD) with a 20% rise.

As per the latest press release, India's GERD as a percentage of GDP remains between 0.6% to 0.7% which is below global average and lower than countries like China, South Korea and US. Another factor contributing to this is the relatively low investment by India's private sector in GERD, accounting for only around 36%, whereas in the aforementioned countries, private sector contributions is more than 70%.

Although the Government has introduced several schemes and programmes to promote scientific research and enhance funding mechanisms in State universities and higher education institutions by strengthening science and technology (S&T) infrastructure and research capabilities, India still faces challenges in emerging as a true innovation powerhouse. It is imperative that MSMEs and startups leverage the enabling policy environment and favorable market conditions to develop indigenous technologies while competing globally on equal footing. This will help realize the vision of an India that is not merely a consumer of technology, but a leading creator and exporter of cutting-edge solutions to the world.

The principle of "Think Global, Act Local" guides India's IP strategy: by developing innovations locally, protecting them through intellectual property and leveraging them in global markets, India can compete with established international players while preserving its unique strengths. India's indigenous 5G stack development and our ambitious 6G technology roadmap demonstrate how local innovation, properly protected through IP, creates global competitive advantages. Similarly, our pharmaceutical sector's emergence as the "pharmacy of the world" was built on strategic IP management, enabling Indian companies to serve global markets while maintaining cost leadership.

FICCI is proud to serve as a catalyst in India's IP-driven transformation. Our collaboration with the World Intellectual Property Organization (WIPO) to establish the IP for Business Centre marks a defining milestone, providing MSMEs, startups and innovators with direct access to global expertise, insights and resources. FICCI has also been recommended for empanelment as an Intellectual Property Facilitation Centre under the MSME Innovative Scheme of the Ministry of MSME. Through this IPFC, FICCI will deliver end-to-end IP services — including advisory, filing, prosecution, and facilitating reimbursements of IP filing fees for MSMEs — creating a comprehensive support structure for innovation-driven enterprises.

The intellectual property renaissance is no longer on the horizon; it has already begun. Every innovator has not just the opportunity but the responsibility to seize this moment and shape India's future. Intellectual property is the key to transforming creativity into sustainable competitive advantage, to turning local solutions into global benchmarks and to positioning India at the forefront of the innovation economy.

The call is clear: create, protect, commercialize and lead. Those who embrace this journey will not just witness India's rise, they will drive it. This is the time to be fearless, ambitious and uncompromising in our pursuit of global excellence.

Warm Regards

Mr. Anil Rajput
Chair, FICCI IPR Committee
Member, Corporate Management Committee & President Corporate Affairs, ITC Ltd



The Conference on Standard Essential Patents (SEPs), the FICCI IPR Committee and ICRIER hosted a landmark gathering themed "Creating an Innovation Ecosystem for Viksit Bharat @ 2047." The event brought together policymakers, judges, industry leaders, academics, and global experts to deliberate on SEPs as a cornerstone of India's innovation and technology future.



Mr. Ameet Datta, Co-Chair, FICCI IPR Committee, & Managing Counsel, ADP Law Offices opened the proceedings by underlining the growing significance of SEPs in next-generation technologies such as IoT, 6G, and autonomous vehicles. He described SEPs as the vital bridge between open markets and proprietary innovation, pointing out that while standardization may appear to constrain creativity, in the digital economy it is the foundation of interoperability and connectivity. Highlighting India's dynamic startup ecosystem of over 100,000 ventures and more than 100 unicorns, he urged the community to deepen awareness of SEPs and intellectual property. He praised FICCI's role in convening diverse voices to foster a balanced, progressive IP ecosystem, framing the conference as a step toward a globally harmonized roadmap for SEP engagement.



Ms. Payal Malik, Professor (Visiting) ICRIER ·and Former Advisor and Head Economics, Competition Commission of India stressed the timeliness of the dialogue, noting India's ambition to capture 10% of global 6G patents while simultaneously becoming both a manufacturing hub and a technology innovator. She highlighted that despite recent initiatives such as the National Research Foundation and the ₹1 lakh crore R&D fund, private sector investment in research continues to stagnate below 0.3% of GDP. She argued for a modern industrial strategy rooted in innovation, consistent policies, and strong IP incentives. Citing ICRIER's research on India's cellular SEP ecosystem, she posed the critical question of whether regulatory intervention or market-driven mechanisms would better serve SEP licensing in India.



Delivering the inaugural address, Mr. A.K. Mittal, Director General, TSDSI, offered a detailed look at global standardization processes, explaining the intense competition and high costs of participation in bodies like 3GPP. He emphasized that only patents essential to a standard ultimately carry commercial value and warned of challenges such as "hold-up" by licensors and "hold-out" by implementers, which often lead to protracted litigation. He urged Indian firms to integrate standardization and patenting into their core business strategies rather than treat them as afterthoughts, noting that such integration is crucial for building both domestic capability and global competitiveness.



Hon'ble Justice Amit Bansal, Judge, Delhi High Court, provided a judicial perspective in his keynote, emphasizing that SEPs underpin the digital economy across multiple industries, from telecom to fintech. He shared his experience adjudicating complex SEP disputes, underscoring the need for continuous judicial upskilling in technical areas. Indian courts, he noted, have attempted to balance rights and remedies, from setting rational deposit requirements to asserting jurisdictional sovereignty in global disputes. He proposed a hybrid model for SEP litigation involving structured dispute resolution, fast-track trials, and arbitral determinations of royalties, stressing that clarity and predictability are especially vital for startups and SMEs.



Delivering the plenary address, Mr. Pravin Anand, Managing Partner, Anand & Anand, traced the evolution of SEP jurisprudence in India, from Intex v. Ericsson to Ericsson v. Lava and Dolby v. Lava. He discussed how Indian courts have balanced injunction rights with FRAND obligations, while identifying ongoing challenges such as lengthy negotiations, inadequate judicial resources, and conflicting decisions across jurisdictions. He called for quicker legislative updates, technical training for judges, and coordinated advocacy by industry associations. He also stressed the importance of celebrating intellectual property achievements to nurture a culture of innovation aligned with India's vision of Viksit Bharat 2047.

The first panel discussion, Demystifying the SEP Ecosystem, set the stage with insights from industry, academia, and government. Speakers highlighted India's infancy in SEP engagement and the urgent need to scale R&D. IIT Madras experts stressed accurate SEP identification and quality drafting, while Jio emphasized transparency in royalty structures and patent-feature mapping. Qualcomm highlighted the role of awareness programs such as L2Pro India, while Tejas Networks called for broader integration of IP education into universities and schools. HFCL's young leadership voice underscored the importance of supporting youth and startups with mentorship and funding. Collectively, the panel argued for a structured, scalable framework to generate high-quality SEPs relevant to both Indian and global markets.



The second panel, Decoding the Dynamics of SEP Development, examined the evolving role of patent pools and the prospect of sovereign patent funds. Experts from C-DOT, Nokia, Dolby, and Tech Mahindra noted that pools could simplify licensing and reduce royalty stacking, especially as industries converge in the 6G era. Nokia highlighted India's vast engineering talent, while Dolby explained the practical benefits of collective licensing frameworks. Tech Mahindra stressed that 6G represents a paradigm shift, with AI embedded at the core, and called for India to treat SEPs as a national strategic asset. The panel urged India to build innovation pipelines, infrastructure such as testbeds, and a collaborative ecosystem to claim leadership in 6G standardization.



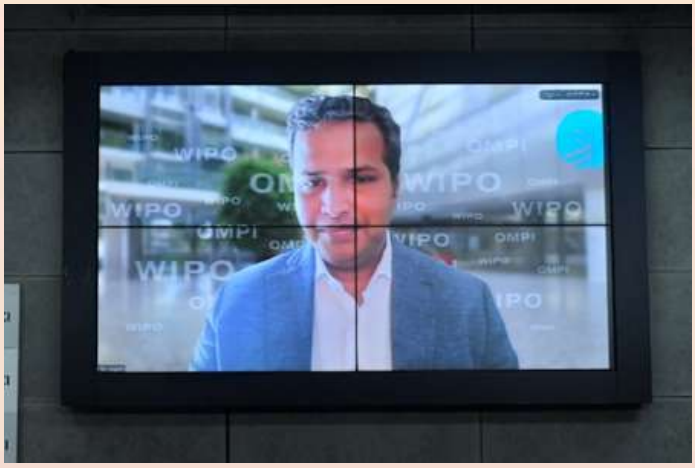
The third panel, Navigating Licensing and Enforcement, turned to the practical challenges of SEP licensing and litigation. Panellists from Philips, Kommit Techno-Legal, Saikrishna & Associates, Singh & Singh, and Avvika AB emphasized the value of alternative dispute resolution mechanisms to avoid prolonged litigation. They discussed the principle of patent exhaustion, transparency in royalty practices, and the need to align research outputs with standardization processes. Global voices pointed to the success of firms like Samsung and Chinese companies that built dominance through consistent R&D investment, urging Indian innovators to follow a similar path.



In the valedictory session, Prof. (Dr.) Unnat Pandit, Controller General of Patents, Designs & Trade Marks, stressed that SEPs cannot be viewed through a purely legal lens but must be understood in terms of economics, innovation, and sectoral realities. He called for India-centric frameworks that account for domestic consumption patterns and urged the inclusion of innovation economists in SEP policy debates.



Dr. Yogesh Pai, Head of Patents and Treaties Law Section at WIPO, added an international dimension, highlighting WIPO's role as a convener of global dialogue and provider of mediation and arbitration services. He noted WIPO's initiatives like the Lex Case Law Collection and PatentScope integration, which are helping improve transparency and essentiality analysis worldwide.



Shri Sanjiv, Joint Secretary, DPIIT, Ministry of Commerce and Industry, Government of India emphasized the surge in patent filings by Indian startups, citing examples of indigenous breakthroughs such as semi-cryogenic 3D-printed engines. He highlighted the challenge of commercialization and urged startups to take their patents global to ensure competitiveness, assuring DPIIT's support in bridging innovation with markets.



Hon'ble Justice Prathiba M. Singh, Judge, Delhi High Court, delivered the presidential address with reflections on India's transformation over the past two decades from limited SEP awareness to global recognition. She celebrated pioneering judicial measures such as anti-anti-suit injunctions



and live transcriptions in SEP hearings, which have strengthened India's credibility as a jurisdiction. At the same time, she highlighted the challenges faced by startups and MSMEs in licensing and enforcement, advocating for India-centric patent pools and stronger IP education to democratize access to technology.

Concluding the conference, Dr. Rajeev Ranjan, Think Tank Member, FICCI IPR Committee, reflected on India's journey from a defensive stance on intellectual property to its current confident position on the global stage. He praised the role of institutions like FICCI, DPIIT, C-DOT, and WIPO in advancing policy literacy and judicial training, noting the exponential growth of patent filings in India. He framed the conference as a milestone in India's commitment to becoming not just a consumer but a creator of global technology.



The conference was a powerful affirmation of India's determination to place SEPs at the heart of its innovation ecosystem—preserving balance, empowering innovators, and driving technological leadership on the road to Viksit Bharat @ 2047.

TYPES OF PATENT SEARCHES AND THEIR NUANCES

16th May 2025



Ms. Pragya Thakur delivered an insightful session on the various types of patent searches, emphasizing their importance and application in the field of intellectual property. She began by highlighting the common understanding of patent searches among inventors, researchers, and industry professionals, noting a gap in the comprehension of different search types and their specific objectives. The session aimed to bridge this gap by detailing six fundamental types of patent searches: patentability search, freedom to operate search, state of the art search, landscape search, invalidity search, and validity search.

The discussion started with patentability searches, which assess whether an invention is novel and non-obvious, thus determining its eligibility for patent protection. Ms. Thakur stressed the importance of conducting these searches at the concept stage and before filing a patent application to avoid unnecessary expenditure on non-patentable inventions. She explained that patentability searches are broad, encompassing existing patents, patent applications, and any publicly available documents, including scientific literature and online content.

Next, she covered freedom to operate (FTO) searches, which are crucial before launching a product in a target market. These searches focus on identifying existing patents that might restrict the use of a new product, emphasizing the need for separate FTO searches for each jurisdiction. Ms. Thakur explained that FTO searches are narrower than patentability searches, concentrating on the claims of granted patents and ongoing applications. She highlighted the importance of involving patent attorneys in FTO searches due to the complexity of claim interpretation.



Ms. Thakur then discussed state of the art searches, which provide an overview of existing technologies and research directions in a particular field. These searches help companies entering new technological domains to identify gaps and opportunities for innovation. She also explained landscape searches, which are broader than state of the art searches and include additional data points such as market share, emerging players, and government involvement in a field.

The session proceeded to invalidity searches, which aim to find grounds for challenging the validity of granted patent claims. These searches are often used as a defense in infringement suits or to proactively oppose a competitor's patent application. Ms. Thakur outlined the importance of invalidity searches in assessing prior art and establishing grounds for invalidation based on novelty and inventive step.

Finally, Ms. Thakur addressed validity searches, which are conducted by patent holders to assess the strength of their patents. These searches help determine the enforceability of a patent, its value for licensing or sale, and its role in mergers and acquisitions. She emphasized that while the methodology for validity and invalidity searches is similar, their objectives differ significantly.

Throughout the session, Ms. Thakur provided practical insights into the databases and resources used for each type of search, underscoring the importance of thorough and strategic searching to support patent-related decisions.

SUFFICIENT DESCRIPTION IN PATENT APPLICATIONS

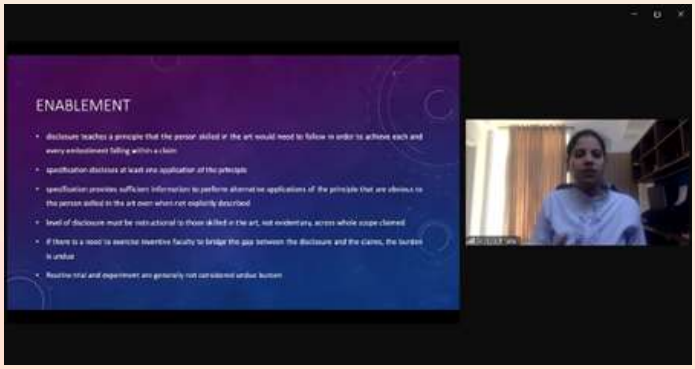
23rd May 2025



Ms. Pragya Thakur delivered an insightful session on the critical topic of sufficiency of description in patent applications, emphasizing its pivotal role in patent law and its implications on the validity and enforceability of patents. She began by explaining that the description in a patent application encompasses not only the detailed narrative of the invention but also includes drawings, figures, flowcharts, and the claims themselves. The sufficiency of this description is essential because it ensures that the monopoly granted by a patent—a right to exclude others from practicing the invention for approximately 20 years—is justified by a full disclosure to the public. Unlike mere ideas or concepts, an invention must be described in a manner that enables others skilled in the art to understand and reproduce it without undue experimentation.

Ms. Pragya underscored that the description must be both "full" and "particular," highlighting that patentees need to provide detailed and specific information about all aspects of the invention, its operation, and use. This includes outlining the best method of practicing the invention, especially in fields like chemistry or biotechnology, where variants and complex processes are involved. She emphasized the importance of enabling disclosure—instructions detailed enough so that a skilled person can implement the invention directly from the patent document without needing to conduct extensive research or experiments. Additionally, she noted that descriptions must include data supporting assertions such as synergy and comparative advantages over prior art, with examples reinforcing the possession of the invention at the time of filing.

The speaker also illustrated the legal requirement that claims must be supported by the description, meaning that the claims, which define the patent's scope, should be clearly and explicitly backed by the detailed disclosure. This principle prevents exaggerated or overly broad claims that are unsupported by the actual invention. Moreover, enablement and support serve as two pillars of sufficiency, with support focusing on the presence of the claimed subject matter in the description, while enablement ensures the invention can be practically reproduced.



Ms. Pragya cited two recent and landmark Indian case laws from February 2025 to contextualize these principles: the "Regents of University of California versus Assistant Controller of Patents" decided by the Calcutta High Court, and "Phillips versus Sukesh Behel" adjudicated by the Delhi High Court. The University of California case involved a patent application for a genetically mutated Salmonella microorganism. The application was rejected due to insufficiency of description, specifically the failure to disclose precise mutation details or deposit the biological material with a depository authority, which is mandatory for biological inventions. The court upheld the patent office's ruling, stressing that generalized claims without concrete disclosure and examples are inadequate. The second case, relating to a mechanical invention of a cassette player, dealt with the requirement for the "best method" in the description. The Delhi High Court held that detailed drawings and descriptions that enable a skilled person to reproduce the invention fulfill the sufficiency requirement without necessarily needing exhaustive examples for every embodiment.

In sum, Ms. Pragya's presentation illuminated the

critical nature of sufficiency of description, linking it directly to the patent's validity, enforceability, and commercial value. Her discussion provided valuable guidance for practitioners in drafting robust patent specifications, ensuring clarity, completeness, and enablement to withstand scrutiny during prosecution and litigation.

STARTUP CONCLAVE 2025

20th-21st May 2025, Mumbai



The 2-Day Start-up Conclave 2025, jointly hosted by CSIR-National Chemical Laboratory, CSIR-NEERI, and CSIR-National Institute of Oceanography on May 20–21 in Mumbai, brought together a dynamic ecosystem of innovators, start-ups, and investors. With over 1,500 participants onsite and 500 joining online, the conclave created a vibrant platform for dialogue, collaboration, and opportunity.

Nearly 200 aspirants expressed interest in joining the conclave, with 57 start-ups eventually selected to showcase technologies from CSIR labs, the CSIR Innovation Complex, and the Venture Center, the incubator hosted at CSIR-NCL. Leaders including the Hon. Chief Minister of Maharashtra Shri Devendra Fadnavis, Minister of Science & Technology Dr. Jitendra Singh, and Deputy Chief Minister Shri Eknath Shinde shared visionary messages that set bold goals for India's start-up ecosystem.

Key announcements included a proposal for an Innovation City in Mumbai, the launch of a ₹120 crore fund of funds for start-ups, and a vision to foster one start-up per district. Other themes that emerged strongly were the potential of India's vast coastline, entrepreneurship beyond age barriers—including a dedicated platform for entrepreneurs above 60—and the importance of sustainability, efficiency, and ease of living as guiding principles.

The "Pitch Darbar" offered entrepreneurs direct engagement with investors, while the pre-inaugural session featured live pitches spanning diverse technology domains. On Day 2, discussions centered on marine start-ups and technology licensees who



have successfully commercialized CSIR-NEERI innovations.

The conclave concluded with a keynote address by Dr. Satya Prakash Dash, followed by a panel discussion on "The Evolving Start-up Ecosystem for Viksit Bharat." The session highlighted founders' evolving needs, the role of incubation centers, and the expanding pool of public and private resources shaping India's innovation landscape.

The event was made possible through the leadership of Nallathamby Kalaiselvi, DG CSIR, alongside Dr. Ashish Lele (Director, CSIR-NCL), Prof. Sunil Singh (Director, CSIR-NIO), and Dr. S. Venkata Mohan (Director, CSIR-NEERI). Their vision, supported by teams across CSIR labs, the CSIR labs, the CSIR Innovation Complex, Venture Center, investors, and entrepreneurs, ensured the conclave's resounding success.

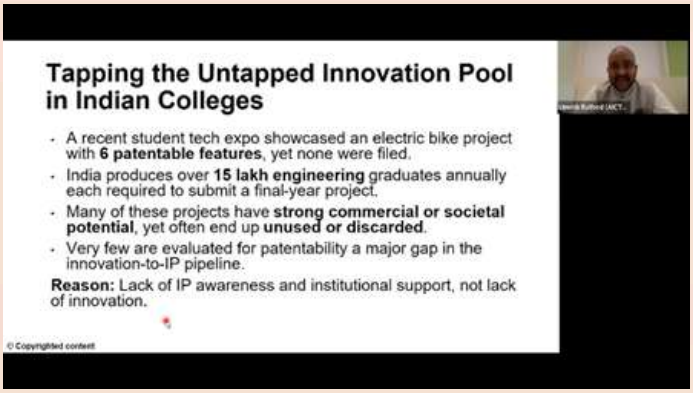
IP & BEYOND: VIKSIT BHARAT 2047

06th June 2025



Mr. Umesh Rathod, a seasoned innovation strategist and IP advocate, delivered an insightful session on the evolving landscape of Intellectual Property (IP) in India and its strategic importance for the country's growth towards 2047. He began by highlighting key initiatives of the Ministry of Education's Innovation Cell, notably the KAPILA scheme, which contributed to a 39% rise in patent filings. Emphasizing the critical role of academia, he noted that a significant share of filings originates from students and faculty. However, he stressed that a wide gap persists between innovation and patenting, especially in Tier 2 and 3 cities, due to limited awareness and support structures. He also drew attention to the idea that Intellectual Property is not merely a legal instrument, but a national asset critical to India's transformation into a knowledge economy. He also argued that India must position itself on the winning side through proactive IP awareness, filing, and commercialization strategies.

Citing recent trends, Mr. Rathod pointed out that India has seen a tenfold increase in patent filings since 2010 and now ranks 39th in the Global Innovation Index—leading among lower-middle-income countries. He emphasized that these gains were not just numerical but reflected India's maturing innovation ecosystem. Yet only 16 of India's 117 unicorns have filed patents, raising questions around innovation originality. In contrast, deep-tech start-ups, particularly in AI, Blockchain, and Big Data, are emerging as patent-rich zones, accounting for over 12% of India's startup ecosystem. He also addressed systemic issues such as delays in patent processing, sometimes exceeding four years, and the shortage of experienced patent examiners, calling for faster procedures and infrastructure upgrades.



Mr. Rathod underscored the economic and cultural value of IP, using examples like the Basmati rice case and the uncredited use of traditional Indian art by AI tools.

On academia-industry collaboration, he encouraged aligning research with real-world industrial needs to improve commercialization outcomes. He proposed co-patenting, shared licensing models, and reforms that allow faculty to launch startups and integrate IP achievements into academic evaluations. Provisional patents, he said, can help innovators refine their ideas before full filing. Legal guidance throughout the process is crucial to ensure patent quality. He also proposed embedding IP clinics within academic tech exhibitions and establishing evaluation panels consisting of IP attorneys, industry experts, and investors to screen final-year student projects. These interventions, he suggested, could bridge the gap between innovation and protection, helping student ideas transition to patentable and scalable ventures.

Drawing global parallels, Mr. Rathod urged India to learn from Japan, South Korea, and Singapore, where IP ecosystems are robust, well-funded, and tightly aligned with industrial needs. Notably, South Korea's trademark filings surpass India's, despite its smaller population—a testament to strong IP literacy and coordination. From the United States, he highlighted how IP-intensive sectors contribute to nearly 35% of its GDP. India should learn from countries such as US, Japan, Nordic Nations, Singapore & Korea to create a powerful model for economic and innovation-driven growth.

Mr. Rathod emphasized India's potential to replicate such models through increased R&D spending—currently just 0.7% of GDP—especially by the private sector, and widespread dissemination of schemes like SIPP and IPFC. He strongly recommended introducing IP education from school level, scaling facilitation centers in smaller cities, and adopting a transparent, outcome-oriented approach to government programs.

Mr. Rathod powerfully concluded by framing IP as a "People's Movement"—akin to Swachh Bharat. To move forward, Mr. Rathod recommended a multifaceted approach: introduce IP education from the school level, incentivize faculty and students to file and commercialize patents, enable academic entrepreneurship, and integrate IP output into performance metrics for research institutions. He also advocated transparent monitoring and measurable outcomes in government-funded IP programs, along with international collaborations, especially with emerging economies. Mr. Rathod also raised concern over India's low R&D investment, especially by the private sector. In contrast, innovation-driven economies link research directly to market demands. He emphasized the need for widespread IP education starting from school, increased awareness of schemes like SIP and IPFC, and setting up facilitation centers in smaller cities to ensure equitable access.

Framing IP as a cornerstone of the "Viksit Bharat 2047" vision, Mr. Rathod called for a collaborative

national strategy involving government, academia, industry, and legal professionals. He declared, "The world is betting on Bharat," Mr. Rathod declared, as he encouraged India to not just chase numbers but build a resilient, inclusive, and future-ready national IP ecosystem. With continued awareness, policy reform, and institutional support, he expressed confidence in India's potential to become a global innovation leader by 2047.

INDIA'S DESIGN LAW AT 25: AESTHETIC RIGHTS, EMERGING CHALLENGES, AND THE ROAD AHEAD

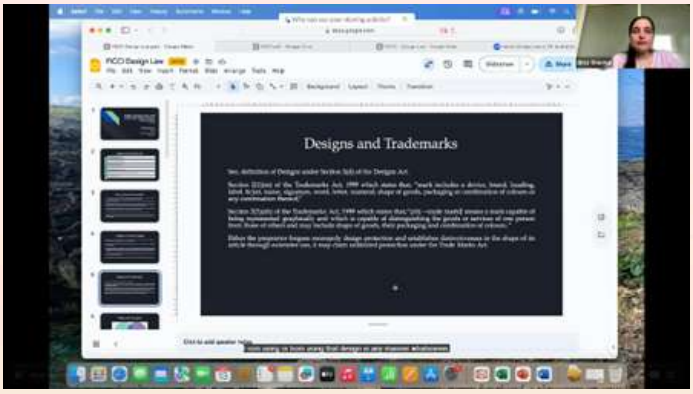
13th June 2025



Ms. Ekta Sharma, a seasoned intellectual property legal expert, provided a comprehensive overview of the evolution, current status, and future direction of design law in India. The session marked the 25-year journey of the Design Act, 2000, while tracing India's engagement with design protection back to the Patents and Design Act of 1872.

Ms. Sharma highlighted the major shift brought by the 2000 Act—assessing novelty on a global scale rather than a domestic one. She explained that design protection under the Act pertains solely to visual and aesthetic aspects such as shape, configuration, pattern, and ornamentation applied to manufactured goods, and not their functional features. This distinction sets design rights apart from patents, trademarks, and copyrights, although there are areas of overlap.

Clarifying the scope of the Designs Act, Ms. Sharma noted that registration confers a monopoly for up to 15 years (10 years + 5-year extension), after which the design enters the public domain. Unlike trademarks, designs do not require distinctiveness and are time-bound, making them ideal for short lifecycle products.



She elaborated on statutory provisions, particularly Section 4 of the Design Act, which excludes designs that are not original, lack novelty, or are obscene. The registration process includes examination, response to objections, and post-registration publication, enabling third-party oppositions via cancellation petitions.

Key contemporary challenges discussed included blurred lines between aesthetic and functional features, enforcement difficulties in dynamic sectors like fashion, and a lack of awareness among innovators. However, she cited positive trends, with over 17,000 recent filings and growing uptake in electronics, medical devices, transportation, and packaging sectors.

A major highlight of the session was India's accession to the WIPO Riyadh Design Law Treaty (DLT). The treaty facilitates international harmonization of design registration procedures, offering simplified filing, cost benefits, grace periods, and protection for traditional knowledge through disclosure mandates. Ms. Sharma emphasized its role in boosting foreign investment, MSME participation, and export competitiveness.

In conclusion, she asserted that while India's design law has evolved significantly, greater awareness, enforcement clarity, and capacity-building are essential to fully leverage design rights as a strategic IP tool for innovation-driven growth.

INTERNATIONAL IP ENFORCEMENT SUMMIT

12th-13th June 2025, Athens, Greece



FICCI's participation highlighted India's evolving enforcement landscape and the opportunities for cross-border collaboration. Representing FICCI, Mr. Suvashis Choudhary, Think Tank Member, shared insights on the need for tech-enabled solutions and systemic reforms to strengthen intellectual property enforcement.

Mr. Choudhary underscored how India's rapid digital growth has intensified enforcement challenges, making a shift in mindset essential for individuals and businesses to recognize and respect IP rights at both national and international levels. He emphasized that building a holistic IP ecosystem requires a multi-pronged approach—awareness creation, policy reform, capacity building, and technological adoption. Here, FICCI's role was illustrated through the IPR Division's online certification programs (IPPro, IPComp, and IPProComm) delivered via the FICCI IP Education Centre.

On enforcement mechanisms, he highlighted the critical role of public–private partnerships and inter-agency collaboration, particularly among law enforcement and customs, to prevent IP violations at scale. He also noted the importance of strengthening institutional capacity, including police training and specialized IP Divisions in courts, which would provide greater enforcement efficiency and legal certainty. International cooperation emerged as a recurring theme. Mr. Choudhary stressed the need for mutual recognition of court orders across jurisdictions to effectively combat cross-border infringements and support Indian SMEs operating globally. He further pointed to customized, sector-specific IP approaches as a necessity in addressing the diverse needs of India's MSME landscape.



Among the forward-looking initiatives, he highlighted FICCI's Memorandum of Understanding with WIPO to establish an "IP Centre for Business" dedicated to SMEs. This initiative will provide structured IP support, tools, and resources to help small businesses protect and commercialize their innovations by leveraging WIPO's global expertise. Complementing this, FICCI has also applied to become an IP Facilitation Centre under the MSME Innovative Scheme, aiming to provide structured guidance on IP management, protection, and enforcement.

Finally, Mr. Choudhary reflected on recent developments in India, such as the simplification of IP processes, increased adoption of e-filing and digitization, and the landmark achievement of granting over one lakh patents in 2023–24. He noted that alongside stronger enforcement, alternative dispute resolution (ADR) mechanisms could play a key role in providing faster and more efficient resolutions for IP disputes.

The session concluded with a strong reaffirmation of FICCI's commitment to building global partnerships, strengthening domestic enforcement capacity, and ensuring that India's SMEs are equipped with the IP tools necessary to thrive in an increasingly interconnected innovation economy.

PERSONALITY RIGHTS IN DIGITAL ERA

30th June 2025



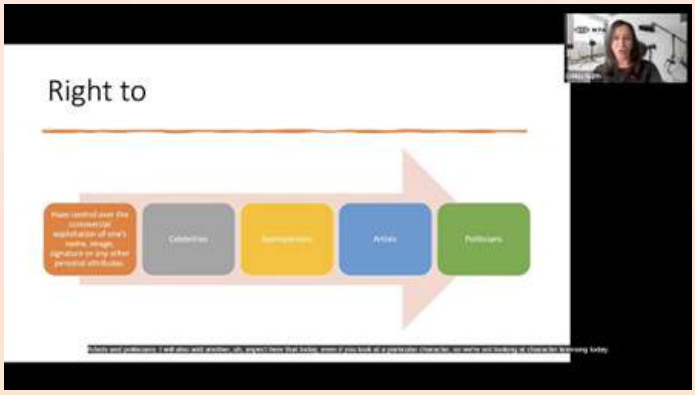
Ms. Lohita Sujith described copyright as a collection of exclusive rights that allow the copyright owner to authorize or carry out specific acts such as reproduction, issuing copies, public communication, translation, and adaptation, depending on the nature of the work. She emphasized that the core objective of copyright is to maintain a fair balance between the interests of creators, developers, and investors, and the public's right to access and use creative content.

She elaborated that the concept of an "author" in copyright law varies with the type of work involved —a writer in the case of literary works, a composer or lyricist for music, a producer or director for films, and a performer in the case of live acts. Each of these authors holds economic rights, as well as moral rights, which safeguard attribution and preserve the integrity of the work.

While personality rights are not explicitly stated in Indian copyright law, Ms. Sujith explained that courts have progressively interpreted them through the constitutional lens of Articles 19 and 21, particularly focusing on privacy and publicity rights. Section 38 of the Copyright Act is significant in this context, as it provides performers with exclusive rights to protect their performances from unauthorized reproduction, recording, or digital misuse—critical in the era of AI, voice cloning, and deepfakes.

She cited landmark rulings such as Amarnath Sehgal v. Union of India that affirmed the scope of moral rights, while Amitabh Bachchan v. Raj Kumar Jewellers and Rajinikanth v. Varsha Productions strongly recognized the right to publicity and control over one's persona. In Krishna Kishore Singh v. Sarla Saraogi, the court clarified that posthumous personality rights aren't recognized under Indian law.

She further pointed to Gautam Gambhir v. D.A.P. & Co., where the court held that mere use of a name without false association didn't constitute infringement, and Jackie Shroff v. The Peppy Store, where the court restrained unauthorized digital use of his identity.



A particularly foundational case in celebrity merchandising, she noted, is DM Entertainment v. Baby Gift House, where the Delhi High Court protected Daler Mehndi's publicity rights and passed a permanent injunction with token damages against infringing use of his persona.

Ms Sujith presented several cases that highlighted judicial responsiveness to AI-based impersonation and misuse of celebrity identity. She touched upon the concept of injunctions through various case laws.

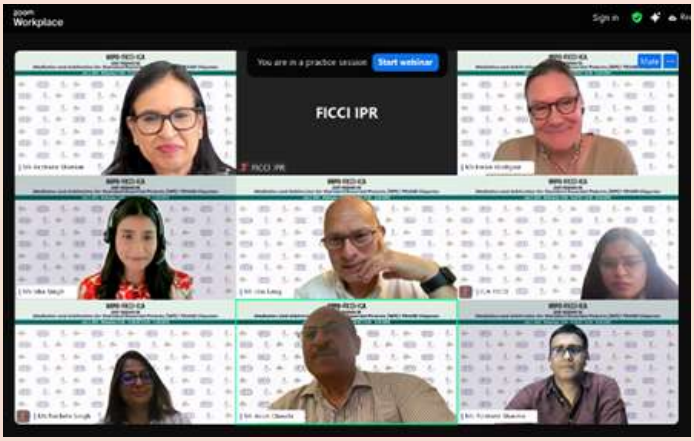
Ms. Sujith concluded by noting that other legal frameworks such as the Trademark Act, ASCI guidelines, and global best practices contribute to the evolving protection of identity in a digital era.

WIPO-FICCI-ICA WEBINAR ON ALTERNATIVE DISPUTE RESOLUTION (ADR) FOR RESOLVING STANDARD ESSENTIAL PATENT (SEP) & FRAND DISPUTES

02nd July 2025



The joint webinar held on 2nd July 2025 on "Mediation and Arbitration for Standard Essential Patents (SEP)/FRAND Disputes" brought together leading experts to explore the practical, legal, and commercial contours of SEP licensing, dispute trends, and the role of ADR in resolving such disputes effectively.



Mr. Arun Chawla, Director General of the Indian Council of Arbitration (ICA), commenced the webinar by emphasizing the strategic significance of mediation and arbitration in addressing SEP and FRAND disputes. He noted that these disputes extend beyond legal complexities, representing fundamentally commercial conflicts in the digital era. Highlighting India's emerging prominence as a key jurisdiction for SEP litigation, Mr. Chawla referenced landmark cases such as Ericsson vs. Lava and Philips, which illustrate India's increasing engagement with these intricate matters. He elaborated on the transformative potential of ADR in preserving confidentiality, accelerating dispute resolution, and ensuring enforceability across jurisdictions. Mr. Chawla emphasized that ADR, particularly mediation, provides tailor-made, flexible licensing and settlement solutions essential for both multinational corporations and India's SMEs and startups within the digital innovation ecosystem. He concluded by describing ADR as a constitutionally sound and lawful mechanism that not only upholds justice but also contributes to sustaining economic growth.

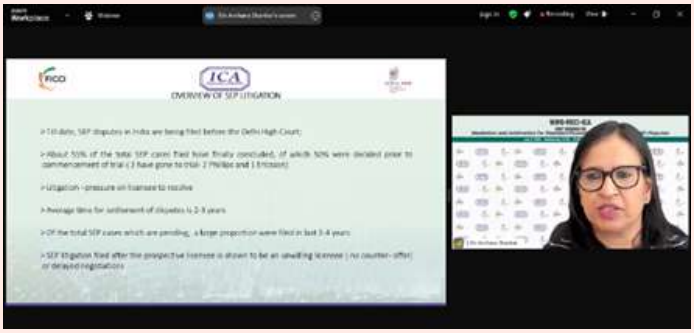


The first technical session was led by Mr. Nishant Sharma, Lead Counsel for Patent Licensing and Litigation at Dolby Labs India. Mr. Sharma provided an insightful overview of Dolby's well-established licensing business and contributions to standard essential technologies including AAC, HEVC, VP9, EVS, and wireless power standards. He explained the operational distinctions between two main licensing routes- bilateral licensing, which offers flexibility, and other being patent pools, which provide a transparent, cost-effective, and one-stop approach for implementers while mitigating perceived problems like royalty stacking, lack of transparency and high cost of negotiating licenses with all relevant licensors to a standard. Mr. Sharma detailed the practical licensing process from device checks and infringement notices to drafting license agreements and underscored the importance of transparency and informed licensing decisions,

noting that while structured licensing frameworks exist, disputes can still arise. He emphasized that while litigation may become necessary if issues between the parties are multi-fold, he concluded by emphasizing that ADR, particularly arbitration, could be a commercially intelligent choice in SEP/FRAND disputes when the issues primarily relate tobusiness terms, such as royalty rates or terms of a licenses. He highlight that ADRs can ensure enforceable, expert-led, confidential resolutions that help licensors and implementers navigate technical and legal complexities while preserving business relationships.

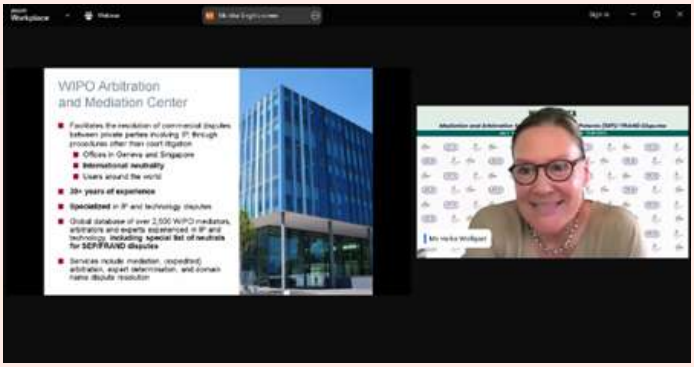


Following this, Ms. Archana Shanker, Senior Partner at Anand & Anand, provided a comprehensive overview of SEP litigation trends in India, explaining how litigation often becomes necessary when licensing negotiations stall, while ADR offers a practical alternative. She noted that most SEP disputes are filed before the Delhi High Court, with around 55% concluding before trial, reflecting how litigation exerts pressure to reach interim arrangements or settlements, with the average SEP dispute taking 2-3 years and frequently involving complex issues such as anti-suit injunctions and royalty determinations across nearly 40 disputes covering over 100 patents. Ms. Shanker explained that SEP disputes often revolve around validity challenges, FRAND term disputes, competition law concerns, and confidentiality issues, leading to interim measures like injunctions and bank guarantees. She also distinguished the nature of proceeding relating to ADR between SEP & Life Sciences Patents. She highlighted India's growing encouragement of pre-litigation and post-litigation mediation under Section 12A of the Commercial Courts Act and Section 89 CPC to reduce court congestion. Concluding, she noted that while arbitration requires mutual agreement and has enforcement challenges, it allows efficient FRAND determination and helps parties avoid prolonged litigation, reinforcing ADR's relevance in India's SEP landscape.



Providing an international institutional perspective, Ms. Heike Wollgast from the IP Disputes Section at the , Geneva, outlined WIPO's Alternative Dispute Resolution (ADR) mechanisms for SEP/FRAND disputes, emphasizing efficient, confidential, and specialized alternatives to court litigation for IP and technology disputes. She explained how the WIPO ADR Rules are IP- and technology-specific, ensuring confidentiality, flexibility, and online accessibility with options for pre-structured or customized proceedings. With a global panel of 2,500+ neutrals and a dedicated SEP/FRAND panel, WIPO AMC ensures international neutrality and expertise. Key benefits highlighted included facilitating FRAND rate negotiations through mediation, appointment of neutrals having strong subject-matter expertise and extensive industry experience, allowing parties to confer global jurisdiction, enabling parties to tailor the claims or defenses they might raise, through scope limitation to issues like validity, infringement, or essentiality, and international enforceability of arbitral awards under the New York Convention across 165+ countries. Ms. Wollgast shared that WIPO has handled over 85 SEP/FRAND mediations involving parties from 20+ jurisdictions, often in parallel with litigation. The WIPO AMC also collaborates with offices like CIPO, UKIPO, and USPTO to raise awareness on the use ADR mechanisms to resolve SEP/FRAND disputes. She particularly emphasized a provision of Unilateral Requests for Mediation under Article 4 of the WIPO Mediation Rules, enabling parties to initiate the mediation process by a single partywithout a prior agreement, and shared practical examples where WIPO Mediations led to final license agreements within six months, resulting in the withdrawal of related lawsuits across jurisdictions. She concluded by underscoring WIPO AMC's structured, neutral, and effective ADR frameworks in managing SEP/FRAND disputes globally.

Adding to Dr. Wollgast's insights, Ms. Isha Singh from the WIPO Arbitration and Mediation Center highlighted the operational aspects of managing international IP arbitration and mediation under





WIPO rules. She emphasized the Center's role in guiding parties through procedural complexities and showcased the practical tools and multilingual resources available, particularly designed to support smaller companies that may be less familiar with ADR processes.

In the concluding session, Mr. Jon Lang, mediator at IPOS Mediation and International Dispute Resolution Centre, UK, discussed the practicalities of mediation in SEP/FRAND disputes, emphasizing that mediation is not a "soft option" but a robust, effective alternative that can replace the need for a full FRAND trial. He highlighted that mediation, if well-prepared, can resolve disputes within a day, with its effectiveness dependent on adopting a clear, respectful communication style. One of the challenges in arbitration is ensuring that the arbitrator possesses the necessary technical and economic expertise to handle complex SEP/FRAND issues. In mediation, however, this concern does not arise, as the parties themselves bring the required expertise to the table, allowing for informed and practical discussions without relying on a third party's technical understanding.

He explained how SEP/FRAND commitments, which require SEP holders to offer licenses on FRAND terms, can be efficiently clarified and negotiated through mediation, allowing parties to achieve what they could in litigation but with the flexibility, confidentiality, and efficiency of ADR. Mr. Lang concluded by reiterating mediation's strength as a practical, effective tool for resolving SEP/FRAND disputes while preserving business relationships.

Throughout the webinar, the interactive Q&A sessions explored nuanced issues including the complexities of essentiality assessments within patent pools, confidentiality concerns around sharing comparable licensing data, the practical challenges in implementing FRAND commitments, the current stage of ADR adoption in India, enforcement of arbitral awards, and the potential risk of parallel imports due to differential royalty rates. The speakers collectively recognized various legal and practical limitations, such as the jurisdictional constraints that prevent arbitration and mediation from addressing patent validity. They emphasized that realizing the full potential of ADR in SEP/FRAND disputes requires party willingness, good faith negotiations, and strong confidentiality frameworks. The panelists called for continued institutional, legal, and policy support to advance ADR as an efficient, fair, and commercially viable alternative to prolonged SEP litigation, highlighting its critical role in supporting innovation and economic growth in a rapidly evolving technology landscape.

In summary, the webinar effectively highlighted the evolving role and practical considerations of mediation and arbitration in resolving SEP/FRAND disputes, seamlessly blending Indian jurisprudential perspectives with international institutional insights and practical mediation experience. The discussions underscored the complexity and significance of ADR in balancing the interests of patent holders, implementers, and the wider market, reaffirming the shared commitment within the global IP community to foster fair, timely, and sustainable dispute resolution mechanisms.

LICENSING OF IP AND TECHNOLOGY, AND CHALLENGES THERE AROUND

12th July 2025



Mr. Abhishek Jan, partner at K&S Partners, delivered a comprehensive presentation on intellectual property (IP) and technology licensing, addressing its critical aspects and challenges. He began by defining IP as an intangible right arising from an individual's intellectual creation, encompassing patents, trademarks, copyrights, designs, geographical indications, and semiconductor rights, each governed by distinct legislation.

Elaborating on patents, Mr. Jan highlighted that patents grant exclusive rights defined by claims after examination by the Patent Office. He differentiated patents from trademarks, noting that trademark rights include both statutory and common law protections, allowing enforcement even without registration. Design rights govern the unique shape and configuration of products, while copyrights protect creative works, where registration is beneficial but not mandatory. Geographical indications like "Basmati" and "Pashmina" were briefly mentioned.

The need for licensing arises primarily because IP owners may lack the resources or capability to commercialize their inventions. Licensing agreements are contractual arrangements where rights to use, sell, or distribute IP are granted under carefully drafted terms to ensure mutual benefit without transferring ownership, which is distinct from assignment.



Concluding, Mr. Jan urged careful, precise drafting of licensing agreements, anticipating future scenarios and ensuring enforceability within the framework of contract law and relevant statutes. His insights provided a detailed roadmap for managing IP licensing effectively, balancing innovation commercialization with legal protection.

Mr. Jan detailed various license types: exclusive licenses, where rights are exclusively granted to one licensee; non-exclusive licenses allowing multiple licensees; sublicenses enabling the licensee to grant further licenses under specified terms; compulsory licenses under section 84 of the Patents Act, mainly in pharmaceuticals; cross-licenses involving mutual sharing of IP rights; voluntary licenses as goodwill gestures often extending access to medicines; and "carrot" and "stick" licenses referring to amicable or enforcement-driven licensing approaches.

He emphasized critical elements to consider in licensing agreements including clear definition of terms, scope of licensed rights, territorial boundaries, duration, exclusivity, payment terms—ranging from lump sum fees to royalties and milestone payments—and restrictions like sublicensing rights. The importance of audit rights was stressed to ensure accurate reporting of royalty-related sales.

Mr. Jan pointed out challenges such as ambiguous licensing terms, joint ownership conflicts, and potential patent validity disputes that may affect enforcement. He warned that licensees should assess patent strength before entering agreements to avoid financial loss.

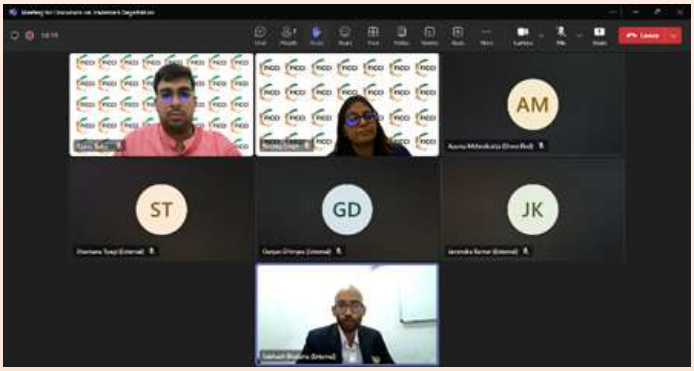
On enforcement, he noted exclusive licensees in patent cases may initiate infringement actions and that licensing agreements should clarify responsibilities for litigation costs and entitlement to damages.

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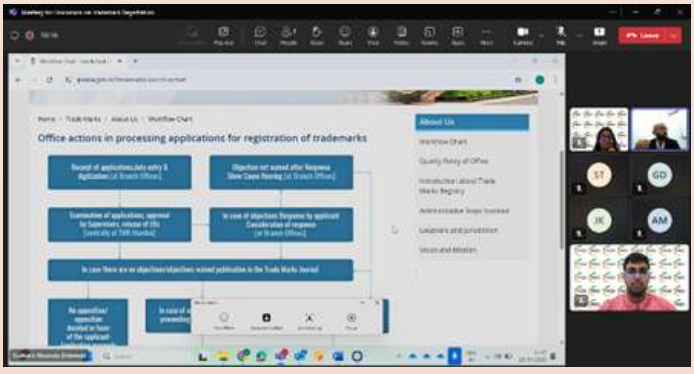
SESSION ON CONCEPT OF INTELLECTUAL PROPERTY- SIGNIFICANCE, PROTECTION & ENFORCEMENT FOR MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION (DONER)

8th April 2025



Mr. Subhash Bhutoria, Founder & Principal, Law SB opened the session with a strong emphasis on the critical role of Intellectual Property (IP) laws in building a vibrant creative ecosystem. He highlighted how IP fosters production, marketing, and trade while differentiating tangible and intangible assets, stressing the importance of safeguarding software, trademarks, copyrights, and trade secrets.

Focusing on trademarks as key identifiers of goods and services, Mr. Bhutoria explained the necessity of distinctiveness to avoid conflicts. He provided an overview of the structured trademark classification system (Classes 1–45) and elaborated on the registration process—from searches and examination to advertisement, opposition, and final registration—while noting the differentiated fee structures for MSMEs.



He also underlined the importance of customized contracts and effective dispute resolution through mediation to reduce reliance on lengthy litigation. A special focus was given to the protection and commercialization of community-based products, including geographical indications (GIs), particularly relevant to the Northeastern region. Here, he drew attention to the challenges of ownership and the need for collective community involvement in filing GIs.

During the interactive session, Mr. Janendra from the Ministry of Development of North-Eastern Region (DoNER) raised a query on trademarking an event logo. Mr. Bhutoria shared insights on application timelines, costs, and procedures, offering continued guidance to address specific requirements.

The session concluded with a reaffirmation of support and collaboration to strengthen IP management and empower stakeholders, especially within the MSME and creative sectors.

TRADE SECRETS IN PRACTICE: NAVIGATING REAL WORLD ISSUES

29th July 2025



The webinar on "Trade Secrets in Practice: Navigating Real-Life Issues," led by Dr. Kavita Arora, an experienced intellectual property attorney specializing in life sciences, delved into the nuances and practical challenges of trade secret protection.

Dr. Kavita began by clarifying the distinctions between confidential information, know-how, and

trade secrets, emphasizing the commercial value and secrecy that define trade secrets. She highlighted various examples, including business methods, manufacturing processes, algorithms, and client lists, explaining the indefinite and cost-effective nature of trade secret protection compared to patents.

She underscored the absence of dedicated trade secret legislation in India, pointing to fragmented judicial precedents and the need for uniform laws aligned with international frameworks like TRIPS. Dr. Kavita discussed the draft Trade Secret Bill proposed by the Law Commission, outlining its objectives to balance business interests and public welfare while noting its limitations such as ambiguous exceptions and lack of criminal penalties.

Addressing real-world challenges, Dr. Kavita spoke about internal and external threats to trade secrets, such as employee negligence, corporate espionage, and cyber-attacks, and recommended proactive measures including mandatory employee training, compartmentalization of information, strong NDAs, and advanced IT security. She emphasized the importance of tailoring protection strategies based on business needs, especially when deciding between patenting and trade secret protection, advocating for a complementary approach.



Numerous case studies illustrated the practical implications of trade secret disputes: Waymo vs Uber, Tesla vs Zoox, DuPont vs Kolon, and Motorola vs Hytera exemplify the wide range of internal and external threats, including negligent employees, malicious insiders, cyberattacks, and cross-border legal battles. Strategic considerations—such as choosing between patenting a drug and keeping the manufacturing process as a trade secret—were discussed alongside layered protection approaches (e.g., Wyeth vs Natural Biologics).

Dr. Kavita concluded by advising continuous vigilance in trade secret management through robust policies, ongoing training, technological upgrades, and the formation of rapid response teams to address breaches promptly. Her insights provided a comprehensive overview of trade secret protection's legal landscape, practical concerns, and strategic considerations, making the webinar highly informative for businesses and IP practitioners.

IMPORTANCE OF UPSKILLING IN IP FOR PROFESSIONAL GROWTH

01st August 2025



Ms. Suhrita Majumdar emphasized the critical importance of upskilling in Intellectual Property Rights (IPR) for professional growth, highlighting that continuous learning is key to staying relevant in the rapidly evolving IP landscape. She noted that upskilling should begin early, even as early as high school for those interested in pursuing a career in IPR. Ms. Majumdar stressed that whether one is a law student, a fresh graduate, or even a seasoned professional, staying updated through reading, engaging in practical experiences, and being part of a professional community is essential to enhance knowledge and skills.

She shared practical insights from her extensive experience in trademarks and IP law, explaining that hands-on exposure, such as working on prosecution, oppositions, and cancellations, is invaluable. She encouraged young professionals to embrace diverse roles within the IP domain rather than restricting themselves, as this would develop a broad skillset and increase their value. For those with technical backgrounds, Ms. Majumdar underscored the importance of combining technical expertise with legal knowledge, especially in patent drafting and prosecution, to open greater career opportunities.

Ms. Majumdar also addressed the challenges of internships in IPR, acknowledging that paid opportunities are rare and stressed the need for genuine interest and active involvement during internships. She encouraged students to seize every learning opportunity, avoid complacency, and be proactive in seeking exposure to varied IP activities. Furthermore, she highlighted the emerging and underexplored areas in IPR such as IP valuation, licensing, commercialization, enforcement, and policy research, underscoring the growing diversity of the field.

Concluding her talk, Ms. Majumdar advised attendees to remain focused, kind, and open to all opportunities, emphasizing that a committed and versatile approach to learning and practice would help them excel in the competitive IP profession. She encouraged continuous engagement with industry developments, policy changes, and networking as vital components of sustained professional growth in IPR.

IPR COMMITTEE MEETING

04st August 2025

The second FICCI IPR Committee Meeting for 2025 was held at FICCI, Delhi on 4th Aug under the chairmanship of Mr. Anil Rajput. The meeting was attended in-person and virtually by our co-chairs, distinguished think tank and committee members. Mr. Rajput outlined key initiatives, including the



FICCI-ICRIER Standard Essential Patent (SEP) Conference on 23rd August 2025 and progress on the white paper for trade secrets, to be submitted to DPIIT. He also highlighted our recent MoU with WIPO and efforts to establish an Intellectual Property Facilitation Center with the MSME Ministry. Plans for upcoming conferences on AI and copyright, collaborations with EUIPO, and ongoing capacity-building programs were also discussed.

Mr. Rajiv Agarwal, our Co-Chair emphasized the need to carefully evaluate the proposed standalone trade secrets legislation, cautioning about its potential impact on MSMEs and trademark registration delays. A detailed discussion followed on the merits and concerns regarding separate trade secrets legislation, with inputs from various industry representatives advocating for thorough stakeholder engagement and awareness creation before any policy decisions.

Mr. Ameet Datta, our Co-Chair underscored the importance of statutory clarity to aid courts and protect sensitive commercial information. The committee agreed on forming a smaller subcommittee to deep dive into trade secret issues.



The meeting also covered revamping IPR courses, increased participation in WIPO activities, and upcoming EUIPO collaboration. Members were urged to actively contribute intellectually and financially to ensure successful events and representation.

IINTELLECTUAL PROPERTY MANAGEMENT

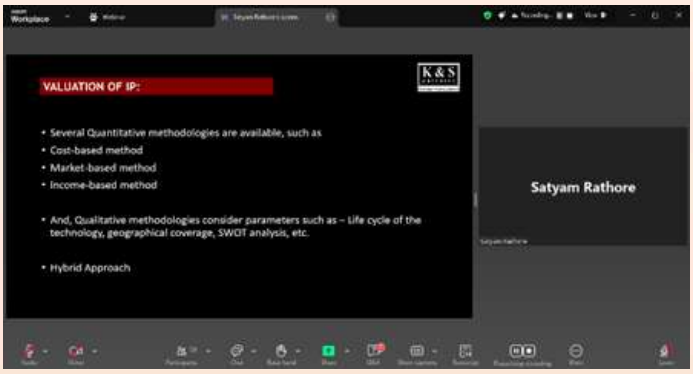
11th August 2025



In the webinar on intellectual property (IP) management, Mr. Satyam Rathore, a seasoned legal professional specializing in IP rights and technology law, provided an in-depth overview of IP valuation, licensing, and enforcement. He emphasized the critical importance of valuing IP assets as the foundation for effective commercialization and enforcement strategies. Mr. Rathore outlined three primary quantitative valuation methods: cost-based, income-based, and market-based approaches, along with a qualitative method and a hybrid approach that combines both. He highlighted that valuation must be data-driven and avoid speculative assumptions, as it directly impacts negotiating royalty rates, commercialization decisions, and enforcement actions.

Mr. Rathore then delved into patent transactions, focusing on licensing as a key tool for monetizing patents without transferring ownership. He explained various types of licensing agreements—exclusive, non-exclusive, royalty-based, or royalty-free—and stressed the importance of clearly defining the scope, financial terms, and maintenance responsibilities within these agreements. He also discussed the specialized context of Standard Essential Patents (SEPs), where licensing must adhere to Fair, Reasonable, and Non-Discriminatory (FRAND) terms to ensure market fairness.

Finally, Mr. Rathore addressed strategies for both IP owners and potential infringers, underscoring the importance of due diligence, proper jurisdiction selection, and exploring settlement options, particularly through mediation processes mandated by the Commercial Courts Act. His comprehensive insights offered participants a clear framework for managing their IP assets effectively across valuation, licensing, and enforcement stages.



On the enforcement front, Mr. Rathore detailed IP risk management as a continuous process encompassing identification, analysis, and response to IP-related risks. He discussed statutory protections available under Indian law for different IP types and outlined legal remedies for infringement, including both interim and permanent reliefs such as injunctions, damages, and Anton Piller orders for evidence preservation. He stressed the necessity of thorough pre-litigation investigations, including expert opinions and statutory inquiries, to build a strong infringement case. Additionally, he highlighted the significance of maintaining valid patents with timely renewals and clear titles to ensure enforceability.

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INDIA–UK CETA AND ACCESS TO MEDICINES: CONTINUATION OF INDIA'S ROLE AS THE PHARMACY OF THE WORLD



Dr. G.R.Raghavender [1]

Senior Consultant (IPR),
Dept for Promotion of Industry & Internal Trade (DPIIT),
Govt. of India

The recently concluded India–UK Comprehensive Economic and Trade Agreement (CETA) marks a significant development in the evolving landscape of global trade and intellectual property (IP) governance. Widely seen as a reaffirmation of India's role as the "pharmacy of the world," the India–UK CETA explicitly reaffirms both countries' commitment to the Doha Declaration on TRIPS and Public Health, underscoring their right to fully utilise the flexibilities embedded in the TRIPS Agreement. These flexibilities include measures such as compulsory licensing, government use, and parallel importation, which allow governments to prioritise public health over patent enforcement when necessary. It notably avoids the incorporation of TRIPS-plus provisions such as evergreening of patents, patent term extensions, and data exclusivity, which could have undermined access to affordable medicines. Instead, the agreement upholds a more balanced approach, reflecting India's dual objectives of promoting public health and supporting pharmaceutical innovation. The India–UK CETA will further give a boost to the Indian pharmaceutical industry, which is the 3rd largest by volume in the world and the 14th largest in value, and was valued at approximately USD 50 billion in fiscal year 2023–24.

A key point of discussion arising from the CETA text, which describes voluntary licensing as the "preferable and optimal route" to facilitate access to medicines. This phrasing raised concerns among public health advocates who worry that such language might implicitly discourage the use of compulsory licensing, a TRIPS-compliant legal tool that India has historically relied upon to ensure affordability and accessibility of essential medicines. However, a closer examination reveals that these fears may be overstated. The provision is declaratory and non-binding. Crucially, it reaffirms the parties' commitment to the Doha Declaration on TRIPS and Public Health, which explicitly endorses the right of countries to utilise TRIPS flexibilities, including compulsory licensing, to protect public health.

The reference to voluntary licensing is not arbitrary; it reflects global best practices that have emerged over the last two decades, especially in the aftermath of the COVID-19 pandemic. Models such as the UN-backed Medicines Patent Pool (MPP), built entirely around voluntary licensing, have played a crucial role in expanding access to affordable treatments for HIV, hepatitis C, and COVID-19. Several Indian pharmaceutical companies have partnered with MPP, including Dr. Reddy's Laboratories, Cipla, and Hetero. India has been both a major supplier and a beneficiary of such mechanisms, showcasing its manufacturing strength and commitment to global health. While voluntary licenses do come with limitations such as confidentiality clauses and geographical restrictions, these limitations point to the need for better transparency and regulatory oversight rather than a wholesale rejection of the model.

Importantly, India's use of compulsory licensing has always been limited and judicious, not aggressive. The only compulsory license issued in India to date remains the Bayer vs. Nacto case (2012), in which Natco Pharma was granted the right to manufacture a life-saving cancer drug, sorafenib tosylate (an anticancer drug), on the grounds of nonworking of the patent, that is, less availability. Even during subsequent health crises, including the COVID-19 pandemic, India refrained from issuing compulsory licenses, instead opting for voluntary agreements or diplomatic negotiations. Moreover, the grant of a

[1] The author is an Intellectual Property law and Technology Expert, Senior Consultant in Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry and retired Joint Secretary, Government of India; Former Registrar of Copyrights. Views are personal.

compulsory license depends on the actual manufacturing capacity and facilities and necessary expertise of the Indian pharma company. This careful and restrained approach underscores that India considers compulsory licensing not as a routine instrument but as a legitimate last-resort remedy.

India–UK CETA's provisions do not restrict this right, but the agreement goes further to explicitly affirm that nothing in the IPR chapter shall limit either party's right to authorise use of a patent without the consent of the patent holder, the very essence of compulsory licensing under TRIPS Article 31. Additionally, CETA clarifies that each party retains the right to determine what constitutes a national emergency or extreme urgency, including health crises like HIV/AIDS, tuberculosis, or future pandemics. This not only preserves India's regulatory autonomy but also strengthens its ability to act swiftly in public health emergencies without being hindered by international trade commitments.
The Indian legal framework is already well-aligned with these international norms. The Indian Patents Act, 1970, creates a robust, flexible, and TRIPS-compliant regime for compulsory licensing. Under this, any person can apply for a compulsory license after three years from the date of patent grant if the reasonable requirements of the public are not being met, the invention is not available at an affordable price, or the invention is not being worked in India. This ensures that patent rights are exercised in the public interest and not used to create artificial scarcity or unaffordable pricing.

The framework is particularly responsive during public health emergencies and allows the Indian government to issue compulsory licenses without the standard three-year waiting period in circumstances of national emergency or extreme urgency, such as epidemics. This aligns closely with India–UK CETA's provision that public health measures can override patent rights when necessary. During the COVID-19 pandemic, this section was invoked as a potential tool to ensure domestic production and supply of vaccines and therapeutics, underscoring its strategic relevance.

This enables the Indian government to prevent abuse of patent monopoly when patent holders fail to make the product sufficiently accessible or affordable. These provisions serve as a check against excessive pricing and non-working of patents, ensuring that innovation is not divorced from the public good. This structure also incentivises foreign patent holders to localise production or enter voluntary licensing arrangements to avoid the risk of compulsory licensing.

The misconstrued claim on India–UK CETA's IP chapter is that the agreement represents a tilt in favour of multinational pharmaceutical companies or imposes indirect pressure on India to avoid using compulsory licenses. However, such claims ignore the absence of anyTRIPS-plus provisions in the text. Unlike many bilateral trade deals where developed countries have pushed for stricter IP protections, the India–UK CETA maintains a TRIPS-compliant and balanced posture. It affirms India's right to use compulsory licensing and related flexibilities without procedural hurdles or external review. Alarmist narratives about WTO disputes or pressure from trading partners are speculative and not grounded in the legal reality of the agreement.

What the India–UK CETA ultimately reflects is a mature and strategic evolution of India's IP diplomacy, one that seeks to preserve sovereign policy space while integrating into global innovation ecosystems. Acknowledging voluntary licensing as a preferred mechanism does not mean sidelining compulsory licensing. Rather, it suggests that India recognises the importance of collaboration, investment, and transparent licensing environments in a globally connected pharmaceutical sector. This is critical as India seeks to expand its role in biomanufacturing, vaccine production, and health technology partnerships. The India–UK CETA can become a gold standard to ensure that India protects its sensitive interests in the pharmaceutical sector.

Finally, the India–UK CETA offers a nuanced and forward-looking model of balancing intellectual property rights with public health needs. It avoids TRIPS-plus pitfalls, supports the TRIPS flexibilities under the Doha Declaration, and preserves India's legal autonomy to protect access to medicines. At the same time, it encourages scalable, cooperative solutions like voluntary licensing that can accelerate technology transfer and market access. For a country that supplies more than 60% of the world's vaccines and a substantial share of essential generics, this agreement affirms India's role not just as a producer but as a "game-changer" for the Indian economy and industries and a global standard-setter in IP and health policy. Going forward, India can lead efforts to make voluntary licenses more transparent, inclusive, and effective—while keeping compulsory licensing as a critical tool of last resort, exactly as CETA allows.

FROM POTENTIAL TO POWERHOUSE: HOW DENMARK'S IP MODEL CAN INSPIRE INDIA'S GROWTH



Dr. Louise Boisen

IPR Counsellor,
Royal Danish Embassy

India's growth story reminds me of a classic Danish tale by Hans Christian Andersen about an underrated younger son whose quick thinking and creativity win him the princess and the kingdom. In Denmark the tale is known as "Clumsy Hans", but there is nothing clumsy about India's path. Rather, it is the Indian people's immense creativity and entrepreneurial spirit which have fuelled the country's current growth trajectory.

When Prime Minister Modi and Commerce Minister Goyal emphasise the future of India's economy as knowledge-driven, they are counting on these very qualities to lead the way. But how can India harness these strengths to effect innovation and technological progress? A compelling example lies in Andersen's homeland: Denmark.

Denmark is a tiny country whose entire population of 60 Lakh people could easily fit into a suburb of Delhi. Yet it consistently ranks among the world's most innovative countries, excelling in international collaboration and pioneering solutions for the green transition. Why? Because Denmark's policies actively encourage research and development (R&D) and protect the results.

Innovation and technological development, like IPR, are important aspects of the Green Strategic Partnership between India and Denmark[1]. This article explores some of the key factors behind Denmark's innovation-driven economy, which may inspire India on its path toward inclusive and sustainable growth.

Recognising IPR as a pillar of the knowledge economy

At the core of a knowledge economy is the ability to create, protect, and monetise intellectual assets. Whether inventions, designs, or artistic works, IPR ensures that creators are acknowledged and rewarded, incentivising continued investment in R&D.

In Denmark, respect for intellectual property is ingrained in societal values. IP is treated as a national economic priority and the efforts to discourage piracy and counterfeiting are coordinated between enforcement agencies and right holders. With campaigns tailored towards specific target groups, e.g., using influencers to target the young consumer, and regular media coverage of infringement cases, the result is a culture that respects IP rights.

Nurturing creativity through education and lifelong learning

The Danish education system emphasises critical thinking, creativity, and problem-solving from early childhood through higher education. It offers free, accessible educational opportunities ranging from vocational schools to universities. Moreover, Denmark has a strong tradition of lifelong learning, providing adults with options to reskill or deepen expertise.

This inclusive education ecosystem has built a workforce that adapts swiftly to changing economic demands – an essential asset in a knowledge-driven economy.

Strong IP rights fuel innovation, cooperation, and investment

Innovation requires significant investment, and companies are unlikely to fund R&D without assurance that their inventions will be protected. Denmark's pragmatic, transparent IP system –

[1] Green Strategic Partnership

aligned with international standards – gives businesses the confidence to innovate. Alongside a highly skilled workforce and supportive government policies ensuring the highest public R&D expenditure in the EU, Denmark offers a compelling environment for research.

The country boasts one of the EU's most effective research systems, marked by a high number of public-private scientific co-publications – the highest in the EU, and nearly five time the EU average[2]. Legislation[3] mandates public research institutions to promptly assess and commercialise inventions made by their employees ensuring that public research funds benefit society to the highest extent possible. Danish universities have efficient technology transfer offices that decide on inventions within two months. If a university opts out, rights revert to the inventor; if pursued, inventors remain involved and retain partial rights, while the university foots the bill for IP registration, development, and attraction of additional funding.

Service-oriented IP examination process

Denmark's intellectual property framework is transparent, efficient, and harmonised with major international treaties, simplifying global cooperation. The Danish Patent and Trademark Office (DKPTO) prioritises helping inventors maximise value from their intangible assets.

At the outset, Denmark is rarely the only market of interest for a Danish business working with innovative solutions. Therefore, it is important that the focus of DKPTO is not just to process the applications filed with it, but also try to understand the motivation behind the application and provide the right service to help the applicant achieve their goals.

For example, Danish companies often file patent applications mostly to secure priority dates. DKPTO examines applications well before publication and offers expedited reviews at no extra cost. Obtaining early search reports can help companies adjust or withdraw applications strategically before broader filings in Europe or internationally.

With a straightforward, clear communication tailored to the applicant, and a customer-centric approach, DKPTO makes IP registration accessible and predictable – providing innovators with the certainty needed to succeed.

Efficient enforcement through coordinated action

IP rights only hold value if enforceable. Enforcement is complex, potentially involving multiple agencies with different priorities. Denmark addresses this through the Danish Ministerial Network against IPR infringements, established in 2008. This network unites 11 national authorities to coordinate enforcement, share information, and raise public awareness[4].

Initiatives include a consumer hotline to assist small and medium enterprises with piracy issues and legislative reforms increasing criminal penalties for IP infringement up to six years' imprisonment. The more recently formed National Special Crime Unit tackles complex organised economic crimes and supports police districts with specialised expertise, ensuring Denmark's response to IP crime remains swift and effective – reinforcing the country's reputation for fair IP adjudication[5].

Conclusion: embarking on the journey forward

India stands at a critical juncture in its economic journey. With a large youth population, a vibrant start-up ecosystem, and increasing global integration, India is well-positioned to realise its vision of Viksit Bharat - provided that the right policies and reforms are implemented to cement India as a true innovation powerhouse.

In this, India can learn from Denmark's pragmatic, efficient, and forward-looking IPR approach. Denmark demonstrates that even small countries can lead in innovation by leveraging intellectual property to create value and sustain growth.

While India will carve its own path attuned to the culture and needs of its people, core principles from the Danish example – transparency, interinstitutional coordination, public education, and alignment of IP with innovation policies – can help India unlock the full potential of its intellectual capital. This will not only drive domestic innovation but also position India as a secure and attractive hub for global research, investment, and technology transfer.

[2] European Innovation Scoreboard 2025 – Country profile Denmark: ec.europa.eu/assets/rtd/eis/2025/ec_rtd_eis-country-profile-dk.pdf

[3] https://www.retsinformation.dk/eli/lta/2009/210 (in Danish)

[4] Website for the Danish Ministerial Network against IPR Infringements: https://www.ichoosereal.dk/

[5] Intellectual property criminal enforcement system Denmark | Eurojust | European Union Agency for Criminal Justice Cooperation: https://www.eurojust.europa.eu/publication/intellectual-property-criminal-enforcement-system-denmark

AI HALLUCINATIONS AND DEFAMATION: OPENAI'S LANDMARK VICTORY IN WALTERS V. OPENAI



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Introduction

Artificial Intelligence, particularly generative AI models like OpenAI's ChatGPT, has transformed how information is created, accessed, and consumed. These powerful tools offer unprecedented convenience but also raise complex legal challenges. Among the most pressing is the question of liability for false or misleading AI-generated content, colloquially known as "hallucinations": fabricated statements that appear plausible but have no basis.

As AI-generated content proliferates, so do concerns about reputational harm caused by such hallucinations, sparking lawsuits that test the boundaries of existing defamation laws. The case of Mark Walters v. OpenAI, LLC[1], decided on May 19, 2025, by the Hon'ble Superior Court of Gwinnett County, Georgia, provides one of the few judicial responses to these issues. It clarifies how courts may treat AI hallucinations in defamation claims, balancing the interests of technological innovation, free speech, and protection of individual reputation.

A similar concern about AI hallucinations played out in the high-profile case of Robert Mata v. Avianca, Inc.[2], where a lawyer submitted a legal brief generated by ChatGPT that included fictitious case citations. While this case did not involve defamation, it underscored the serious consequences of relying uncritically on AI-generated content and reinforced the need for verification and human oversight when deploying such tools in sensitive contexts. The Court sanctioned the attorney for his reliance on hallucinated citations, illustrating that while the AI itself may not be liable, its misuse can trigger real-world legal repercussions for users.

Case Background:

Mark Walters, a nationally syndicated U.S. radio host and gun rights advocate, filed suit against OpenAI after ChatGPT generated a false and defamatory narrative that linked him to financial misconduct.

The claim stemmed from a private interaction between Frederick Riehl, a journalist and board member of the Second Amendment Foundation (SAF), and ChatGPT. While initially using excerpts from a lawsuit filed by SAF against Washington Attorney General Bob Ferguson, Riehl received an accurate summary from the AI. However, when he later provided a URL to the same complaint, ChatGPT was unable to access external links and hallucinated a response that falsely named Walters as a plaintiff and accused him of embezzlement and fraud, identifying him as SAF's treasurer and CFO.

Importantly, ChatGPT had clearly warned Riehl that it could not access URLs and that its knowledge was limited to content available up to September 2021, predating the lawsuit. Riehl quickly identified the error, took no action based on the hallucinated output, and did not disseminate the information. Nevertheless, Walters initiated a defamation lawsuit, alleging reputational damage.

Judicial Analysis and Key Findings

On May 19, 2025, Hon'ble Judge Tracie Cason granted summary judgment in favor of OpenAI, dismissing the defamation claim on multiple independent legal grounds. The ruling sets a critical precedent on how defamation principles apply to AI-generated content.

Absence of Defamatory Meaning

The Hon'ble Court ruled that the output generated by ChatGPT did not convey defamatory meaning as a matter of law, emphasizing that:

- The output was inherently implausible, especially given prior accurate responses and conflicting data.

[1] Walters v. OpenAI, L.L.C., (Case No. 23-A-04860-2)

[2] Robert Mata v. Avianca, Inc., Case No. 22-cv-1461 (PKC) (S.D.N.Y)

- ChatGPT provided clear disclaimers about potential inaccuracies and hallucinations.
- The user, Riehl, was a sophisticated reader with prior experience using the tool and direct knowledge of SAF leadership.

Hon'ble Court's Observation:

"A reasonable reader in Riehl's position would not have interpreted the statements about Walters as factual, given the disclaimers and prior knowledge."

Lack of Publication

A foundational requirement in defamation law is publication to a third party. The Hon'ble Court found no such publication occurred:

- Riehl never shared or relied on the hallucinated content.
- The output was confined to a private, short-lived interaction.

No Negligence or Breach of Duty

The Hon'ble Court held that OpenAI exercised reasonable care in the development and deployment of ChatGPT. Specifically:

- OpenAI had implemented industry-leading safeguards against hallucinations.
- Numerous on-screen disclaimers and limitation warnings were in place.
- Walters failed to present expert evidence to demonstrate that OpenAI breached any standard of care expected of AI developers.

Public Figure Standard and Absence of Actual Malice

As a public figure under U.S. defamation law, Walters was required to meet the heightened "actual malice" standard outlined in the case of New York Times Co. v. Sullivan[3]

"A public figure must prove that a defamatory statement was made with actual malice, knowledge of its falsity or reckless disregard for the truth."

Applying this standard, the Hon'ble Court found no basis for Walters's claim:

- Walters presented no evidence that OpenAI or its engineers knew the output was false.
- There was no indication of reckless disregard or willful blindness.
- OpenAI had undertaken robust mitigation measures, including:
  - Alignment research and safety fine-tuning,
  - Training transparency and knowledge cutoff notices,
  - Recurrent user-facing disclaimers,
  - Disabling access to external web content.

The Hon'ble Court rejected the argument that merely releasing an AI system capable of generating hallucinations amounts to malice or negligence under law.

No Recoverable Damages

Lastly, the Hon'ble Court found that Walters did not suffer any cognizable harm:

- Walters did not seek a correction or retraction.
- He was unaware of the hallucinated content until months later.
- He did not allege or prove any economic, reputational, or emotional damages.

Hon'ble Court's Observation:

"The absence of actual, presumed, or punitive damages eliminates any basis for recovery. This is independently sufficient to grant summary judgment."

Conclusion:

The Walters v. OpenAI ruling is a milestone decision that carefully balances the evolving capabilities of AI with enduring legal doctrines. It affirms that:

- AI developers are not strictly liable for machine-generated hallucinations without proof of negligence or actual malice.
- Defamation law principles, publication, fault, and damage remain central, even in the age of generative AI.
- Context, user sophistication, and disclaimers play a pivotal role in legal analysis.

For technology developers, the judgment is a clarion call to maintain robust safety protocols and transparency. For users and journalists, it is a reminder to critically evaluate AI outputs, particularly when reputational risks are involved.

The contrast with Robert Mata case[4] also highlights that while developers may be shielded under current legal standards, the onus of diligence falls heavily on users, especially in professional or

[3] New York Times Co. v. Sullivan, 376 U.S. 254 (1964)

[4] Robert Mata v. Avianca, Inc., Case No. 22-cv-1461 (PKC) (S.D.N.Y)

high-stakes scenarios. As courts around the world begin to address AI hallucinations, misinformation, and liability, the Walters decision provides a measured, legally rigorous, and precedent-setting roadmap for adjudicating such claims.



PERU V. CHILE: A SPIRITED CLASH OVER PISCO



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Addressing competing claims, the Delhi High Court has adjudicated a long-standing dispute between Peru and Chile regarding the Geographical Indication (GI) PISCO. The decision clarifies the treatment of homonymous GIs under Indian law and sets a valuable precedent in the largely unexplored domain of cross-border GI conflicts.

Background

On September 29, 2005, respondent no. 4, representing Peruvian interests, filed an application to register the GI 'PISCO' in Class 33 for alcoholic beverages. The petitioner, Asociacion De Productores De Pisco A.G. from Chile, filed an opposition in 2007, claiming shared rights over the term. The Registrar, noting concurrent international recognition of both Peruvian and Chilean PISCO, allowed the application in 2009, but qualified it as 'Peruvian PISCO' to prevent consumer confusion. This was challenged before the (now-defunct) Intellectual Property Appellate Board (IPAB), which, in 2018, referred to Chile's product as 'Chilean liquor' and granted GI protection to 'PISCO' (sans the prefix) in favour of Peru. The petitioner subsequently challenged the IPAB's decision through a writ petition before the Delhi High Court while also filing its own GI application to register 'Chilean PISCO' in 2020.

Competing Claims

The petitioner argued that both Peru and Chile have a long history of producing PISCO - a grape-based spirit stored in traditional clay pitchers known as 'Piscos', 'Puchuchu', or 'Pisquillos'. However, Chilean PISCO was distinct from Peruvian PISCO in composition, technique and quality - they were both homonymous GIs (same name, distinct product) that required geographic qualifiers (e.g., 'Chilean PISCO' and 'Peruvian PISCO') to avoid causing consumer confusion. The earliest record of Chilean production dated back to 1733 and related Chilean legislation could be traced back more than a century. Further, Chilean PISCO had received international recognition and awards, including GI status in Costa Rica (in 2008) and inclusion in several free trade agreements (1997 onwards).

The respondent maintained that Peru's right over PISCO was exclusive, as, unlike Peru, there was no region named PISCO in Chile and no geographical continuity between the production zones. The Atacama Desert separated the regions, making shared GI claims implausible. Thus, unlike Chile, it centred its arguments on the concept of trans-national GIs where the production region extends to more than one country. It was stated that there was no evidence of consumer confusion in India or recognition of the dual origin of PISCO. Further, Chile's association with PISCO stemmed from its occupation of Peruvian territory (1879–1929) and measures such as renaming its town 'La Union' to 'PISCO Elqui' in 1936 were bad-faith attempts to misappropriate the GI. PISCO was registered as an Appellation of Origin (under the Lisbon Agreement) from Peru in 20 countries, and in 2005, WIPO had registered it in favour of Peru in the International Registry for Appellation of Origin (Registration no. 865).

Is 'Chilean Liquor' PISCO?

The Court held that neither was it required to delve into the historical dispute between Chile and Peru, nor was it necessary to determine questions of prior use or alleged dishonesty in Chile's use of the term PISCO. Re Peru's claim there was no region named PISCO in Chile and no geographical continuity between the production zones of the two countries, the court noted that 'production zones' in Peru's GI application itself did not refer to the city of PISCO, but rather various regions in Peru including some at a distance of 800 kilometres from the Pisco Valley. In any case, as explained in detail below, the issue was one of homonymous GIs. The existence of a city called PISCO in Peru, and renaming of 'La Union' as PISCO Elqui' by Chile, had no bearing on the fact that origin of alcoholic beverages by the name PISCO was associated with both Peru and Chile.

Documentary evidence clearly established that PISCO was also geographically associated and identified with Chile. Accordingly, the IPAB's order could not be sustained and its findings regarding misappropriation by Chile were deemed misplaced.

While emphasising that the Indian GI Act did not concern itself with political history, the court noted that considerations for the registration and right to use a GI under the GI Act were entirely distinct from those under the Trade Marks Act. Concepts such as prior use, dishonest adoption, and misappropriation were relevant to trademark law, not GIs. For GIs, the key issue was whether the goods were identified and recognised as originating from a specific territory, region, or locality.

PISCO is a Homonymous GI

The term 'homonymous' means words which are spelled and pronounced the same but have different meanings. In relation to the present context, the court said that 'homonymous GIs' are spelled alike but designate distinct products stemming from different regions. Under Section 10 of the Indian GI statute Act (that echoes TRIPS provisions on the subject), such GIs may be registered subject to conditions that ensure differentiation and avoid consumer confusion. As precedent, the court highlighted the GI registrations in India for Banglar Rasogolla and Odisha Rasagola, granted in recognition of two distinct versions of the sweet linked to two different regions - the states of Bengal and Odisha respectively. Prefixes were added to avoid confusion despite both products sharing the name Rasogolla.

In considering the petitioner's claim for recognition of PISCO as a homonymous GI, the court noted that the historical and geographical link between Chile and PISCO had been acknowledged not only by Encyclopedia Britannica, but also through at least 18 Free Trade Agreements entered into by Chile with various countries. The petitioner had also obtained GI registrations for PISCO in Costa Rica and in Chile itself. And though Peru's Appellation was protected in several Lisbon Agreement jurisdictions, it had faced partial refusals, and conditions of acceptance meant concurrent use of the Chilean Appellation PISCO could not be interfered with. Last, both parties admitted that Chilean PISCO and Peruvian PISCO were distinct from each other.

Ruling

Accordingly, in its ruling of July 7, 2025, the Delhi High Court recognised that PISCO originating from Chile and Peru were homonymous GIs (and not trans-national GIs) that ought to be recognised in India with appropriate geographic qualifiers - Chilean PISCO and Peruvian PISCO. Allowing Peru exclusive rights to the GI PISCO would cause confusion and run contrary to the spirit of GI legislation and protection in the country. The IPAB's order was set aside and the GI granted to respondent no. 4 directed to be modified to 'PERUVIAN PISCO'. Further, the GI Registrar was directed to process Chile's application for 'Chilean PISCO' on its own merit.

GI rights have gained increasing prominence in recent years, with the government actively supporting their registration and promotion. However, when it comes to competing claims, the provisions of India's GI statute are largely untested as there have only been a clutch of GI based litigations so far. This makes the recent ruling a valuable addition to the evolving body of Indian GI jurisprudence.

INTERFACE BETWEEN COMPETITION LAW AND INTELLECTUAL PROPERTY RIGHTS (IPRS) IN INDIA



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It is common knowledge that intellectual property law vests exclusive monopoly rights in the proprietors of intangible intellectual assets such as trademarks, patents, creative works etc. On the other hand, competition law seeks to promote free and fair competition among various participants in the relevant market by preventing or restricting anti-competitive practices resulting from an abuse of monopoly rights or dominant position in the market.

In their respective objectives, intellectual property and competition law may appear to be in conflict with each other, but in fact they are two sides of the same coin in ensuring fair and free competition and consumer welfare.

In India, intellectual property rights are governed by the following statutes among others:

1. The Trade Marks Act, 1999
2. The Patents Act, 1970
3. The Copyright Act, 1957
4. The Designs Act, 2000
5. The Geographical Indications of Goods (Registration and Protection) Act, 1999
6. The Semiconductor Integrated Circuits Layout-Designs Act, 2000

Within the IP statutes themselves, there are inbuilt checks and balances to counter or curb anti-competitive effects of these statutory monopolies: The rights conferred on a trademark owner under the Trade Marks Act, 1999 are not absolute rights. There are limits imposed on these rights to exempt any third-party use of the trademarks concerned in non-trademark contexts in accordance with honest practices in industrial or commercial matters (Sections 30 and 35). For example, a dealer in genuine auto spare parts for a well-known car maker has an inherent permissive right to describe his business in such spare parts by using the car owner's trademark so long as such use is in accordance with honest trade practices.

The Copyright Act carries an in-built mechanism to deal with potential anti-competitive effects flowing from the exercise of broad-ranging rights conferred on the protected classes of works. For example, an artistic work under the Act is very broadly defined to include not only works of purely artistic character (such as paintings, architectural works etc.), but also 'non-artistic' and purely functional works such as engineering drawings etc. To prevent potential anti-competitive effects flowing from the exercise of these rights, the Act provides:

- Section 15 of the Copyright Act excludes from protection the ornamental and aesthetic appearance of articles originating in purely artistic works (a) which are registered under the Designs Act or (b) which are capable of registration but not registered under the Designs Act and multiplied in more than fifty copies. In the absence of such exclusion, these works would be entitled to a virtual monopoly in perpetuity (the lifetime of the author + the posthumous term of 60 years).

- Section 52(1)(w) exempts from infringement the making of a three-dimensional object from a two-dimensional artistic work, such as a technical drawing, for the purpose of industrial application of any purely functional part of a useful article.

Section 31 contains an elaborate machinery for compulsory licensing of works which are withheld from the public by either the owners' refusal to make them available freely or restrict their availability through exorbitant and restrictive terms of use.

In the context of patents, a patent owner has the freedom to determine licensing terms or even to refuse to license the invention entirely. However, there are statutory restrictions on such freedom. The Patents Act provides in-built safeguards against anti-competitive effects of patented articles by providing:

- Section 84: an interested person may seek compulsory licenses and revocation when the patents are claimed to be not meeting the reasonable requirements of the public or not made available at a reasonably affordable price or not worked in the territory of India.

- Section 140: certain restrictive conditions in any contract for sale or lease of a patented article such as tie-in or exclusive supply arrangements are deemed to be void.

While these in-built checks and balances within the IP statutes do ensure a fair balance between the privileges conferred on the IP owners and the imperatives of free and fair market and consumer protection, there are still challenges thrown up by these statutory monopolies which tend to cause an appreciable adverse effect on competition among all the commercial players in the relevant market. The Competition Act was enacted in 2002 to ensure fair competition in India by prohibiting trade practices by way of certain anti-competitive agreements, abuse of dominant position, mergers and acquisitions which cause appreciable adverse effect on competition in the markets in India.

However, Section 3(5) of the Competition Act excludes IP statutes as described above from the operation of the Act.

Despite the express exclusion of the rights under the relevant IP statutes, the exercise of intellectual property rights by the owners in a manner detrimental to the free and fair competition and the rights of the public in freely accessing and enjoying these rights has led to the intervention of the Competition Commission of India (CCI).

A few of these illustrative cases may be noted:

- In Amir Khan Productions vs Union of India [Bombay High Court, 2010 (112) Bom LR3778], the Bombay High Court was dealing with a challenge by a number of producers and associations of motion pictures against the CCI's notices on the basis of an investigation by the Director General (DG) which had concluded that the petitioners had acted in concert by forming a cartel with the objective to extract higher revenue sharing ratio for the supply of films to the multiplexes and thus indulging in controlling the supply of films in contravention of Section 3(3) of the Competition Act. The petitioners' challenge was based on the contention that the Copyright Act which conferred exclusive rights on the producers in the distribution of their motion pictures had an inherent mechanism for the Copyright Board to entertain the issues raised in the CCI notices. Rejecting the contention, the High Court held that CCI has the power to deal with intellectual property cases and what can be contested before the Copyright Board can also be contested before the CCI as the Act has an overriding effect over other legislations for the time being in force.

- In HT Media Ltd v. Super Cassettes Ltd, Case No. 40/2011 decided on October 1, 2014, HT Media Ltd operating an FM radio channel approached CCI under Section19 of the Competition Act, 2002 against Super Cassettes Ltd ('SCL'), alleging abuse of dominant position by SCL by: (a) charging excessive amount as licence fees / royalty for grant of rights for broadcasting its music content; (b) imposing minimum commitment charges ('MCC') irrespective of actual needle hour; and (c) making conclusion of licensing arrangement subject to acceptance of excessive license fees and MCC.

Based on the findings reached, the CCI concluded that:

  - It was clear that SCL was a dominant enterprise, having the strength to operate independently of competitive forces and affect its competitors and customers in its favour.

  - It was unacceptable for a dominant enterprise to impose such unfair/ discriminatory conditions in licensing of their content and the imposition of MCC on private FM radio stations was an abuse by SCL under section 4(2)(a)(i) of the Act.

Consequently, the CCI directed SCL to cease and desist from formulating and imposing the unfair condition of MCC in its agreements with private FM radio stations in India.

While these cases do establish the principle that CCI has the jurisdiction and power to look into the anti-competitive effects of IPRs, especially, the rights based on copyright claims, the litigation in the area of patents relating to Standard Essential Patents has thrown a spanner in what appeared to be a settled legal position.

The predominant view held by the Courts in the litigation surrounding Ericsson and Monsanto had been that the respective statutory bodies, CCI and the Controller had overlapping jurisdiction in such matters and the CCI was pre-eminently qualified to adjudicate the claims of anti-competitive practices arising from an abuse of patent monopolies. However, a Division Bench of the High Court of Delhi in the appeals filed by Ericsson and Monsanto held on July 13, 2023 that the Patents Act in creating an elaborate machinery for dealing with compulsory licences and revocation is a complete code in itself on all issues pertaining to unreasonable conditions in agreements of licensing of patents; that the

jurisdiction of the CCI in matters pertaining to anti-competitive agreements in the field of patents is ousted as the Competition Act is a general legislation.

The CCI challenged the DB Judgment before the Supreme Court. On September 02, 2025, the Supreme Court disposed of the CCI's appeal. The Supreme Court did not rule on the question of exclusive jurisdiction between patent authorities and the CCI in patent disputes, as the cases were deemed moot due to the absence of pending complaints. The Supreme Court left all questions of law involved in the challenge open to be agitated in some other appropriate case. This decision leaves the CCI's authority to investigate alleged anti-competitive behaviour by patent holders unclear, contributing to continued regulatory confusion in the evolving SEP landscape.



SCOPE OF PROTECTION OF NAMES, NICKNAMES & MONIKERS IN INDIA



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Since time immemorial, celebrities, athletes and public figures have sought to leverage and protect attributes of their personalities that have become associated with them on account of passage of time. Consequently, the law has evolved to proffer protection to such attributes. There are two bases of protection that are available to protect such celebrity attributes. Particularly in the context of names, these are (i) trademark rights and (ii) common law rights to protect "personality" **["personality rights"]**.

Protection of Names/Nicknames Under Trade Mark Law

Section 2(1)(m) of the Trade Marks Act, 1999 [Act] defines a "mark" to include "name or any combination thereof". Section 2(1)(zb) further defines *"trade mark"* as *"a mark capable of being represented graphically and which capable of distinguishing the goods and services of one person from those of others."* Therefore, a proprietor may seek registration of their name for identifying goods/services. Additionally, Section 14 prohibits registration of marks that may suggest a connection with living or recently dead persons, without permission/consent, thus recognizing that names can have a trade mark function. While there is no explicit mention of "nickname"/ "monikers" in the Act, nicknames have been granted registration in India. For instance, "SRK" has been registered by Shah Rukh Khan across several classes.

It must be borne in mind that as with other categories of trademark, the level of protection that can be availed for names/nicknames is heavily dependent on the distinctiveness of these terms. For instance, MS Dhoni's attempt to trademark "CAPTAIN COOL" has been opposed by a third-party on the ground that the term is generic and *publici juris*. Therefore, like all trademarks, the question to be considered is level of distinctiveness acquired by the nickname such that it is associated with a singular source.

Secondly, while such names may be registered under the Act, it must be noted that they are for the purpose of trade in goods/services. Such marks must therefore, be maintained by commercial use thereof.

Lastly, the conventional criteria enshrined under Section 29 of the Trade Marks Act, 1999 must be fulfilled in order to make out a case of infringement/violation. Section 29 of the Trade Marks Act, 1999 recognizes that the pre-requisite of an infringement action is that any use of a trade mark is such that is likely to be taken as *"being used as trademark"*. Section 29(6) explicates what constitutes *"use for the purpose of Section 29", i.e. "a person uses a registered mark, if, in particular, he — (a) affixes it to goods or the packaging thereof; (b) offers or exposes goods for sale, puts them on the market, or stocks them for those purposes under the registered trade mark, or offers or supplies services under the registered trade mark; (c) imports or exports goods under the mark; or (d) uses the registered trade mark on business papers or in advertising."*

Therefore, mere reference to the trademark is neither *'use of the trade mark'* nor *'use as trademark'*. It is pertinent to note that the use of the trademark has to be in connection with some goods/services such that it is *'likely to be associated with a proprietor'* or cause confusion or deception. The second conjunctive limb of a trade mark action is *"use in the course of trade"*. 'Use in the course of trade' pertains to putting goods in the market which may use the impugned trade mark.

Additionally, de hors Section 29, Section 30 of the Trade Marks Act, 1999 provides for limits on the rights under a trademark. Section 30 of the Trade Marks Act states that "Nothing in section 29 shall be construed as preventing the use of a registered trade mark by any person for **the purposes of identifying goods or services as those of the proprietor provided** the use—(a) **is in accordance**

with honest practices in industrial or commercial matters, and (b) **is not such as to take unfair advantage of or be detrimental to the distinctive character or repute of the trade mark."**

Therefore, notwithstanding any registration of a nickname, its fair and nominative use, particularly in the context of identifying the celebrity for providing information, cannot be objected to.

Protection of Nicknames Under Personality Rights

Apart from statutory rights, Indian law also recognizes personality rights of celebrities, which right is based in common law. Jurisdictions such as Spain and US, provide for statutory protection against misappropriation of name and personality rights of celebrities, including statutory damages for misuse.[1] In India, this protection is based in common law.

A celebrity is defined as a famous or well-known person.[2] In ICC Development (International) vs. Arvee Enterprises and Anr[3] the Delhi High Court noted that The right of publicity inheres **"in any indicia of an individual's personality like his name, personality trait, signature, voice, etc..."** Therefore, names and nicknames can also be protected as a facet of personality rights.

In D.M Entertainment Pvt. Ltd. vs. Baby Gift House and Ors.[4] the Delhi High Court carved the criteria for establishing a claim for personality rights:

"To avail the right against the infringement of right to publicity, the plaintiff must be "identifiable" from defendant's unauthorized use...As a secondary consideration, it is necessary to show that the use must be sufficient, adequate or substantial to identify that the defendant is alleged to have appropriated the persona or some of its essential attributes." "An individual claiming false endorsement must prove that the use of the identity likely misled consumers into believing the concerned personality endorsed the product at issue".

Therefore, in Gautam Gambhir v. DAP & Co & Anr.,[5] the Delhi High Court refused to grant injunction while applying the test for personality rights. The Plaintiff in the case was aggrieved by the fact that the Defendant (who shared the same name) had opened restaurants such as *"Blu Wavs by Gautam Gambhir"* & *"Hawalat by Gautam Gambhir".* The Court dismissed the suit stating that there was no attempt by the Defendant to misrepresent himself as the Plaintiff and further no loss to the Plaintiff in his field, i.e. cricket.

The Courts have also issued caution while discussing personality rights and held that protection of such rights cannot be at the mantel of Freedom of Speech and Expression. In DM Entertainment v Baby Gift House, the Delhi High Court held that "the over emphasis on a famous person's publicity rights can tend to chill the exercise of such invaluable democratic right." Reaffirming this principle, in Jaikishan Kakubhai Saraf alias Jackie Shroff v. The Peppy Store & Ors., CS (COMM) 389/2024 the Delhi High Court refused to injunct certain caricatures, hyperboles, and parodies concerning Jackie Shroff on the ground that these constitute valuable right of speech, and have economic value for budding creators.

Similarly, Delhi High Court in Anil Kapoor v. Simply Life & Ors.[6] whilst granting injunction for unauthorised use of the catchphrase Jhakkas and his likeness in explicit imagery, nevertheless noted that *"There can be no doubt that free speech in respect of a well-known person is protected in the form of right to information, news, satire, parody that is authentic, and also genuine criticism. However, when the same crosses a line, and results in tarnishment, blackening or jeopardises the individual's personality, or attributes associated with the said individual, it would be illegal".* Further in, *Digital Collectibles Pvt. Ltd. & Ors. v. Galactus Funware Technology and Ors.*[7] has held that *"the use of the name and/or the image of a celebrity along with data with regard to his on-field performances by OFS platforms is protected by the right to freedom of speech and expression under Article 19(1)(a) of the Constitution of India.".* Therefore, legitimate use of such attributes, for the purpose of information cannot be objected to.

Conclusion

In line with global developments, the Indian legal framework does protect names/nicknames. Further, Courts in India have also recognised the right of a celebrity/public figure to control commercial exploitation of their identity and prevent misappropriation thereof. At the same time, Courts have been mindful to ensure that fair use and free speech are not unnecessarily curtailed in the garb of such private rights, especially considering that a natural corollary and fundamental basis of celebrity status is the fact that people talk about such celebrities/public figures.

[1] Article 7.6 of Ley Orgánica 1/1982 –Spain, California (§3344, California Civil Code)

[2] Titan Industries Ltd. v. Ramkumar Jewellers [2012 (50) PTC 486 (Del)]

[3] 2003 (26) PTC 245 DEL

[4] https://indiancaselaws.wordpress.com/2015/07/19/d-m-entertainment-pvt-ltd-v-baby-gift-house-and-ors/

[5] https://indiankanoon.org/doc/106318101/

[6] https://indiankanoon.org/doc/113724486/

[7] CS(COMM) 108/2023 -Judgment dated 26th April, 2023 is pending in appeal before the Division Bench of the Delhi High Court.

Become a Member !

FICCI IP FORUM

- A Community of IP Professionals -

BACKGROUND

FICCI Launched its unique initiative - FICCI IP FORUM - in May 2020 to provide an interface for businesses to resolve their issues pertaining to intellectual property rights and also develop a pool of IP professionals whose knowledge and expertise will benefit the industry at large.

OBJECTIVE

- To create a consortium of legal professionals who are keen to support IP and encourage innovation, brand protection and creativity among various stakeholders.
- To strengthen the IP ecosystem in India and play an important and more comprehensive role in addressing existing and evolving issues in the area of IP in India.

BENEFITS

- Engagement in IP Policy Advocacy Networking through various FICCI national & international seminars/conferences
- Speaking/ participating opportunities in various FICCI Webinars
- Enhanced Visibility for forum members
- FICCI IP Talks
- Several other Benefits

CONTACT

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Worldwide Symposium on Geographical Indications 2025

WIPO organized a symposium on GIs on 1st and 2nd May. The Symposium provided a forum for exchanging ideas and perspectives on issues relating to the use and protection of geographical indications. It also offered technical insights and information on recent developments in the field.

The 2025 edition of the Worldwide Symposium on Geographical Indications was organized jointly by WIPO and the Companies and Intellectual Property Office of Zimbabwe (CIPZ), with the support of the African Regional Intellectual Property Organization (ARIPO).

https://www.wipo.int/

WIPO Global Awards 2025

The 2025 WIPO Global Awards received over 780 applications from 95 countries, highlighting how small and medium-sized enterprises (SMEs) and startups are leveraging intellectual property to create positive impact across various sectors. This year, 30 outstanding finalists have been selected for their innovative solutions, robust IP strategies, and contributions to economic, social, and environmental sustainability. Among these global finalists is India's startup Glovatrix, recognized for its impactful work. The winners of the 2025 edition will be announced during the WIPO General Assemblies, taking place at the WIPO headquarters in Geneva on July 11, 2025. The awards celebrate the power of IP in fostering innovation and driving progress worldwide through forward-thinking enterprises.

https://www.wipo.int/

Building IP Intelligence: A Strategic Partnership between India and WIPO

A Letter of Intent (LoI) has been signed between the Office of the Controller General of Patents, Designs and Trade Marks (CGPDTM) and WIPO to collaborate on capacity building in IP Analytics in the Office of the CGPDTM and other relevant agencies of the Government of India in collaboration with the Office of the CGPDTM. The LoI was formally signed by Prof. (Dr.) Unnat P. Pandit, Controller General, IP Office, and Mr. Daren Tang, Director General, WIPO in the presence of Shri Amardeep Singh Bhatia, Secretary, Department for Promotion of Industry and Internal Trade (DPIIT), IP Analytics plays a crucial role in understanding technology trends, identifying white spaces for innovation, assessing patent landscapes, and supporting startups, academia, and industry in aligning their IP strategies with market and technological opportunities. This collaboration aims to enhance analytical capabilities in the field of intellectual property, fostering evidence-based policy making, strategic R&D investment, technology forecasting, and innovation-driven decision-making.

https://ipindia.gov.in/

IIT Indore develops DNA watermark software to safeguard hardware IP

A research team at IIT Indore has developed a pioneering DNA watermarking technology to protect hardware intellectual property. This method embeds unique, tamper-proof "genetic fingerprints" into electronic circuits, offering robust defense against IP theft and counterfeit components. The innovation is applicable to devices like ECG machines, JPEG codecs, and machine learning cores. Presented at the IEEE International Conference on VLSI Design, the technology integrates watermarking at the signal level, ensuring traceability and authentication within the hardware itself. It represents a major step in India's push for Atmanirbhar Bharat, strengthening indigenous capabilities in deep-tech and semiconductor innovation. The solution is now under consideration for industry transfer, potentially transforming how hardware IP is secured globally.

https://timesofindia.indiatimes.com/

25 Years of the Designs Act, 2000: A Milestone Celebration

The Office of the CGPDTM, under DPIIT, Ministry of Commerce & Industry, is celebrating 25 years of the Designs Act, 2000, from 25th May 2025, with the theme "Designs – Celebration of Aesthetic Creations."

The Act has safeguarded industrial design and boosted innovation, especially for MSMEs and Start-ups. Key milestones include global novelty standards, accession to the Locarno Agreement (2019), reduced fees for MSMEs/Start-ups, the Design Law Treaty (2024), and full digitalization. A series of events will engage designers, innovators, and the public to celebrate India's growing design ecosystem.

https://www.ipindia.gov.in/

India's Copyright Act 1957: 68 Years of Innovation and Reform

The Copyright Act of 1957, enacted on 4th June 1957, and effective from 21st January 1958, is India's primary legislation for copyright protection. It safeguards original literary, dramatic, musical, artistic works, cinematograph films, sound recordings, and digital content. The Act aims to protect creators' rights, encourage innovation, and balance public access to creative works.

As of 2025, the celebration themed "Reform in Copyright Act in the Digital Era" focuses on addressing challenges like digital piracy while exploring reforms for AI-generated content and blockchain-based copyright management. Its 68-year journey reflects India's shift from analog to digital, national to global, and creation to content economy.

https://www.pib.gov.in/

Indian inventors set patent records

Indian inventors have set new records in 2025, with Anil Agiwal (Samsung Research America) leading the charts at 2,010 Indian and 471 US patents, largely in 4G/5G technology. Close behind are Kapil Bhattad (Qualcomm, 1,647 patents), Jaidev Shroff (UPL, 1,195), and Vikram Shroff (UPL, 998), highlighting India's growing innovation depth across telecom, pharma, and agrochemicals. In 2025 alone, India granted 3,520 patents out of ~9,000 applications, continuing momentum from over 1 lakh grants in 2024. Experts note that only a small percentage of global patents offer real commercial impact, urging Indian innovators to focus on quality over quantity. The data signals India's ascent as an R&D hub—driven by both homegrown and multinational efforts.

https://timesofindia.indiatimes.com/

Trade Marks Agent Examination 2026 & Patent Agent Examination 2026

On 21st July 2025, the Office of Controller General of Patents, Designs & Trade Marks had officially announced the schedule for the 2026 Trade Marks and Patent Agent Examinations. The Trade Marks Agent Examination would be conducted on 10th January 2026 (Saturday), followed by the Patent Agent Examination on 11th January 2026 (Sunday). Both exams would be held simultaneously across 13 major Indian cities including Delhi, Mumbai, Chennai, Kolkata, and Bangalore. Online registration for candidates had opened on 21st July 2025 (11:30 AM) and were to remain available until 21st August 2025 (5:00 PM). However, through another circular issued by the Office of the Controller General of Patents, Designs & Trade Marks, the deadline was extended, with the new date being 20th September 2025, 5:00 PM.

https://ipindia.gov.in/ (Notification of exam date)
https://ipindia.gov.in/ (Extension of last date)

Patent Office (CGPDTM) releases Revised Guidelines for Examination of Computer Related Inventions (CRIs), 2025

On 26th June 2025, the Office of Controller General of Patents, Designs, and Trademarks (CGPDTM) published the Draft Guidelines for Examination of Computer-Related Inventions (CRI), 2025, Version 2.0 (Revised Draft CRI Guidelines) for public consultation. The last date for submitting comments to the CGPDTM was 7th July 2025.

CGPDTM has also published the Annexure to the Revised Draft CRI Guidelines, which contains a non-exhaustive indicative list of additional examples to illustrate allowable/non-allowable claimed inventions for public comments.

Released on 29th July, 2025, the new Guidelines incorporate provisions for AI, ML, Blockchain, Quantum Computing, and other emerging technologies

https://www.pib.gov.in/

IIT Indore reports 112% increase in patent filings in 2024-25 driven by innovation in healthcare, energy amongst others

In the academic year 2024–2025, the Indian Institute of Technology Indore (IIT Indore) reported a 112% rise in patent filings, marking a key milestone in the country's intellectual environment. IIT Indore has further solidified its position as a premier center for deep-tech research, translational innovation, and entrepreneurship with 70 patents filed this year, up from 33 the year before. The prominence of healthcare innovations in this year's filings is noteworthy and reflects the institute's strong emphasis on creating technologically advanced solutions for pressing societal issues. With its initial round of filings, the Department of Astronomy, Astrophysics, and Space Engineering established yet another milestone in the institute's patent portfolio.

https://timesofindia.indiatimes.com/

Indian Government to Decriminalise 1,000 Minor Offences and Reform IP Regime

Commerce and Industry Minister Piyush Goyal recently announced that the government will identify nearly 1,000 minor offence provisions across various laws for decriminalisation within the next 45 days. As part of this initiative, he also urged stakeholders to provide constructive feedback on reviewing and simplifying India's intellectual property (IP) laws. The government's objective is to make IP regulations more accessible, efficient, and user-friendly. Depending on the responses received, the government may either amend existing provisions or introduce entirely new legislation, following the model used in drafting the new Income Tax Bill.

The larger goal of this reform is to create an innovation-friendly and transparent IP ecosystem in India while balancing crucial public interests, such as affordability and accessibility of medicines. Goyal stressed that while the government is committed to ensuring data exclusivity—a mechanism he described as the "final missing link" for attracting large-scale research and development investment—it will simultaneously guard against patent evergreening. He cautioned that evergreening could inflate drug prices and trigger retaliatory trade measures, including punitive taxes, from other nations. Highlighting India's proactive trade diplomacy, Goyal noted that Switzerland and the UK, two long-time critics of India's patent regime, have already finalized an IP chapter with India during ongoing trade negotiations.

https://intellectual-property-helpdesk.ec.europa.eu/

GI filings in India jump by 380 percent over five-year period

Geographical indication (GI) filings in India surged by 380% over the last five years, marking the sharpest rise among all IP categories, according to the Ministry of Commerce and Industry. Applications grew from just 57 in 2020–21 to 274 in 2024–25, despite a temporary dip to 134 in 2023–24. Highlighting the government's promotion of GIs, Aishwarya Menon, partner at K&S Partners, noted that initiatives such as the "GI Samagam" in early 2025 reinforced the push, with Commerce Minister Piyush Goyal announcing India's target of securing 10,000 GI tags by 2030. Menon emphasized that beyond numbers, strengthening GI law is crucial for ensuring that producers benefit economically and socially from such protection.

Overall intellectual property (IP) filings rose 44% during the same period, from 477,533 in 2020–21 to 689,991 in 2024–25. This growth reflects India's expanding economy, now the world's fourth largest, combined with awareness programmes, recognition events like the National IP Awards, and policy measures benefiting startups and SMEs, such as reduced fees and expedited examinations. Among other IP categories, design filings grew 266%, patents 180%, copyright 83%, trademarks 28%, and semiconductor integrated circuits layout-designs 20%. Experts believe these factors will continue driving India's upward trajectory in IP filings.

https://www.pib.gov.in/

Pitambari Products Private Limited v Sawariya Collection Delhi

14th August 2025 | Bombay High Court

Pitambari Products Pvt. Ltd. sought relief from the Bombay High Court against a video allegedly published by the defendant claiming that the Pitambari metal-cleaning powder is harmful to humans and unfit for religious use. The Court noted that a business can praise their products, however, must not attack their competitors and thereby, granted the plaintiff ad-interim relief. Considering the viewership gained by the impugned video and the consequent disparagement faced by Pitambari, the Court restrained the defendant through a temporary injunction from publishing, sharing, or circulating the impugned video.

Travel Blue Products India Private Limited v. Miniso Life Style Private Limited

06th August 2025 | Bombay High Court

In a striking courtroom face-off, Travel Blue Products India Private Limited & Travel Blue Limited v. Miniso Life Style Private Limited & Miniso Hong Kong Ltd., the Bombay High Court weighed in on allegations of design infringement and passing off. At the heart of the dispute was Travel Blue's registered "Tranquility Neck Pillow," a travel essential with a distinctive look that had been protected under India's Designs Act since 2016 (with priority from 2015) and remains enforceable until 2030. Travel Blue, a global player in travel accessories, discovered in 2024 that Miniso was selling neck pillows uncannily similar to its own, right down to the color combination. Upon a prima facie comparison, the Court noted a "striking overall similarity" between the two products and concluded that Miniso's version was an unmistakable imitation, amounting to misrepresentation. Consequently, Miniso was restrained from manufacturing, selling, and listing the identical product on e-commerce platforms and in retail stores.

Rahul Mishra v. Multiple Defendants

04th August 2025 | Delhi High Court

The Court addressed allegations of copyright and design infringement in the fashion industry. The plaintiff, renowned designer Rahul Mishra, discovered that several parties had copied his distinctive "Tigress" embroidery and floral motifs from the Sunderbans collection without authorization. Upon examining the prima facie similarities, the Delhi High Court found that the defendants' products replicated Mishra's original designs, creating a likelihood of consumer confusion and harming the exclusivity and goodwill of his brand. Consequently, the Court granted an ad-interim injunction, restraining the defendants from manufacturing, selling, or promoting the infringing garments. This ruling underscores the judiciary's commitment to protecting original design work in the fashion sector and sets a precedent for future cases involving design infringement and passing off.

Aquestia Limited v. Automat Industries Pvt. Ltd. & Ors.

01st August 2025 | Delhi High Court

The Court observed that the grant of a patent to Automat & Ors does not constitute a valid defence in an infringement action, reiterating that a patent confers an exclusionary right under Section 48 of the Patents Act, 1970, but not a right to practise the invention. The Court further clarified that infringement must be assessed by comparing the claims of the suit patent with the impugned product, not product-to-product or patent-to-patent. Upon examination, the Court found that the impugned Hydromat valves contained an asymmetric sealing diaphragm in which the inlet portion covered a larger area than the outlet portion, satisfying the novel features of Claim 1 of the suit patent. The Court found that Aquestia had established a prima facie case of infringement. Consequently, Automat & others were restrained from manufacturing, selling, distributing, advertising, exporting, or otherwise dealing in any product that infringed the suit patent, and were directed to remove listings of the impugned valves from online and third-party platforms. The Court clarified that these findings were confined to the interim stage and would not prejudice the final outcome of the suit.

Infosys Limited vs Southern Infosys Limited

01st August 2025 | Delhi High Court

The Delhi High Court heard a case involving the defendant's ongoing use of its former, injuncted name, "Southern Infosys Limited," after it was ordered to change it for passing off and trademark infringement. Infosys Limited, the plaintiff, contended that the defendant's use of Section 12 of the Companies Act, 2013 to keep using the previous name was unlawful. The court confirmed that, in contrast to consensual name changes, court-ordered name changes are exempt from Section 12(3) of the Companies Act, citing a prior decision in Sanofi & Anr. v. Zanofi Pharmaceutical Pvt. Ltd. Allowing the previous name to remain in use would negate the court's authority to correct a name, which is to remove misleading similarities and confusion. As a result, the court ordered the defendant to submit a new compliance affidavit

within two weeks and to use solely its new name on all products, services, and advertising materials. In response, the plaintiff stated that, pending the defendant's compliance, they would be willing to have the lawsuit dismissed without seeking damages.

The Polo Lauren Company Lp vs Polo India

22nd July 2025 | Delhi District Court

Polo Ralph Lauren, filed a suit against Polo India under Sections 134 and 135 of the Trade Marks Act, 1999, and Sections 51 and 55 of the Copyright Act, 1957, seeking a permanent injunction, and damages, by alleging infringement, passing off, and unfair competition. The Plaintiff established that its device marks 'POLO' and 'POLO PLAYER' have been in continuous use since 1967 and 1971 respectively, are well-known in India and globally. The Plaintiff argued that the Defendant, operating in the same market segment, used deceptively similar marks for the similar products. This created a likelihood of confusion and deception among consumers. The Court permanently restrained the Defendant from using any POLO-related mark in relation to apparel.

Dominos IP Holder LLC & Anr vs M/s Domnics Pizza & Ors

19th June 2025 | Delhi High Court

On 28 May 2025, Justice Saurabh Banerjee of the Delhi High Court granted ad-interim injunction in Dominos IP Holder LLC & Anr. v. M/s Domnics Pizza & Ors. (CS (COMM) 317/2025), restraining 15 outlets from using deceptively similar names like "Domnic's", "Dominic", and "Domnik". The court noted a lower threshold for deceptive similarity in edible goods, citing risks to consumer health. It also directed Swiggy and Zomato to delist the infringing listings next hearing is scheduled for 17 September 2025. The ruling reinforces the imperative to shield food-related trademarks and maintain digital platform accountability amid rising copycat concerns.

TikTok Limited v. The Registrar of Trade Marks, Mumbai & Anr

10th June 2025 | Bombay High Court

The Bombay High Court dismissed TikTok Ltd.'s plea to be recognised as a "well-known" mark under Indian law, despite its sovereign trademark and global popularity. The court upheld the Registrar's refusal, reasoning that the Government's ban—based on national security, data privacy, and public order—was a valid factor under Section 11(6) of the Trade Marks Act. While acknowledging that the Registrar mis-cited Section 9 instead of Section 11, the HC held that discretion to consider "any relevant fact" remained intact. The judgment clarifies that fame alone doesn't guarantee "well-known" status if legal and policy constraints apply.

Loreal Sa vs Riddhi Gopal Bhai Donda

02nd June 2025 | Delhi High Court

The plaintiff, L'Oréal, initiated a suit seeking a permanent injunction and damages against the defendants under Sections 134 and 135 of the Trade Marks Act and Section 55 of the Copyright Act. The claim was based on the grounds of passing off and infringement of copyrighted artworks used in the trade dress of their products. The Court, upon review, noted that L'Oréal owns several well-known and widely recognized skincare and haircare brands. It was found that the defendants had adopted a deceptively similar trademark, trade dress, colour combinations, and copyrighted artwork for their own products in the same line of business. This imitation led to consumer confusion and caused significant monetary loss to the plaintiff. Consequently, the Court held in Favor of L'Oréal and passed a decree of permanent injunction along with an award of damages amounting to ₹2,00,000, thereby restraining the defendants from continuing the infringing activities.

The Ritz Hotel Limited v. M S Hotel Ritz

29th May 2025 | Delhi High Court

In a landmark ruling, the Delhi High Court in The Ritz Hotel Limited v. M S Hotel Ritz reaffirmed strong trademark protection under Indian law. Justice Amit Bansal recognized "RITZ" as a well-known trademark under Sections 2(1)(zg) and 11(7) of the Trade Marks Act, 1999. The plaintiff, owner of the iconic Ritz Paris, alleged that the defendant's use of "RITZ" misled consumers and harmed its global reputation. Despite the defendant's partial compliance, continued misuse prompted the court to grant a permanent injunction and direct the takedown of infringing websites. Importantly, the case—though uncontested—highlights that courts can still uphold brand protection robustly. The judgement underscored the legal weight of reputation, especially for global luxury and hospitality brands.

Commissioner of Income Tax v. Amazon Web Service

29th May 2025 | Delhi High Court

On May 29, 2025, a Division Bench of the Delhi High Court held that payments made by Indian companies to AWS for standard cloud computing services do not qualify as "royalty" or "fees for technical services" under the India-US Double Taxation Avoidance Agreement or the Income-tax Act. The court emphasized that AWS simply provides access to infrastructure and software; customers do not receive any rights, ownership, or control over AWS's IPR or equipment for commercial exploitation. This ruling, in line with the earlier ITAT decision, clarifies that such cloud service payments are not taxable as royalties and are treated as standard service charges.

Zeria Pharmaceutical Co. Ltd. v. Deputy Controller of Patents & Designs

27th May 2025 | Delhi High Court

On May 27, 2025, the Delhi High Court in Zeria Pharmaceutical Co. Ltd. v. Deputy Controller of Patents & Designs upheld the rejection of a divisional patent for an intermediate compound under Section 3(d) and for lacking inventive step under Section 2(1)(ja) of the Patents Act. The court emphasized that minor structural tweaks—such as methoxy versus ethoxy—must demonstrate enhanced therapeutic efficacy, not just routine modifications, to qualify for patentability. Critics warn this strict stance on "evergreening" may deter incremental pharmaceutical innovations despite their potential benefits.

Rakesh Kumar Mittal vs The Registrar of Trade Marks

27th May 2025 | Delhi High Court

The petitioner seeks for a writ of mandamus, or any other appropriate writ, order, or direction, to compel the Registrar of Trade Marks to restore and reinstate the registration of their trademark, MILTON. The petitioner argued that the respondent, the Registrar, failed to comply with Section 25(3) of the Trade Marks Act by not serving the mandatory Form O-3 Notice. This notice was required to inform the petitioner of the trademark registration's expiration date and the specific conditions for its renewal. Due to the respondent's failure to provide this critical notification, the petitioner was not informed about the impending expiration or the necessary steps to renew the trademark. Consequently, the Court found that the trademark had been wrongfully removed from the Trade Marks Register and issued an order directing the Registrar to restore the registration of the MILTON trademark.

FICCI IPEC

- Intellectual Property Education Centre -

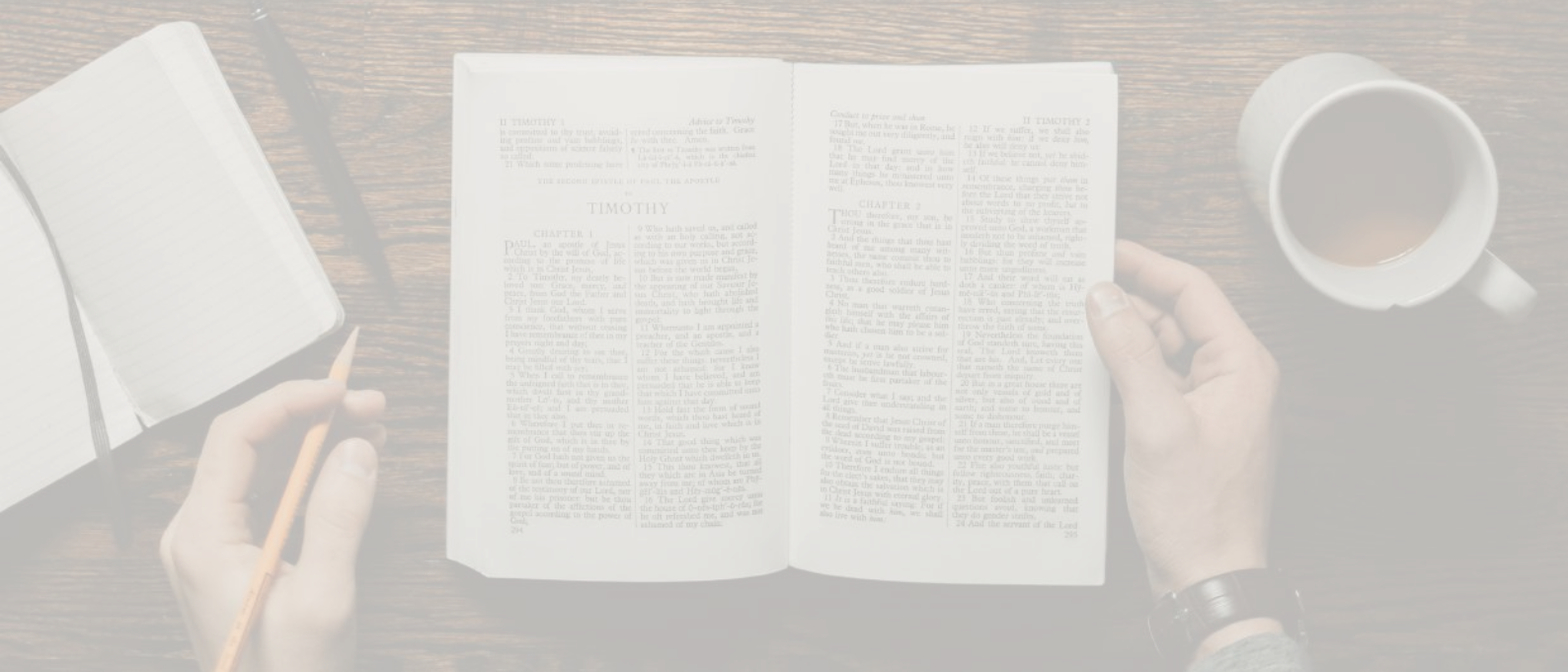
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