



IPR INSIGHTS

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



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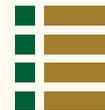


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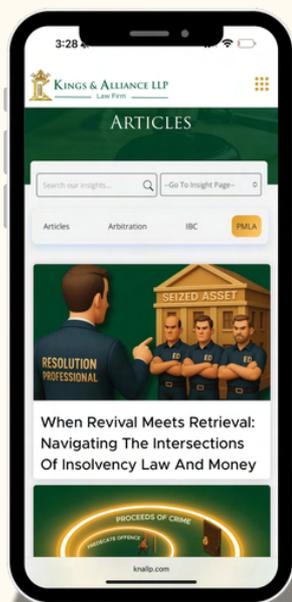
Architecting Protection, Balancing Power. our cover story this month captures a seismic shift in patent jurisprudence, examining how the Delhi High Court in **Canva Pty Ltd v. RxPrism Health Systems** is looking beyond literal structural differences to protect the "architectural soul" of software innovation. By embracing a purposive interpretation, the judiciary is ensuring that substantive inventive concepts are shielded from colorable variations, marking a sophisticated evolution in how we evaluate software-related IP.

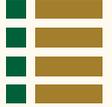
This edition of IPR Insights further explores the **delicate equilibrium between private exclusivity and public rights**. From the Madras High Court's refusal to let brands "lock away the dictionary" in the Vicks dispute to the Supreme Court's critical intervention in the **jurisdictional tug-of-war between the CCI and the Patents Act**, the theme this month is one of **balance**. We examine the "duty of candour" in litigation through the **Cognizant case**, reminding practitioners that the shield of an injunction requires the foundation of absolute transparency.

Beyond traditional boundaries, we navigate the evolving landscape of distinctiveness through the lens of the **Tajpuriya case**, which scrutinizes the delicate line between arbitrary branding and the potential monopolization of terms tied to cultural or geographic heritage. We also evaluate the proposed revamp of the **Designs Act, 2000**, designed to bring virtual and non-tangible designs into the statutory fold for the digital age. From managing complex cross-border discovery requests in **Pfizer** to enforcing trademark discipline after the expiry of the **Jawed Habib franchise**, this digest is crafted to help you master the boundaries of modern ownership. As the legal framework moves toward technical precision and ethical litigation, we invite you to explore the insights keeping the industry ahead of the curve.

Let's dive in.

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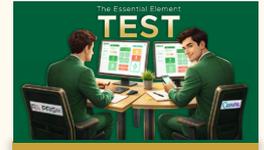




COVER STORY

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The Architectural Soul of Innovation: Decoding Canva Pty Ltd v. RxPrism Health Systems



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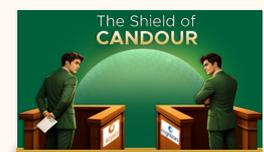
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COVER STORY

The Architectural Soul of Innovation: Decoding Canva Pty Ltd v. RxPrism Health Systems

The Essential Element **TEST**



The Delhi High Court's ruling in Canva Pty Ltd v. RxPrism Health Systems represents a sophisticated evolution in Indian patent jurisprudence, marking a definitive shift in how the judiciary evaluates software-related inventions. By upholding an interim injunction against Canva's 'Present and Record' feature, the Division Bench has signaled that the spirit of an invention's substantive architectural core will be protected against even the most polished "colorable variations." This judgment does more than settle a dispute between two tech entities; it provides a modern roadmap for the Doctrine of Equivalents in an era where software processes are increasingly complex and abstract.

At the heart of this issue was RxPrism's Indian Patent No. 360726, which covers a system for creating interactive multimedia presentations. Canva sought to overturn a previous injunction by arguing that its technology lacked the specific structural "layers" described in the patent and functioned without certain haptic features like the manual movability of video overlays. However, the court's analysis moved swiftly past these literalist defenses, leaning instead into the principle of purposive interpretation. By reading the patent through the eyes of a Person of Ordinary Skill in the Art (POSITA), the court determined that the inventive concept was not rooted in rigid structural compartmentalisation but in the functional architecture that allowed for synchronized, layered media delivery. The court anchored its infringement analysis in the two-stage test from F. Hoffmann-La Roche v. Cipla, which mandates first construing the patent claims and then comparing that construction to the...

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Decoding the Publici Juris Doctrine and Descriptive Trademarks through the Lens of the Madras High Court in the VICKS VAPORUB Dispute

Monopolising VAPOR?



In the high-stakes arena of trademark law, a recurring battleground exists where the private desire for brand exclusivity meets the public right to descriptive language. This tension was recently brought into sharp focus by the Madras High Court in *The Procter and Gamble Company v. IPI India Pvt. Ltd.*, a case that serves as a modern textbook example of the "Publici Juris" doctrine. At its core, the dispute involved the iconic household brand VICKS VAPORUB and its challenge against a competitor using the mark "VAPORIN". The case highlights a fundamental legal reality: no matter how legendary a brand becomes, it cannot lock away the dictionary.

To understand this conflict, one must look at the "spectrum of distinctiveness" that governs trademarks. On one end, you have "fanciful" marks like Kodak or Exxon, which are purely invented and receive the highest protection. On the other end are "descriptive" terms that merely name a product's function or nature. When Procter & Gamble sought to protect VICKS VAPORUB, they were essentially trying to assert that because their use of the term "VAPO" was so extensive and long-standing, it had acquired a "secondary meaning" that should prevent others from using similar-sounding names for vapor-based medicines. However, the Court leaned on a pillar of Indian trademark jurisprudence established by the Supreme Court in *F. Hoffmann-La Roche v. Geoffrey Manners*. That landmark ruling established the "Anti-Dissection Rule" with a crucial caveat: while marks must be compared as a whole, descriptive prefixes or suffixes that are "Publici Juris" (belonging to the public)...

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PIVOTAL ISSUES

Duty of Candour in Ex-Parte Injunctions: Atyati v. Cognizant before the Bombay High Court

The Shield of CANDOUR



Can a high-stakes intellectual property battle be won if the foundation of the claim rests on a selective disclosure of facts? This was the pivotal question before the Bombay High Court in the case of Atyati Technologies Private Limited vs. Cognizant Technology Solutions U.S. Corporation & Anr., a dispute that underscores the non-negotiable "duty of candour" required when a party seeks the extraordinary remedy of an ex-parte injunction.

The conflict originated when Atyati Technologies, a provider of specialized IT services, alleged that the global giant Cognizant had infringed upon its registered "ATYATI" device mark and artistic logo. Atyati claimed to have used its distinctive branding since 2019, building a business of over ₹317 crores, while Cognizant had recently rebranded with a logo that Atyati described as a "slavish imitation". Following a cease-and-desist notice in October 2023, Atyati approached the Court in March 2024 and successfully obtained an urgent ex-parte ad-interim injunction, effectively paralysing Cognizant's use of its new global branding within India. However, the legal narrative shifted when the Court scrutinised the factual matrix Atyati used to secure that emergency relief. The core issue moved beyond visual similarity to whether Atyati had suppressed material facts to manufacture urgency. The Court discovered that while Atyati's Plaintiff claimed they only discovered the mark in 2023, their own October 2023 notice acknowledged Cognizant had adopted it in 2022. This discrepancy suggested the "urgency" used to bypass the requirement of notice was artificially constructed. In discontinuing the relief, Justice Firdosh P. Pooniwalla...

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PIVOTAL ISSUES

Navigating the Jurisdictional Tug-of-War Between the CCI and the Patents Act

Antitrust vs. Patents



The intersection of Intellectual Property (IP) and Competition Law in India has reached a critical juncture. The core dispute centers on whether the Competition Commission of India (CCI) has the legal standing to investigate patent holders for anti-competitive behavior, or if such matters fall exclusively under the Patents Act, 1970. While recent rulings from the Delhi High Court and the National Company Law Appellate Tribunal (NCLAT) attempted to oust the CCI's jurisdiction, a landmark intervention by the Supreme Court in *CCI v. Swapan Dey*, has stayed those findings. This sets the stage for a definitive ruling on a jurisdictional clash that will determine whether patent exclusivity can be shielded from antitrust scrutiny.

The current legal uncertainty stems from the 2023 Delhi High Court judgment in *Telefonaktiebolaget LM Ericsson (PUBL) v. CCI*. Applying the maxims *Generalia specialibus non derogant* (special law prevails over general law) and *Lex posterior derogat priori* (later law prevails over earlier law), the Court reasoned that the Patents Act extensively amended in 2003 should take precedence over the Competition Act of 2002. It concluded that the Patents Act is a "complete code" for addressing licensing abuses. This line of reasoning was adopted by the NCLAT in 2025 in the *Swapan Dey* case, involving a patented iron-deficiency drug. However, by staying the NCLAT's order in early 2026, the Supreme Court has signaled that the CCI's role as a market regulator may not be so easily dismissed. The primary argument for ousting the CCI's authority is the existence of Compulsory Licensing (CL) under Section 84 of the Patents Act. Yet, history suggests CL was never meant to be an exhaustive...

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Administrative Consistency and Procedural Fairness in Trademark Registry Decisions through the lens of Delhi High Court in Tajpuriya Case



Refusal Must Follow Reason

Can a corporation claim exclusive ownership over a word tied to a remote tribe or a specific geographic region, or do such terms belong eternally to the public domain? This fundamental question of intellectual property rights took center stage in the recent case of *M/S. Ads Agro Industries Pvt. Ltd vs The Registrar Of Trade Marks*, held by the Delhi High Court on February 3, 2026. The ruling highlights an intensifying tension in India's commercial landscape: the delicate balance between a brand's pursuit of "arbitrary" distinctiveness and the state's duty to prevent the private monopolization of cultural heritage.

The evolution of Indian trademark law is increasingly moving beyond the visual into the experiential. A prominent example of this shift is United Breweries Limited's successful registration of its iconic "Oo La La La Le O" sound mark of Kingfisher's brand. This auditory asset achieved statutory exclusivity under Section 23(2) of the Trade Marks Act. By granting protection to this musical sequence for goods in Classes 32 and 33, the Registry acknowledged that a jingle can transcend mere entertainment to become a "gold standard" source identifier through sheer brand recall. Can a corporation claim exclusive ownership over a word associated with a remote tribe or a specific geographic region, or do such terms belong eternally to the public domain? The answer lies in the "arbitrary" nature of a mark: if a term is used in a way that does not describe the product's quality or nature much like using a tribal name for a modern spirit it can indeed achieve the status of a protected brand, provided the Registry plays by the rules of natural justice. As seen in the recent Delhi...

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SIGNIFICANT CASE LAWS

Cross-Border Patent Disputes: Supreme Court Intervenes in Pfizer's Request for Indian Documents

The Supreme Court of India in *Pfizer Inc And Ors. Versus Softgel Healthcare Private Limited* recently addressed a significant international legal conflict involving pharmaceutical giant Pfizer, which sought to compel an Indian manufacturer to produce sensitive documents for use in a U.S. patent infringement lawsuit. Pfizer approached the Indian courts to facilitate the discovery of evidence from an Indian entity, arguing that the information was vital for their ongoing litigation abroad. However, the Indian manufacturer resisted the move, raising concerns about the broad nature of the request and the potential exposure of confidential business information. The Supreme Court's intervention highlights the complexities of "Letters Rogatory" and international judicial assistance, where domestic companies often face the risk of being drawn into foreign legal battles.

In its deliberation, the Supreme Court emphasized the need to balance international cooperation with the protection of Indian entities from overly intrusive or "fishing" expeditions. The Court directed Pfizer to clarify the specific relevance of the documents requested and expressed caution regarding the potential for such discovery processes to bypass Indian procedural safeguards. By scrutinizing Pfizer's request, the Bench reaffirmed that while Indian courts will assist in international legal matters, such help is not unconditional and must not result in the harassment of domestic manufacturers or the unauthorized disclosure of proprietary data. This case sets a crucial precedent for how Indian courts will handle discovery requests from multinational corporations in global intellectual property disputes.



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SIGNIFICANT CASE LAWS

Defending Innovation: Madras High Court Upholds Dutch Company's Patent for Food Processor Technology

The Madras High Court recently dismissed a plea filed by a Chennai-based firm, Versuni Holding BV v. Maya Appliances Private Limited, which sought to revoke a patent granted to the Dutch electronics giant, Koninklijke Philips N.V. (Philips). The petitioner challenged the patent related to specific food processor technology, arguing that the invention lacked novelty and was an obvious modification of existing products in the market. However, the Court rejected these contentions, ruling that the Dutch company's invention met the criteria for "inventive step" and novelty under the Patents Act. The judgment emphasizes that technical advancements which solve specific functional problems in kitchen appliances are eligible for protection, even if they appear simple to a layperson.

The Court's rationale focused on the distinction between mere "workshop improvements" and genuine technological innovation. The Bench observed that the petitioner failed to provide sufficient "prior art" evidence to prove that the technology was already public knowledge or easily deducible by a person skilled in the art at the time of filing. By upholding the patent, the High Court reaffirmed the importance of protecting the intellectual property of multinational entities in India, provided they contribute a tangible technical advancement. This decision serves as a significant precedent for the domestic appliance industry, highlighting that patent challenges must be backed by rigorous technical evidence rather than generic claims of non-originality.

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SIGNIFICANT CASE LAWS

Judicial Oversight of Patent Denials: Calcutta High Court Quashes Rejection of OCV Intellectual Capital's Glass Fibre Patent

In the case of OCV Intellectual Capital, LLC v. The Controller of Patents and Designs, the Calcutta High Court set aside an order by the Patent Office that had rejected a patent application for a specialized "glass fibre composition." The US-based company, OCV Intellectual Capital, challenged the Controller's decision, which had dismissed their application on the grounds that the invention lacked an "inventive step" and was anticipated by prior existing technology. The High Court, however, found that the Patent Office's order was cryptic and lacked a thorough technical analysis, failing to explain exactly how the proposed invention was "obvious" to a person skilled in the art.

The Court's rationale focused on the necessity of providing "reasoned orders" in complex intellectual property matters. The Bench observed that the Controller had failed to engage with the specific technical differences and improvements claimed by the US company over existing glass fibre compositions. Consequently, the High Court quashed the rejection and remanded the matter back to the Patent Office for a fresh, de novo consideration. This judgment reinforces the principle that patent authorities must conduct a detailed and transparent comparison between the new invention and prior art, ensuring that applications are not dismissed through a mechanical or superficial application of the law.



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SIGNIFICANT CASE LAWS

Consequences of Non-Disclosure: Bombay High Court Refuses Interim Relief in 'Minco' Trademark Dispute

In the case of Minco India Private Limited Vs. Minco India Flow Elements Private Limited, the Bombay High Court denied an interim injunction to a US-based entity seeking to restrain an Indian firm from using the trademark "Minco." The plaintiff, Minco Products Corp., alleged trademark infringement and passing off regarding its registered mark; however, the Court found that the plaintiff had suppressed vital information concerning its long-standing prior relationship and correspondence with the defendant. The Court emphasized that a party seeking the "extraordinary" equitable relief of an injunction must approach the judiciary with clean hands, and the failure to disclose material facts is, by itself, sufficient grounds to deny such relief.

The Court's rationale also centered on the doctrine of "acquiescence," noting that the plaintiff had been aware of the defendant's use of the "Minco" name in India for decades without taking formal legal action. The Bench observed that the US company had effectively permitted the Indian firm to build its business and reputation under that name through a period of prolonged silence and even commercial interaction. By allowing the defendant to operate unchallenged for a significant timeframe, the plaintiff lost the right to an urgent interim restraint. This judgment serves as a critical reminder that in IPR litigation, both transparency in disclosure and promptness in legal action are essential for securing court intervention.



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SIGNIFICANT CASE LAWS

Franchise Expiry and Trademark Protection: Bombay High Court Restrains Unauthorized Use of 'Jawed Habib' Mark

In the case of *Jawed Habib Hair & Beauty Limited Versus Kavita Janki Services Private Limited*, the Bombay High Court granted interim relief to the famous hair salon chain by restraining a former franchisee from using its registered trademarks. The plaintiff, Jawed Habib Hair and Beauty Ltd., alleged that despite the expiration and termination of the franchise agreement, the defendants continued to operate their salon under the "Jawed Habib" brand name. The Court found that the defendants had no legal right to use the proprietary marks, logos, or trade name once the contractual relationship had ended, as such continued use constitutes clear trademark infringement and passing off.

The Court's rationale focused on the protection of brand identity and the prevention of consumer confusion. Justice Manish Pitale observed that the plaintiff had established a prima facie case, noting that the unauthorized use of a well-known mark like "Jawed Habib" by an ex-franchisee would lead the public to believe that the salon still maintained the quality and standards associated with the original brand. The Bench emphasized that allowing the defendants to exploit the goodwill of the franchisor after the termination of the license would cause irreparable injury to the plaintiff's business reputation. Consequently, the Court issued a temporary injunction, ordering the defendants to cease using the mark and to remove all infringing signage and branding materials.



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REGULATORY UPDATE:

Reimagining Design Protection: India's Proposed Revamp of the Designs Act, 2000

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DEPARTMENT FOR PROMOTION OF INDUSTRY INTERNAL TRADE

Design rights have become increasingly significant in modern intellectual property portfolios, particularly in economies driven by innovation, branding, and user experience. India has seen a sharp rise in design activity in recent years, with design filings growing by more than 43% year on year and over 12,000 applications filed in 2024. A striking feature of this growth is that approximately 90% of filings originate from Indian applicants, reflecting a growing recognition among domestic enterprises of the commercial and strategic value of design protection.

In this context, the Government of India has issued a Concept Note outlining proposed amendments to the Designs Act, 2000. The proposed reforms aim to update India's design law framework, ensure consistency with global best practices, and address the evolving nature of design creation in an increasingly digital and interconnected economy. The Concept Note acknowledges that the existing legislative framework was drafted for a substantially different industrial landscape and requires recalibration to remain effective and relevant in contemporary markets. The current Designs Act is primarily focused on protecting visual features applied to physical products. However, in today's economy, competitive value is often embedded in digital interfaces and visual experiences rather than tangible goods alone. User-facing elements such as graphical user interfaces, icons, animations, transitions, and screen arrangements play a crucial role in sectors including software...

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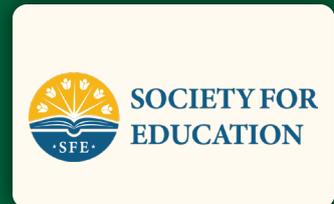
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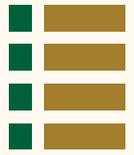
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