

# IPR INSIGHTS

YOUR MONTHLY DIGEST TO STAY AHEAD IN THE RAPIDLY EVOLVING REALM OF IPR

ISSUE 01 AUG. 2025



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The Pisco Predicament: A Tangled Tale of Tradition, Terroir, and Trademark Troubles

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This month, INTELLECTUS journeys through the diverse and dynamic terrain of intellectual property, where identity, innovation, and legacy converge in compelling legal narratives. Our cover story, “The Pisco Predicament: A Tangled Tale of Tradition, Terroir, and Trademark Troubles,” explores a heated GI dispute unfolding before the Delhi High Court, where Chilean and Peruvian producers wrestle over the exclusive right to the term “Pisco.” As the case grapples with cultural heritage and global branding, it exemplifies the nuanced intersections of geopolitics, law, and legacy. We also dive deep into critical IP developments shaping today's legal and commercial landscape. In “What's There in a Name? More Than Just Identity: MS Dhoni's "Captain Cool" and India's Evolving IP Landscape,” we unpack how personal branding is turning public personas into powerful trademarks. From nicknames to reputation protection, this piece reflects India’s shifting IP consciousness.

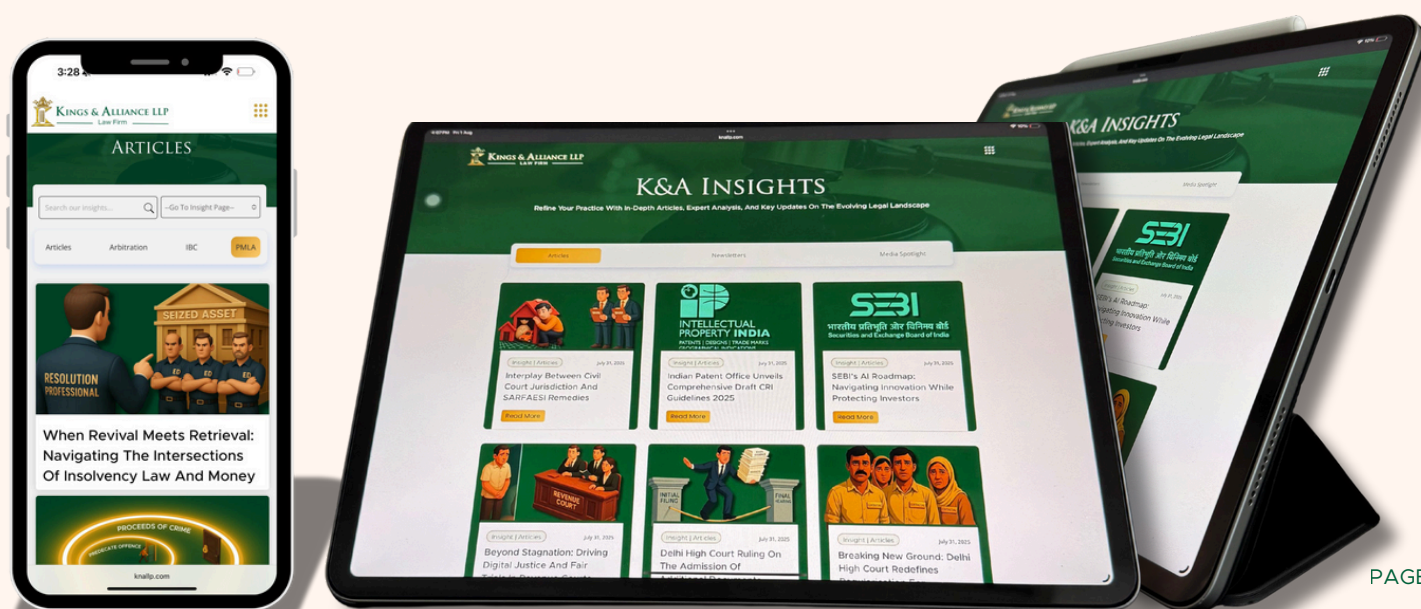
Turning to the fashion-heritage frontier, “Beyond Inspiration” analyzes the Prada-Kolhapuri Chappal controversy through the lens of GI law, asking: where do homage and appropriation diverge? Meanwhile, “The Crocs Conundrum” brings clarity to the ongoing debate on design protection and trade dress, following a landmark Delhi High Court ruling with potential implications for product identity and IP overlaps. And in “The Echo Chamber of Copyright,” we confront the modern legal minefield of digital sampling, where even a fleeting sound bite could trigger complex infringement debates.

Complementing these insights are Case Law Updates featuring momentous rulings—from record-setting interim securities in patent cases, to procedural lapses in high-stake damages awards, and urgent injunctions protecting brand identity in the digital realm. In Regulatory Developments, we spotlight the Indian Patent Office’s Draft CRI Guidelines 2025 and the staggering 380% growth in GI filings over five years, signalling India's heightened commitment to protecting innovation and cultural assets alike.

With a robust lineup of upcoming Training & Events, including the IP and Innovation Conclave and the International Conference on SEPs, there’s much to look forward to.

Let’s dive in!

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## COVER STORY

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## PIVOTAL ISSUES

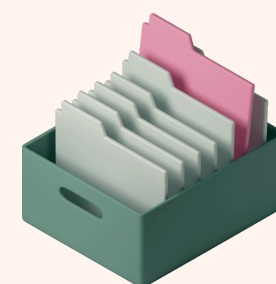
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- M/S Sita Ram Irony Foundry & Engineering v. Hindustan Technocast (p) Ltd.



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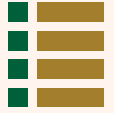
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## India's IP Filings Surge 44% in FY 2024-25; Driven by Reforms & Digitisation

### 44%

surge in total IP filings, from 4,77,533 in 2020-21 to 6,89,991 in 2024-25, driven by reforms and digitisation.

### 380%

growth in Geographical Indications, the fastest expansion among all IP categories.

### 80%

fee reduction for Patents available to Startups, MSMEs, and Educational Institutions.

### 95%+

of Patent and Trademark applications are now filed online.

## The Rise in Registrations

### 20%

Semiconductor Integrated Circuits Layout-Designs (SICLD)

### 83%

Patents

### 28%

Trademarks

### 266%

Design Registrations

SOURCE: Ministry of Commerce & Industry

# COVER STORY

## The Pisco Predicament: A Tangled Tale of Tradition, Terroir, and Trademark Troubles



The article delves into the Delhi High Court's landmark "Pisco" judgment, dissecting India's GI Act, particularly homonymous GIs. It analyzes the Chile-Peru brandy dispute, highlighting the court's distinction between GI and trademark law, and the need for clear geographical identifiers to prevent consumer confusion.



In the bustling global marketplace, where every product seeks an edge, there's a unique shield that protects not just a brand but an entire legacy: the Geographical Indication, or GI. From the famed Darjeeling Tea of India's misty hills to the sparkling Champagne from France's chalky vineyards, GIs are guardians of origin, quality, and often, centuries of tradition. But what happens when two passionate claimants from different corners of the map lay claim to the very same name, a shared whisper of history that echoes in their respective products?

Welcome to the spirited world of GI disputes, where the stakes are high, and cultural heritage is on the line. After the intriguing whispers surrounding the "Prada-Kolhapuri Chappal" debate (a fascinating collision of high fashion and humble craftsmanship), we now turn our gaze to a recent legal skirmish in the Delhi High Court, a compelling saga involving a beloved grape brandy: Pisco. This isn't just about a drink; it's about identity, history, and the delicate dance of intellectual property law.

At the heart of this legal ferment lies the case of Asociacion De Productores De...



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# PIVOTAL ISSUES

## MS Dhoni's "Captain Cool" Trademark and India's Evolving IP Landscape

# TRADEMARK



“

This trend highlights India's evolving IP landscape, where a celebrity's name is a vital commercial asset requiring legal protection to safeguard brand equity.

In an era where personal brands hold immense commercial value, the registration of celebrity names and monikers as trademarks has become a critical strategic move for public figures. This is gaining significant traction in India, reflecting a broader global shift towards recognising and protecting the intellectual property inherent in a celebrity's persona. For instance, there is no dispute that Rajinikanth is 'Thalaivar' and Sachin Tendulkar the 'Master Blaster'. A prominent recent example is cricketing legend Mahendra Singh Dhoni's endeavour to trademark his famous moniker, "Captain Cool." These titles begin as informal expressions of admiration and are freely used by the public. Over time, they become exclusive identifiers for the celebrity. But when a nickname achieves this status through public use, can one claim legal ownership?

Celebrities are increasingly claiming exclusivity, both over their given names as well as fan-given nicknames. Sachin Tendulkar and Akshay Kumar have already filed trademarks for their nicknames, Master Blaster and Khiladi, for business activities from apparel to entertainment. This seems reasonable in a world where celebrities command mass attention but where reputations are fragile, and minor missteps...



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# PIVOTAL ISSUES

## The Silent Appropriation: Decoding the Prada-Kolhapuri Controversy Through India's GI Lens



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Analyzing if GI infringement occurred under Indian law. The article explores the nuances of GI protection, 'passing off,' and jurisdictional issues, debating current legal shortcomings and future implications for cultural design appropriation.

India's intellectual property landscape, particularly regarding Geographical Indications (GIs), is a vibrant domain designed to safeguard the unique identity and traditional craftsmanship associated with specific regions. The GI Act and its accompanying Rules of 2002 serve as the bedrock of this framework. They empower producers to protect goods whose distinctive qualities are intrinsically linked to their geographical origin, be it through natural factors, human skill, or cultural heritage. The registration of a GI grants exclusive rights to its authorized users, allowing them to prevent others from misleadingly using the indication for products not originating from that specific area.

This framework recently found itself under the spotlight following the unveiling of Prada's Spring/Summer 2026 collection. The luxury fashion house presented sandals that bore a striking resemblance to India's humble Kolhapuri Chappals, a footwear deeply embedded in Indian culture and a registered GI product. This visual similarity sparked a significant digital outcry in India, with accusations of cultural appropriation and potential GI infringement against Prada. The incident has naturally led to a crucial question: does an actionable claim for GI infringement...



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# PIVOTAL ISSUES

## The Crocs Conundrum: Navigating the Murky Waters of Design, Trade Dress, and Lasting Legacies



Does a product's shape alone warrant perpetual IP protection? Explore the implications for innovation and competition.



The dynamic realm of intellectual property is perpetually in flux, shaped by both innovative creations and the evolving interpretations of legal precedents. A recent pronouncement by a division bench of the Delhi High Court in *Crocs Inc. USA v. Bata India*, delivered on July 1, 2025, has ignited a significant dialogue at the very intersection of design protection and the expansive concept of trade dress. This pivotal ruling, which also considered an appeal involving *Dart Industries v. Vijay Kumar Bansal*, heavily draws upon the five-judge bench decision of the Delhi High Court in *Carlsberg Breweries A/S v. Som Distilleries Ltd.* While the Crocs judgment seemingly aligns its reasoning with *Carlsberg*, a deeper scrutiny suggests a potential divergence in understanding, one that risks blurring critical distinctions and, perhaps inadvertently, extending the ambit of intellectual property protection in ways that could have profound market implications.

At the heart of the Crocs judgment lies the assertion that a passing-off action based on trade dress can derive its foundation solely from the subject matter of a design infringement suit. This effectively suggests that a product's distinctive shape, such as the globally recognisable Crocs clog, might be deemed sufficient to support both design infringement and passing-off claims. Crucially, this...



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# PIVOTAL ISSUES

## Budweiser's One Second Ads Spark Copyright Conundrum with Music Micro-Samples



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exploring how fleeting musical fragments challenge copyright law's definition of originality, sampling rules, and commercial intent across global jurisdictions, hinting at future IP complexities.

In the bustling arena of contemporary advertising, brevity is often seen as the soul of wit, and increasingly, the cornerstone of commercial impact. Budweiser, a global beverage giant, recently leveraged this principle with its "One-Second Ads" campaign. This ingenious marketing strategy presented viewers with fleeting musical snippets, challenging them to identify the underlying song. Yet, this creative endeavor, underpinned by a public declaration of "zero dollars spent on music rights," has uncorked a potent legal debate, revealing the intricate challenges posed by digital sampling and the ever-evolving boundaries of copyright law.

The central legal conundrum at play is whether such ephemeral musical fragments—mere flickers of sound—can trigger copyright infringement, particularly when strategically deployed for commercial gain. This exploration navigates the labyrinthine definitions of originality, the protectability of micro-samples, and the contentious issue of market substitution, drawing insights from diverse legal traditions across the United States, the European Union, and India. The core question facing intellectual property jurisprudence today is discerning when strategic brevity crosses the line from innovative engagement into unauthorized...



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# SIGNIFICANT CASE LAWS

## Delhi High Court Rules Against Trademark Removal Without Due Notice

In *Rakesh Kumar Mittal v. The Registrar of Trade Marks*, the Delhi High Court held that the mere expiry of a trademark registration does not, in itself, justify its removal from the Register. Instead, such removal must be strictly preceded by the mandatory issuance of a Form O-3 notice, as stipulated by Section 25(3) of the Trade Marks Act, 1999, and Rule 64(1) of the earlier Trade Marks Rules.

The Court found that the Registrar's failure to issue this notice rendered the removal procedurally flawed and *ex facie* illegal, and consequently directed the restoration and reinstatement of the trademark.

The case involved petitioner Rakesh Kumar Mittal, who had applied for the trademark "MILTON" on May 6, 1994, with registration (No. 627446) granted on May 30, 2003, valid until May 6, 2004. Despite the registration, it lapsed and was subsequently removed from the Register due to non-renewal.

An RTI application filed by the petitioner later revealed that the crucial Form O-3 notice, designed to inform the proprietor of the approaching expiry date, had not been served. The petitioner contended that this non-receipt directly led to his failure to renew the trademark and its subsequent removal.

The Court's decision was precisely based on the Registrar's clear failure to comply with the statutory requirement of issuing the Form O-3 notice before removing the trademark. This procedural lapse was deemed a fundamental breach of due process, rendering the removal invalid.



[VIEW JUDGMENT](#)



# SIGNIFICANT CASE LAWS

## Delhi High Court Mandates Record ₹290 Crore Security in Patent Infringement Suit Against Korean Firm

In July 2025, the Delhi High Court, *Communication Components Antenna Inc vs Ace Technologies Corp. And Ors* led by Justice Saurabh Banerjee, ordered South Korean telecom equipment manufacturer Ace Technologies Corp to deposit ₹290 crore as interim security in a patent infringement suit filed by Canadian company Communication Components Antenna Inc (CCA).

This brought the total security amount to ₹365 crore—the largest ever in Indian IP litigation. The Court underscored that Ace’s lack of significant assets in India, combined with the cessation of its Indian operations and absence of a reciprocal enforcement treaty between India and South Korea under Section 44A of the Civil Procedure Code, posed a high risk that any favorable decree for CCA might remain unenforceable.

Given CCA’s claim for ₹1,160 crore in damages, the Court invoked its inherent powers under Section 151 CPC to prevent potential irreparable harm and ensure that any eventual judgment would not be rendered futile. The Court rejected Ace’s contention that earlier deposits were adequate, citing the defendant’s deteriorating financial position and the practical difficulties in enforcing Indian court orders abroad. It noted Ace’s disclosed Indian assets were minimal—₹5.68 crore in cash, depreciating equipment worth ₹4–5 crore, and land valued at ₹18 crore—insufficient to cover the claimed damages.

The Court also clarified that the usual procedural provisions (Order XXXVIII Rule 5 CPC) were inapplicable due to lack of attachable local property. By mandating the ₹290 crore deposit (25% of the claimed damages), the Court balanced protecting the plaintiff’s IP rights and allowing the defendant to continue its business while safeguarding the enforceability of eventual judgments. This decision marks a significant judicial approach to addressing enforcement risks in cross-border IP disputes involving foreign corporate defendants.



[VIEW JUDGMENT](#)

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# SIGNIFICANT CASE LAWS

## Delhi High Court Directs Pro Tem Security in SEP Dispute, Signaling Evolving Approach to Interim Relief

The Delhi High Court in *Dolby v. Lava* recently directed Lava International to deposit ₹20.81 crore as pro tem security in a Standard Essential Patent (SEP) infringement dispute with Dolby.

This landmark ruling by Justice Bansal in July 2025 granted interim relief without fully adjudicating patent essentiality, validity, or infringement. Instead, the Court found a prima facie case based on Dolby's licensing history, claim charts, and Lava's conduct during negotiations.

This decision marks a significant shift from previous Delhi High Court stances on interim relief in SEP cases. It moves beyond the strict "four-fold test" initially imposed in *Nokia v. Oppo* (2022), which demanded extensive admissions from implementers, a test later rejected by the Division Bench. The ruling also builds on the "two-step" approach established in *Intex v. Ericsson* (2023), which required implementers to either accept a FRAND offer or provide a conditional counter-offer with security once a prima facie infringement case was shown.

The Court's rationale was primarily based on Lava's alleged "unwilling licensee" conduct. Despite Dolby's persistent FRAND offers since 2018, Lava had continued using the technology without making any counter-offer.

The Court viewed this as sufficient prima facie evidence to justify securing Dolby's interests, clarifying that the pro tem order was a security measure, not a final determination of liability or infringement. This pragmatic approach acknowledges the complexity of resolving intricate SEP issues at an interim stage, ensuring that SEP holders are not left without recourse while the full merits of the case are decided.



[VIEW JUDGMENT](#)



# SIGNIFICANT CASE LAWS

## Delhi High Court Stays ₹339 Crore Amazon Damages Decree, Citing Egregious Procedural Lapses

The Delhi High Court Division Bench in *Amazon v. Lifestyle* has stayed an ex-parte Single Judge order imposing ₹339 crore in damages on Amazon Technologies Inc. for trademark infringement. The stay was granted due to severe procedural flaws, including the plaintiff's failure to plead the high damages amount and the lack of proper summons served on Amazon Tech.

The case involved Lifestyle Equities suing Amazon Tech, Cloudbail, and ASSPL for trademark infringement. The Single Judge had conflated the defendants' roles and held Amazon Tech liable.

The Division Bench emphasized that a stay on a money decree was warranted in this exceptional case due to the complete absence of pleadings for the enhanced damages, no direct finding of Amazon Tech's infringement, a reaffirmation of distinct legal personalities among the defendants, and crucial non-compliance with summons procedures. This decision clarifies licensor and e-commerce liability, stressing the indispensable nature of procedural adherence in litigation.



[VIEW JUDGMENT](#)



# SIGNIFICANT CASE LAWS

## Delhi High Court Grants Injunction Against Tira Trademark Impersonators

The Delhi High Court in *Reliance Retail Limited Vs. Ashok Kumar & Ors.* recently granted an ex parte interim injunction in favor of Reliance Retail, a subsidiary of Reliance Industries and owner of the beauty brand 'Tira'. The injunction specifically targets unknown fraudsters who were misusing the Tira trademark to solicit payments from customers through impersonation and fake promotional schemes.

The fraud, discovered in May 2025, involved individuals impersonating Tira representatives via phone calls, WhatsApp, and UPI platforms. They used fake identity cards, suspicious WhatsApp numbers, and misleading UPI links to trick customers with fake offers and promises of gift cards or discounts related to the Tira brand.

The Court's decision was based on a clear finding of a prima facie case of trademark infringement and passing off. Recognizing the significant public interest involved and the potential for irreparable harm to both consumers and the brand's reputation, the Court ordered immediate action. Consequently, several WhatsApp accounts, UPI IDs, and phone numbers identified in the fraudulent scheme were ordered to be blocked. This swift intervention aims to protect consumers from ongoing deception and safeguard the Tira trademark.



[VIEW JUDGMENT](#)



# SIGNIFICANT CASE LAWS

## Delhi High Court: Unauthorized Use of 'VERIZON' Trademark Constitutes Infringement, Regardless of Business Inactivity

The Delhi High Court in Verizon Trademark Services LLC & Ors. Vs. Verizon Venture Advisors LLP recently issued a permanent injunction in favor of Verizon Trademark Services LLC and its affiliated Plaintiffs, holding that Verizon Venture Advisors LLP and another defendant had infringed upon the well-known and registered trademark "VERIZON".

The Court found that the defendants' unauthorized use of a deceptively similar mark would cause irreparable harm to the Plaintiffs' brand, emphasizing that the mere inactivity of the defendants' business did not legitimize the infringement.

The Plaintiffs, Verizon Trademark Services LLC and its affiliates, initiated a trademark infringement suit seeking a permanent injunction. They had discovered in December 2017 that the defendant, Verizon Venture Advisors LLP, had registered an LLP under a name deceptively similar to their established "VERIZON" trademark.

The Court's decision was based on a clear finding of a prima facie case of infringement. The unauthorized nature of the defendants' continued use, despite receiving repeated notices from the Plaintiffs, was a key factor.

The Court underscored that the deceptive similarity between the marks posed a significant threat of irreparable harm to the Plaintiffs' well-established global brand reputation. Furthermore, it explicitly rejected the argument that the defendants' business being inactive could somehow excuse or legitimize their infringing conduct.



[VIEW JUDGMENT](#)



# SIGNIFICANT CASE LAWS

## "BADAL" Trademark Remains Valid: Court Dismisses Cancellation Petition Citing Lack of Fraudulent Assignment Evidence

The Court, in a recent decision in *M/S Sita Ram Irony Foundry & Engineering Vs. Hindustan Technocast (p) Ltd.*, dismissed a petition seeking the cancellation of the "BADAL" trademark, registered in favor of Hindustan Technocast (P) Ltd.

The petitioner had argued for cancellation based on alleged fraudulent assignment and ownership. However, the Court held that the trademark had been in continuous use since 1945, and the petitioner failed to provide cogent evidence to substantiate the serious allegations of fraud in the assignment deeds.

The petitioner had sought the cancellation of the "BADAL" trademark, alleging that its assignment and ownership were fraudulent. Despite the respondent's default in filing a reply, which typically might favor the petitioner, the Court emphasized the gravity of fraud allegations.

The Court's precise reasoning for dismissal rested on the principle that serious allegations like fraud require compelling and concrete evidence. Such evidence was notably absent from the petitioner's submissions. Consequently, the Court found it necessary that the factual disputes be thoroughly addressed through a full trial, rather than relying on unsubstantiated claims.

As a result, the registered "BADAL" trademark remains valid and continues to be renewed on behalf of the respondent.



[VIEW JUDGMENT](#)



# TRAINING & EVENTS

## IP And Innovation Conclave 2025 (IPIC)

Empowering Innovation: Navigating IP Disputes & Decoding New Age Technology



 Nov. 14, 2025

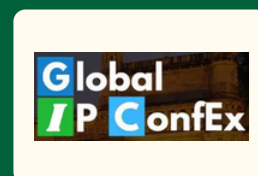
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a premier gathering of tax law experts, policymakers, corporate professionals, and legal practitioners



 Dec. 02, 2025

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## International Conference on SEPs and Patent Innovation

Unlocking Innovation: The Role of Standard Essential Patents (SEPs) in Global Technology



 Aug 10, 2025

 Online

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# REGULATORY UPDATES

## Indian Patent Office Unveils Comprehensive Draft CRI Guidelines 2025



**INTELLECTUAL  
PROPERTY INDIA**

PATENTS | DESIGNS | TRADE MARKS  
GEOGRAPHICAL INDICATIONS

The Indian Patent Office has taken a significant stride towards clarifying the patentability landscape for Computer Related Inventions with the release of the Draft CRI Guidelines 2025 – Version 2.0. Accompanied by an extensive illustrative Annexure, this updated version aims to provide much-needed clarity for patent examiners, applicants, and practitioners navigating the complex realm of CRIs in India. These guidelines are poised to refine the examination process, integrate recent judicial pronouncements, and address emerging technologies, ensuring a more predictable and robust patent system.

The Draft Guidelines for Examination of CRI, 2025, Version 2.0, along with Annexure-I, have been made available for public consultation. This release builds upon an earlier draft from March 2025, incorporating expanded procedural guidance, additional case law references, and a structured set of illustrative...

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help businesses succeed in these dynamic sectors.

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