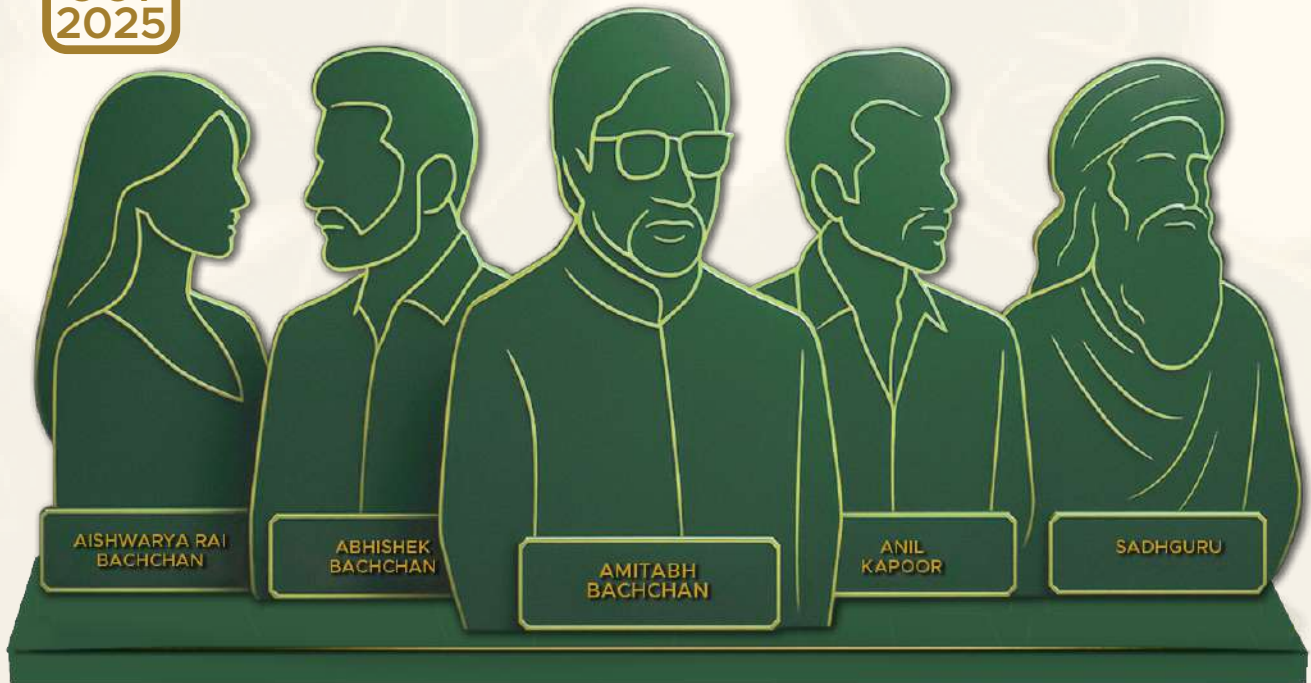




# IPR INSIGHTS

Your Monthly Digest to Stay Ahead in the Evolving Realm of IPR



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***Rights Meet Reality***, our newsletter captures a crucial period of evolution in Indian intellectual property law, marked by the judiciary's active role in bridging constitutional rights with commercial and digital realities. Our Cover story, "The Price of Fame," analyses the profound legal revolution underway as courts, without a specific statute, forge new common law to protect the dignity and commercial value of celebrity personality rights from the exploitation enabled by AI and deepfakes. This judicial activism, rooted deeply in Article 21 of the Constitution, underscores the judiciary's commitment to safeguarding individual identity in an increasingly vulnerable digital age. This edition also delves into the foundational debates shaping our jurisprudence. In Trademark Law, we examine the Delhi High Court's ruling in *Wow Momo Vs Wow Burger*, which serves as a vital check against expansive claims, reaffirming that common, laudatory words like 'WOW' cannot be monopolised under the 'family of marks' principle. This is juxtaposed with the Rajasthan High Court's landmark ruling in the *Nirmala Kabra* matter, which connects the right to a speedy disposal of trademark applications directly to Article 21—a move that fundamentally challenges administrative delays. Further refining this area, we explore the Ascendancy of Numbers, examining how numerical sequences are transcending their abstract role to become potent brand identifiers. Meanwhile, in the world of Patent Law, the analysis of Novartis's strategic delay and subsequent forfeiture of rights provides a compelling and cautionary tale about procedural abuse, reminding us that patentee rights are not a tool for dilatory tactics. Complementing this, our regulatory update on the AYUSH Patent Guidelines clarifies the balance between Protecting Tradition and Requiring Innovation, providing a clear framework for rewarding genuine scientific advancements in India's traditional medicine sector. Our Case Law highlights the proactive nature of recent rulings, from the Dynamic+ Injunction granted to protect Jolly LLB 3 setting a new, real-time standard against online piracy—to the PISCO Ruling, which affirms the principle of coexistence for homonymous Geographical Indications (GIs), thereby setting a significant precedent for international trade disputes. The current IPR environment demands constant vigilance and informed strategy; we've curated this digest to provide the essential insights and legal direction needed to stay ahead.

Let's dive in.

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The Price of Fame: How Indian Courts Are Forging New Law to Protect Celebrities from AI



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# COVER STORY

## The Price of Fame: How Indian Courts Are Forging New Law to Protect Celebrities from AI



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*In the dynamic legal landscape of India, a silent revolution is unfolding*

In the dynamic legal landscape of India, a silent revolution is unfolding. Without a single, guiding statute, the framework for personality rights is being forged in the crucible of judicial pronouncements. This is not merely a technical exercise in law; it is a profound and proactive effort by the judiciary to safeguard public figures from the digital onslaught of AI and deepfakes. More than just protecting celebrity images, this evolving legal philosophy recognises and fortifies the inherent dignity and commercial value of every individual's identity in an age where it is more vulnerable than ever.

The foundational principles of personality rights in India are deeply rooted in the right to privacy and the right of publicity. The right of publicity is a proprietary right, acknowledging that a celebrity's persona encompassing their name, image, voice, signature, and other unique characteristics holds significant commercial value that they can control and monetise. Conversely, the right to privacy is a personal right, shielding individuals from unwanted public exposure or the misrepresentation of their private lives. In India, the Supreme Court has given constitutional weight to these rights by interpreting Article 21 of the Constitution, which guarantees the right to life and personal liberty, to also include the right to privacy and the right to live with dignity. This constitutional backing has been reinforced in recent rulings, such as the Madras High Court's 2025 judgment in *X v. Union of India*, which underscored that online identity protection is an essential component of dignity under Article 21. In India, personality rights are protected through a combination of legal safeguards and enforcement...

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# PIVOTAL ISSUES

## A Tale of Two Tinseltowns: Decoding the Copyright Law in the Wake of Landmark Judgments



*Copyright protects creativity, not vague contracts or baseless speculation*

In the dazzling world of Bollywood, where grand narratives unfold on screen, the Bombay High Court recently delivered its own powerful plot twists, not in a film, but in two landmark legal judgments. The cases of Shemaroo Entertainment Ltd. v. Saregama India Ltd. referred to as Disco Dancer and Manoj Kala v. Balaji Telefilms Ltd. known as the Dream Girl serves as a collective wake-up call for the industry. They remind us that while creativity knows no bounds, its legal protection is governed by a precise, often unforgiving, framework. The message is clear: the drama that sells tickets won't win a copyright battle.

The dispute began with a musical stage show based on the iconic 1982 film Disco Dancer. The plaintiff, argued that the musical was an unauthorised use of their rights to the film. The defendants claimed that the original producer had retained the “remake rights” for a period of ten years, and this included the musical. The court’s task was to interpret the contract and align it with the law. The court’s distinction was rooted in a careful reading of the Copyright Act, 1957. It clarified that while the industry often uses these terms interchangeably, the law treats them very differently.

A remake, a sequel, and an adaptation are distinct concepts in the world of filmmaking. A remake retells an existing story in a new film version, keeping the narrative within the cinematic medium. A sequel, conversely, continues the original story’s universe with a new plotline. Finally, an adaptation involves converting a work from one medium to another, for...



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# PIVOTAL ISSUES

## Tactics Over Timing: How Novartis's Strategic Delay Led to the Forfeiture of Rights



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*Right of the patentee exist, but it is not a tool for dilatory tactics*

The Novartis v. Controller of Patents is a landmark judgment that dramatically reshapes the landscape of patent litigation in India. It serves as a powerful cautionary tale, demonstrating how a strategic delay, intended to gain a tactical advantage, can be re-framed by the judiciary as a procedural abuse, leading to the forfeiture of crucial rights. The Delhi High Court's ruling, which denied Novartis's request for cross-examination, was not based on the merits of its patent but on the company's conduct during the proceedings. This decision is a fascinating study of the collision between a litigant's tactical choices and the court's overarching need for expeditious and fair dispute resolution.

The controversy began when Novartis faced post-grant opposition to its patent for the drug Entresto. The opposition, led by several generic pharmaceutical companies, argued that the patent lacked an inventive step and violated Section 3(d) of the Patents Act, 1970, a provision designed to prevent the "evergreening" of patents. Instead of immediately exercising its right to cross-examine the opponents' experts, Novartis chose a different path. For an entire year, it focused on filing its own rebuttal evidence, consistently raising objections about the admissibility of the opponents' evidence without formally challenging its credibility through cross-examination. The critical turning point came in July 2025, the very day the Opposition Board was set to issue its recommendations. It was then, and only then, that Novartis filed an application to cross-examine the experts. This timing was seen by the court as a transparent attempt to stall the proceedings, an impression reinforced by was...



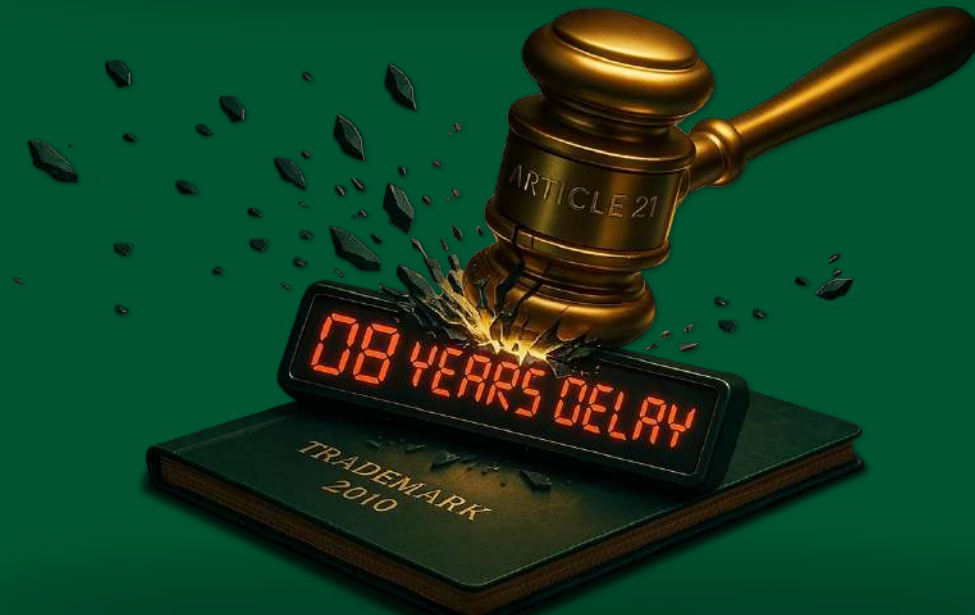
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# PIVOTAL ISSUES

## The Constitutional Gavel: Article 21 and the Battle Against Trademark Delays



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*Natural justice is an inseparable ingredient of procedural fairness and reasonableness*

The convergence of constitutional and intellectual property law is an infrequent yet intriguing legal development. One might not ordinarily associate the right to “life” under Article 21 of the Constitution with the procedural timelines of trademark adjudication. Yet, in a recent and notable judgment, the Rajasthan High Court in *Nirmala Kabra v. Registrar of Trademarks and Anr* has extended the ambit of Article 21 to encompass the right to speedy and expeditious disposal of trademark applications. This judicial interpretation adds an unexpected but significant dimension to the evolving jurisprudence surrounding fundamental rights in India.

In a striking development at the intersection of intellectual property law and constitutional law, the Rajasthan High Court recently delivered a judgment that has prompted both commendation and critique. In *Nirmala Kabra* (supra) case, the Court addressed the issue of extraordinary delay in the disposal of a trademark registration application and, in doing so, held that the right to a speedy and expeditious disposal of such applications is an integral component of the fundamental right to life under Article 21 of the Constitution of India. The facts are, on the face of it, compelling that the petitioner had filed a trademark application for the mark ‘Breastone’ in June 2010. An opposition was filed in 2013. By 2017, pleadings were complete, and the matter was listed for evidence. Since then, however, no progress has been made. For over eight years, the Registrar of Trademarks failed to act, leaving the application in limbo. Aggrieved by this inaction, the petitioner approached...



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# PIVOTAL ISSUES

## The Ascendancy of Numbers: A New Paradigm for Trademarks in India



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*Trademarks  
are the  
bedrock of  
brand identity*

In the evolving landscape of branding and intellectual property, the most powerful identifiers are often the most unexpected. While a trademark is traditionally conceived as a word, a logo, or a symbol, a new paradigm is emerging where numbers, once considered abstract and devoid of meaning, are transcending their conventional role. In their purest form, numbers are mere tools for measurement and calculation, but through human association, they can acquire a profound commercial significance. While a numerical sequence may, in some industries, serve a purely descriptive function denoting a product's size, model, or version—it can, and increasingly does, transcend this limitation to become a genuine and potent brand identifier.

The successful trademark registration of brands such as “7-Eleven” demonstrates that numbers possess the inherent capacity to function as a distinctive brand identifier. This burgeoning trend of leveraging numerical sequences for brand identity has prompted significant legal inquiry into whether a string of numbers, devoid of any accompanying alphabetical letters or graphical elements, can be registered as a trademark. This question lies at the heart of current debates in trademark law, and the recent Delhi High Court judgment in *Vineet Kapur v. Registrar of Trade Marks* offers significant clarity on the concept. The topic has been further underscored by the ongoing case of *Castrol Limited v. Sanjay Sonavane*, where the court, headed by Justice Tejas Karia, passed interim orders safeguarding Castrol India's right to use its “3X Protection” mark on engine oil, deeming...



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# SIGNIFICANT CASE LAWS

## Delhi High Court Rules 'WOW' Is a Common Laudatory Word, Refuses to Grant Injunction to Wow Momo in Trademark Dispute

In a significant judgment on trademark law, the Delhi High Court has refused to grant an interim injunction to Wow Momo Foods Pvt Ltd, the plaintiff, against the defendant's use of the 'WOW BURGER' mark in the case of Wow Momo Vs Wow Burger. The core of the ruling, delivered by Justice Manmeet Pritam Singh Arora in the case, is that the word 'WOW' is a common, laudatory exclamation and cannot be monopolized under trademark law and as such, falls squarely within the statutory exceptions to trademark protection as defined in the Trade Marks Act, 1999, specifically Sections 9(1)(b) and 30(2)(a). These provisions prevent the registration and grant of exclusive rights over words that are merely descriptive of the quality or characteristics of goods and services.

The court also dismissed the plaintiff's argument that the word 'WOW' had acquired a secondary meaning, stating that continuous use since 2008 was not a long enough period for a common English word to be exclusively associated with Wow Momo's products in the minds of consumers. Hence, finding no deceptive similarity between the two marks, the order highlighted the plaintiff's use of 'WOW! BURGER' was sporadic and only for a menu item, not as a primary brand. Consequently, the court concluded that the plaintiff had failed to establish a prima facie case for an injunction, dismissing the application and reaffirming the principle that common dictionary words cannot be treated as the private property of any single entity.



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# SIGNIFICANT CASE LAWS

## Delhi High Court's PISCO Ruling Affirms Coexistence of Homonymous GIs, Setting Precedent for International Disputes in India

In a notable ruling on the international dispute over the 'PISCO' Geographical Indication (GI), the Delhi High Court has denied interim relief to the Embassy of Peru in *Asociacion De Productores De Pisco A.G. V. Union Of India & Ors.* The court upheld a single-judge order that allows for the registration of "Peruvian PISCO" and the processing of Chile's separate application for "Chilean PISCO". A Division Bench of Justices C Hari Shankar and Om Prakash Shukla found no irreparable harm in allowing both applications to proceed, scheduling the matter for a final hearing on October 15, 2025.

The significance of this judgment is its affirmation of the principle of homonymous GIs in India. The court explicitly stated that similar geographical names can coexist if they are distinguished by national identifiers to prevent consumer confusion. This legal position differentiates GI rights from traditional trademark law, where the principle of "first use" often dictates rights. The court clarified that GI protection is based on a product's genuine connection to its geographical origin, not on a claim of exclusive use over time. This nuanced approach sets a precedent for handling future international GI conflicts in India, recognizing that multiple regions may have a legitimate claim to a similar-sounding product.



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# SIGNIFICANT CASE LAWS

## Patanjali Challenges Disparagement Order, Argues Ads Don't Name Dabur in Chyawanprash Suit

In a significant development concerning commercial speech and product disparagement, Patanjali has filed an appeal before the Delhi High Court in the case of Dabur Limited v. Patanjali Ayurved challenged a single-judge order that directed them to edit their advertisements for Patanjali Special Chyawanprash. The order, issued by Justice Mini Pushkarna, mandated the deletion of lines and visuals that allegedly disparaged the products of rival companies, including Dabur, which holds a majority market share. This directive was issued in response to a suit filed by Dabur, which argued that Patanjali's campaign amounted to generic disparagement by misleading consumers and questioning the fidelity of other brands to Ayurvedic tradition.

Patanjali's appeal hinges on the legal principle of puffery, arguing that a degree of exaggeration is permissible in commercial speech and is protected by Article 19(1)(a) of the Constitution. The company claims its ads don't explicitly name or disparage Dabur but simply extol its own product. The appeal poses a critical question for Indian advertising: where does permissible puffery end and illegal disparagement begin, especially when the target is the dominant market leader but isn't explicitly named? The court's final ruling will provide much-needed clarity on the legal standards for comparative advertising in highly competitive markets.

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# SIGNIFICANT CASE LAWS

## Shamshera Copyright Dispute: Delhi High Court Declines Immediate Relief to Dharma, Leaves 'Scènes à Faire' Principle for Final Hearing

The Delhi High Court in the case of Dharma Productions Private Limited Vs State of NCT Delhi has refused to grant an immediate stay on the criminal investigation against Dharma Productions concerning the Ranbir Kapoor-starrer Shamshera. This decision stems from a 2024 First Information Report filed by filmmaker Bikramjeet Singh Bhullar, who claims the movie's plot infringes on the copyright of his literary work, 'Kabu na chhadein khet.' While Justice Ajay Dignpaul has issued a notice on Dharma's petition and their plea for interim relief, he did not halt the criminal proceedings. This ruling keeps the investigation active against Dharma, pending a full hearing scheduled for October.

This development is particularly notable because it stands in contrast to a previous ruling in the same case. It keeps the criminal probe active despite a previous civil court ruling that had rejected a similar copyright infringement claim against YRF. This contrast highlights a crucial distinction: that a civil court's interim findings do not automatically halt a criminal investigation. The case also reiterates the principle that copyright law protects unique expressions, not generic ideas or common cinematic tropes. The court's earlier dismissal of the "scènes à faire" argument, which held that elements like father-son themes and revenge plots are non-copyrightable, sets a precedent. However, by not staying the criminal probe, the court has added a layer of complexity, leaving room for further legal debate on the matter.



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# SIGNIFICANT CASE LAWS

## Delhi High Court Issues "Dynamic+" Injunction to Protect Jolly LLB 3 from Online Piracy, Setting a Standard for IP Protection

In a significant move against online piracy, the Delhi High Court in *Jiostar Private Limited Vs Vega Movies* has granted an ex-parte ad-interim injunction to Jiostar Private Limited, the exclusive rights holder of the film *Jolly LLB 3*, restraining more than 20 "rogue websites" from illegally hosting or streaming the movie. The court, presided over by Justice Tejas Karia, found that the unauthorized dissemination of the film poses an imminent threat that would cause irreparable harm to the plaintiff's substantial investment and revenue streams.

This innovative legal principle, pioneered by the Delhi High Court, is a proactive response to the "hydra-headed" problem of online piracy. Unlike a traditional injunction that targets specific websites, this dynamic order not only blocks identified rogue sites but also empowers the plaintiff to get new or mirror websites blocked in real-time without needing to return to court. By doing so, the court sets a powerful precedent, enabling copyright holders to combat digital piracy more effectively and reinforcing the principle that copyright law must evolve with technology to protect the creative and financial interests of the film industry from the rapid and anonymous nature of online infringement ensuring that creators' rights are not undermined by the rapid and anonymous nature of online piracy.



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# REGULATORY UPDATE:

AYUSH Patent Guidelines: Protecting Tradition,  
Requiring Innovation



## INTELLECTUAL PROPERTY INDIA

PATENTS | DESIGNS | TRADE MARKS  
GEOGRAPHICAL INDICATIONS

The Indian government has taken a definitive step to harmonise intellectual property rights with its rich heritage of traditional medicine. The Office of the Controller General of Patents, Designs and Trade Marks (CGPDTM) has issued the "Guidelines for Examination of AYUSH Related Inventions," establishing a long-awaited, clear framework for patent applications related to Ayurveda, Yoga & Naturopathy, Unani, Siddha, and Sowa-Rigpa (AYUSH).

This initiative moves beyond the general "Guidelines for processing of patent applications relating to traditional knowledge and biological material." It creates a specific roadmap for protecting innovations within the AYUSH sector, including novel products, specialised equipment/devices, and value-added nutraceuticals derived from these systems. The core message is clear: Genuine, non-obvious scientific advancements in AYUSH are now explicitly welcomed for IP protection, provided they satisfy all criteria under the Patents Act, 1970. The new guidelines are meticulous in defining the boundaries between protected innovation and the public domain of traditional knowledge. Every AYUSH patent application must still meet the foundational requirements of Novelty, Inventive Step, and Industrial Application. Crucially, the CGPDTM has installed two primary filters to prevent the unjust monopolization of existing knowledge: Mandatory TKDL Search: A compulsory Traditional Knowledge Digital Library (TKDL) search is required to vet applications...

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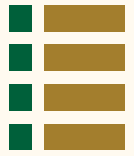
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