



IPR INSIGHTS

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



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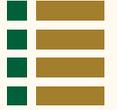
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Jurisdiction vs. Authority, our cover story this month examines a foundational question in trademark administration: does the “appropriate office” merely determine where an application is filed, or does it also shape who ultimately decides it? We explore how this evolving interpretation is beginning to influence forum strategy and procedural certainty within the trademark regime.

Across this edition, we analyse developments that test the contours of intellectual property rights. From whether a **dissolved entity can sustain trademark ownership**, to the limits of protection in disputes involving **movement marks and composite branding**, the courts continue to refine how identity, ownership, and confusion are assessed.

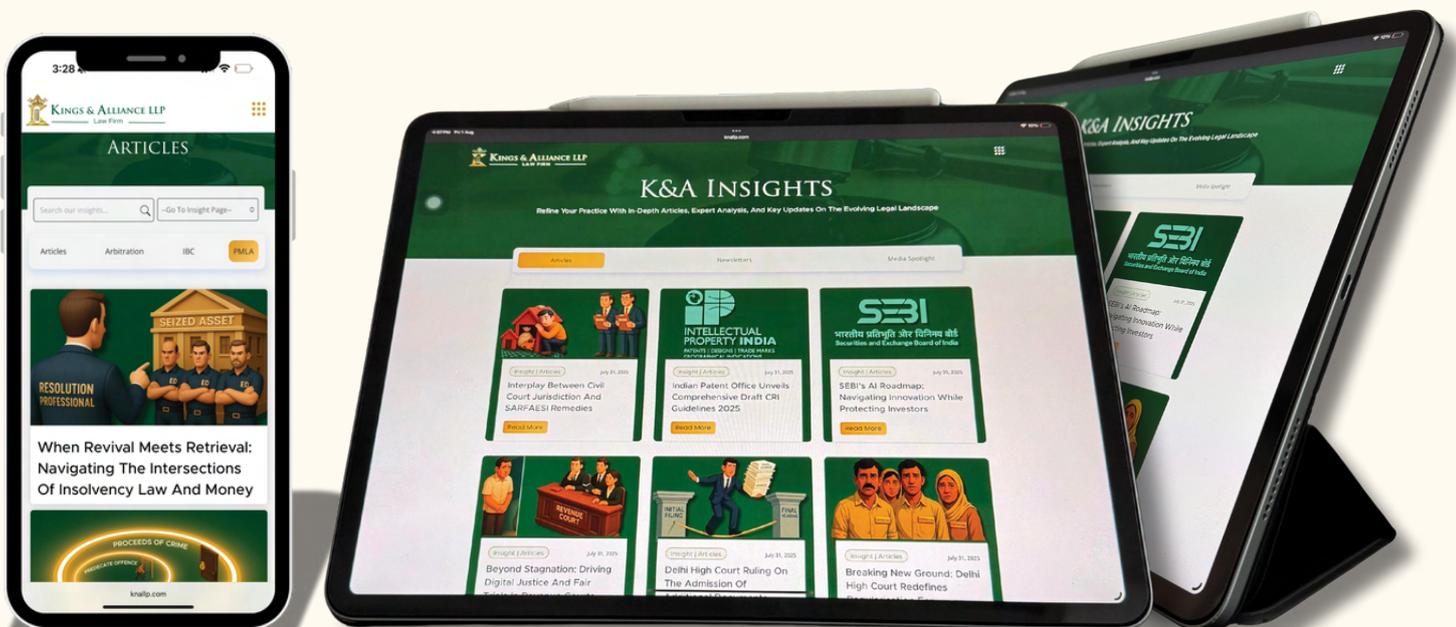
We also examine the judiciary’s approach to **similarity in sector-specific markets**, and its caution against extending exclusivity over formulations that risk creating impermissible monopolies.

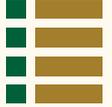
Our case law round-up captures significant judicial movement across trademarks, patents, copyright, and geographical indications, reflecting a sharper focus on distinctiveness, enforceability, and evidentiary standards.

To cap it off, we bring you key regulatory updates and a curated set of global events and training opportunities shaping the future of IP practice.

Let’s dive in.

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COVER STORY

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Trademark Registry Jurisdiction in India: Does the “Appropriate Office” Limit Who Can Decide Applications?



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COVER STORY

Trademark Registry Jurisdiction in India: Does the “Appropriate Office” Limit Who Can Decide Applications?

One Registry, Unified Authority



Does a trademark application, bound by law to a specific regional registry, carry a silent requirement that its fate be decided only by an officer sitting within those same territorial walls? This question, which strikes at the core of administrative modernization and the transition toward a borderless digital registry, was recently laid to rest by the Madras High Court. In the matter of *Solariz Healthcare Private Limited v. The Deputy Registrar & Ors.* The Court was called upon to determine whether the physical location of a Senior Examiner, specifically an officer in Mumbai deciding a Chennai filed application could invalidate a quasi-judicial order. The petitioner argued that the "appropriate office" defined under Section 18(3) created a rigid jurisdictional enclosure that followed the application from filing to final decision. However, the Court's ruling provides a definitive roadmap for the future of Intellectual Property (IP) administration in India, dismantling technical objections of procedural "territorialism" in favor of a robust, unified, and digitally integrated regulatory framework. The controversy began when Solariz Healthcare Private Limited, a Chennai-based entity, found its trademark application rejected. The conflict, however, centered not on the merits of the refusal but on the origin of the decision: the order was issued by a Senior Examiner attached to the Mumbai branch of the Trade Marks Registry. Invoking Rule 4 of the Trade Marks Rules, the petitioner contended that since their principal place of business was in Chennai, the Chennai Registry remained the only "appropriate office" with the legal authority to handle the file. The petitioner's narrative was straightforward: if the law mandates where one must file, it must surely mandate who must...

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PIVOTAL ISSUES

Can a Dissolved Entity Own a Trademark? Madras High Court Rejects Rights of a Non-Existent Proprietor.

A Trademark Without an **Owner**



Can a trademark continue to exist in the name of a company that has been struck off and no longer exists in the eyes of the law? This fundamental question was at the heart of the recent decision by the Madras High Court in *Tibbs Food Private Limited vs. D-Lite Frankies and Foods Private Limited*. In a definitive ruling, the court established that a trademark registration held by a defunct entity is "non-est" and cannot be maintained on the Register, reinforcing the principle that the Registry must reflect the living reality of its proprietors.

The factual matrix of the case, culminating in the order dated February 19, 2026, reveals a series of procedural oversights that led to a legal dead end for the respondent. The trademark for the device mark "D-Lite Frankies and Foods Private Limited" was originally registered on December 21, 2015. Following a company name change, the petitioner, Tibbs Food, filed a rectification petition in late 2016. During the pendency of these proceedings, the company purportedly assigned the mark to one of its directors, Mr. Khaja Moinuddin Mohammed, on December 20, 2018. However, this assignment was not brought to the notice of the Trade Marks Registry until August 22, 2025. In the interim, the Registrar of Companies (ROC) struck off the company in 2019 under Section 248 of the Companies Act, 2013. Despite this "civil death," the trademark was renewed in the name of the non-existent company on September 23, 2019. The court's rationale centered on the integrity of the Public Registry and the mandatory nature of Section 45 of the Trade Marks Act, 1999. provision dictates that where a person becomes entitled by assignment to a registered trade mark...

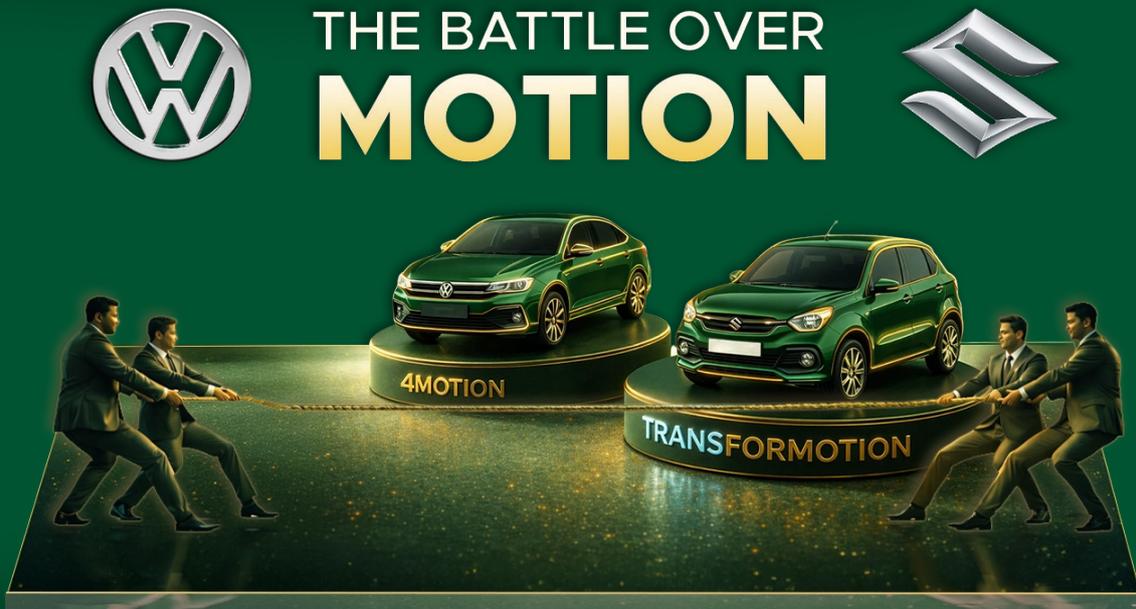
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PIVOTAL ISSUES

Can “MOTION” Be Monopolised? Delhi High Court Applies Anti-Dissection Rule in TRANSFORMOTION v. 4MOTION Dispute



In the high-stakes automobile sector, where brand identity is inextricably linked to technological prestige, the Delhi High Court recently addressed a fundamental question: does the commonality of a suffix like "MOTION" allow a senior mark holder to block any new entrant with a similar ending? This legal tug-of-war, adjudicated in the matter of Volkswagen AG v. The Registrar of Trade Marks & Anr., specifically examined whether Maruti Suzuki's "TRANSFORMOTION" was deceptively similar to Volkswagen's registered "4MOTION" mark.

The dispute arose when Volkswagen AG, the owner of the registered word mark "4MOTION" used for its intelligent all-wheel-drive technology opposed Maruti Suzuki's application for "TRANSFORMOTION" in Class 12. While Volkswagen's mark had been on the Indian register since 2005, Maruti Suzuki applied for its mark in 2015 on a "proposed to be used" basis, primarily for an advertising campaign. After the Registrar of Trade Marks dismissed Volkswagen's opposition in December 2023, the German automaker appealed to the Delhi High Court, alleging that Maruti had simply added the prefix "TRANS" to its mark to create a confusingly similar impression. Justice Manmeet Pritam Singh Arora, presiding over the matter, anchored the court's decision on the well-established Anti-Dissection Rule, which mandates that rival marks must be compared as a whole rather than being dissected into individual components. The Court rejected Volkswagen's attempt to split "TRANSFORMOTION" into "TRANS" and "FORMOTION" (the latter allegedly sounding like "4MOTION"). Relying on the landmark Supreme Court decision in F. Hoffmann-La Roche...

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PIVOTAL ISSUES

When Similarity Creates Confusion: Trademark Protection and Brand Identity in the Paint Industry

Shielding the House Mark



When does similarity between two trademarks move beyond coincidence and become a form of deceptive resemblance capable of misleading consumers? This question lies at the heart of trademark law, particularly in industries where brand identity, consumer perception, and commercial goodwill strongly influence purchasing decisions. Trademark law protects businesses from competitors adopting marks likely to create confusion regarding the origin or association of goods, while ensuring fair competition in the marketplace. In India, such protection is primarily governed by the Trade Marks Act, 1999, particularly under Section 29, which defines infringement in cases where a mark is identical or deceptively similar and likely to cause confusion or association with a registered trademark. Importantly, courts do not base their assessment on a technical, side-by-side comparison of words; instead, they examine how trademarks are perceived in real-world commercial conditions, applying the standard of an average consumer with imperfect recollection. This approach aligns with judicial interpretation of deceptive similarity under Section 29(2), which focuses on likelihood of confusion rather than exact imitation. These principles are especially relevant in sectors like paints and construction materials, where purchasing decisions are often made quickly based on brand familiarity. Against this backdrop, the dispute in Asian Paints Limited v. Tarun Paints Private Limited over the mark “ASIA TUFF” illustrates the challenges of balancing consumer protection, brand reputation, and fair competition in trademark law. Understanding the difference between passing off and trademark infringement is crucial. Passing off is a common law remedy that protects the goodwill of a business against...

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PIVOTAL ISSUES

The Monopoly of the Mixture: Decoding the High Court's Strict Mandate Against "Recipe Patents"

INNOVATION vs. LIMITATION



Can the mere blending of two well-known chemicals, seasoned with a slight adjustment of proportions, truly be elevated to the status of a protected invention, or is it simply an exercise in routine laboratory mixing? This fundamental question of legal and scientific merit sat at the heart of a high-stakes battle before the Delhi High Court, challenging the very definition of what constitutes a "technical advancement" in the agro-chemical industry. In the significant ruling of *Crystal Crop Protection Ltd vs Assistant Controller of Patents and Designs & Ors.*, the judiciary explored whether the law should reward a "new recipe" for existing ingredients with a twenty-year monopoly. The case serves as a vital inquiry into the soul of a patent, questioning if efforts that merely refine a path already paved by prior art can be granted the legal sanctuary of a protected asset, or if they must remain in the public domain for the benefit of all.

The journey toward this judicial reckoning began when the Indian Patent Office delivered a definitive rejection rooted in the dual pillars of obviousness and non-patentability. The application hit the insurmountable wall of Section 3(e) of the Patents Act, which serves as a sentinel against the patenting of "mere admixtures" that do not exhibit a synergistic effect. This aligns with the long-standing principle established in *Farbwerke Hoechst Aktiengesellschaft Vormalis Meister Lucius & Bruning v. Unichem Laboratories*, where it was clarified that a combination of known substances is only patentable if it produces a result that is greater than the sum of its individual components. In this instance, the Controller...

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PIVOTAL ISSUES

Revisiting Finality in Patent Refusals: Appellate Amendment Powers under Sections 59 and 117A

From Rejection to **Protection**



Can a "final" rejection from the Patent Office truly be the end of the road, or is it merely a misunderstood detour in the long journey of an inventor? This profound question of legal mortality was recently laid to rest by the Delhi High Court in a decision that feels less like a cold judicial decree and more like a lifeline for the visionaries of the world. For years, the "final order" of the Indian Patent Office acted as a guillotine, often falling on brilliant inventions due to the rigid constraints of initial drafting or a broadness that invited premature dismissal. However, the Court has now unfurled an "Appellate Shield," fundamentally transforming the landscape of intellectual property by declaring that the pursuit of truth and innovation should never be sacrificed at the altar of procedural finality. The heart of this regulatory evolution beats within the specialized chambers of the Delhi High Court, where a recent landmark ruling turned a crushing defeat into a masterclass in strategic resilience. When the Patent Office initially shut the doors on an advanced technical application claiming it lacked the spark of novelty it seemed the technical blueprint was destined for the archives of "almost." Yet, the Court intervened with a refreshing philosophy, suggesting that the appellate stage is not a sterile post-mortem of past errors but a vibrant laboratory for correction. By breathing new life into the application, the judiciary has signaled a shift toward a more empathetic and technically grounded regulatory environment where the "architectural soul" of an invention is protected against the harsh winds of "hindsight bias." This regulatory rebirth finds its structural integrity in a bold interpretation of section 59 of the Patents Act. Traditionally viewed as a narrow gate this provision has...

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SIGNIFICANT CASE LAWS

The Doctrine of Homonymous Geographical Indications and Consumer Confusion

In the significant intellectual property appeal of Embassy of Peru v. Union of India & Ors (2026), the Delhi High Court adjudicated a long-standing dispute between Peru and Chile regarding the registration of "PISCO" as a Geographical Indication (GI) for their respective grape-based spirits. The Court held that allowing "PISCO" to be registered as a standalone GI by either nation would contravene Section 9(a) of the Geographical Indications of Goods (Registration and Protection) Act, 1999, as it would likely cause public confusion given that both countries have a legitimate, historical, and geographical claim to the term. The Division Bench emphasized that GIs are not intended to reward "historical priority" or "originality" like trademarks, but rather to function as accurate indicators of current geographical origin; consequently, the Court upheld the requirement that the registration be granted only with a clarifying prefix, specifically as "PERUVIAN PISCO," to protect the consumer's right to transparent information and to accommodate the existence of homonymous indications from different territories.



VIEW JUDGEMENT



SIGNIFICANT CASE LAWS

Discretionary Deference in Trademark Appeals: Evaluating Phonetic Similarity and the Balance of Convenience

In the legal dispute of Kent RO Systems Limited & Ors. vs. Kent Cables Private Limited & Ors., the Delhi High Court addressed an appeal regarding a trademark infringement suit and the refusal of a temporary injunction. The case centered on the appellants' claim that the respondents' use of the mark "KENT" for electrical cables and wires infringed upon their well-known registered trademark primarily associated with water purifiers and home appliances. The Court evaluated the "tripartite test" for interim injunctions prima facie case, balance of convenience, and irreparable injury noting that the respondents had been using the contested mark for approximately 30 years and had established significant commercial goodwill in their specific product category. A central point of deliberation was whether the appellants could claim exclusivity over the "KENT" mark for dissimilar goods, specifically when the respondents had built an independent reputation in the electrical cables market long before the appellants sought to expand into that segment. The Court emphasized the principle of appellate non-interference, stating that unless the trial court's exercise of discretion is shown to be arbitrary, capricious, or perverse, an appellate court should not substitute its own view even if a different conclusion is possible. Finding that the appellants failed to prove that the respondents' use of the mark was dishonest or intended to capitalize on the appellants' reputation, the Court dismissed the appeals and upheld the trial court's decision to deny the interim injunction.



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SIGNIFICANT CASE LAWS

Ad-Interim Injunction against Patent Infringement of Diabetes Medication (Semaglutide)

In the patent infringement suit of Novo Nordisk A/S & Anr. v. Torrent Pharmaceuticals Limited (2026), the Delhi High Court granted an ad-interim injunction in favor of the Plaintiffs to protect their Indian Patent (IN 240571) covering the compound "Semaglutide." The Court found that the Plaintiffs had established a strong prima facie case, noting that the patent had been previously upheld in multiple litigations and that the Defendant's proposed launch of a generic version intended to be marketed under the brand "RYZODEG" would likely constitute an infringement. Rejecting the Defendant's arguments regarding "evergreening" and the alleged insufficiency of disclosure, the Court emphasized that the balance of convenience tilted in favor of the patent holder, as the unauthorized entry of a generic competitor before the patent's expiry would cause irreparable injury. Consequently, the Defendant and its affiliates were restrained from manufacturing, selling, or advertising any pharmaceutical products containing Semaglutide until the next date of hearing, effectively preserving the Plaintiffs' statutory monopoly.



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SIGNIFICANT CASE LAWS

Protection of Proprietary Software and Diagnostic Tools Against Unauthorized Circulation

In the commercial suit of Philips Medical Systems Netherland Bv & Anr. v. Geetech Medical Systems And Services & Ors. (2026), the Delhi High Court addressed the unauthorized distribution of proprietary diagnostic software and service tools used for medical imaging equipment. The Court granted an ad-interim ex-parte injunction in favor of the Plaintiffs, finding a prima facie case that the Defendants were illegally selling and circulating "hacked" or "cracked" versions of the Plaintiffs' copyrighted software and specialized hardware keys (dongles) on various online platforms. The Bench observed that such unauthorized access not only infringed upon the Plaintiffs' intellectual property rights and caused significant commercial loss but also posed a potential risk to the integrity of medical diagnostic services. Consequently, the Court restrained the Defendants from reproducing, distributing, or selling any of the Plaintiffs' proprietary software and directed various e-commerce and social media intermediaries to de-activate or de-list the infringing links and accounts identified in the suit.



SIGNIFICANT CASE LAWS

Interim Protection Against Deceptive Similarity in Edible Oil Branding

In the trademark infringement matter of Gemini Edibles and Fats India Ltd. v. Molla Karimunnisabi (2026), the Madras High Court evaluated a dispute concerning the "FREEDOM" word mark and its associated label used for refined sunflower oil. The Court observed that the Plaintiff had held registrations for the "FREEDOM" mark and its variants in Class 29 since 2009, establishing significant prior use and market reputation. Upon comparing the rival products, the Court found that the Defendant's "NAWAZ FREEDUM" packaging adopted a nearly identical color scheme, font style, and overall trade dress, which was prima facie intended to capitalize on the Plaintiff's goodwill. Finding that the similarities were likely to cause confusion among the general public, the Bench granted an interim injunction restraining the Defendant from using the infringing mark or any deceptively similar label. This order emphasizes the protection afforded to well-established trade dresses against "flood-the-market" tactics by newer entrants.



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SIGNIFICANT CASE LAWS

The Duty to Speak: Reasoned Decision-Making in Patent Opposition Proceedings

The Bombay High Court in *Saurabh Arora v. Deputy Controller of Patents & Anr.* (2026), upheld the fundamental requirement that quasi-judicial authorities must pass reasoned or “speaking” orders, particularly in post-grant opposition proceedings under Section 25(2) of the Patents Act, 1970. The Court found that although the Deputy Controller had acknowledged certain undisputed facts, including the priority date and existence of prior art (D1), the impugned order merely concluded that the prior art was not an “appropriate disclosure” without undertaking any technical analysis or providing reasons for such a conclusion. Holding that this was not a case of inadequate reasoning but a complete absence of reasoning, the Court characterized the order as reflecting non-application of mind and an abdication of statutory duty, emphasizing that recording reasons is an essential facet of natural justice and indispensable for enabling effective appellate review. It further rejected the contention that the appellate court could decide the matter on merits in the absence of reasons, observing that such an approach would effectively permit the authority to bypass its adjudicatory responsibility. Consequently, the Court quashed the impugned order and remanded the matter for fresh consideration before a different Controller, leaving all issues open for determination in accordance with law.



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SIGNIFICANT CASE LAWS

When a 'Possible View' Prevails: Appellate Restraint in Copyright Injunctions

The Calcutta High Court in *Dev Sahitya Kutir Pvt. Ltd. v. Smt. Archana Debnath & Anr.*(2026), dealt with an appeal against the grant of an ad interim injunction by the District Judge at Alipore restraining the appellant from publishing the literary and artistic works of late Narayan Debnath, and ultimately affirmed the trial court's order by applying the settled principle of appellate restraint in matters of discretionary relief. The Division Bench held that an appellate court ought not to substitute its own view for that of the trial court unless the exercise of discretion is shown to be arbitrary, perverse, or contrary to law, and observed that the trial judge had taken a plausible and legally sustainable view based on the pleadings, including the existence of a prima facie case, the likelihood of irreparable injury, and the inadequacy of damages in cases of copyright infringement. The Court further noted that issues such as the interplay between probate requirements and locus standi, as well as the nature of copyright as a continuing cause of action, raised complex questions to be adjudicated at trial, and therefore did not warrant appellate interference at the interim stage. Emphasizing that even if an alternative view were possible, the absence of any patent legal error precluded interference, the High Court dismissed the appeal while clarifying that its observations were only prima facie and would not affect the final determination of the suit on merits.



REGULATORY UPDATE:

Navigating the Intellectual Property Landscape under the India–EU Free Trade Agreement (2026)



Navigating the Global IP Standards

INDIA–EU

Free Trade Agreement

In January 2026, India and the European Union concluded negotiations on a comprehensive Free Trade Agreement (FTA), marking a significant milestone in their bilateral economic relationship. The agreement is expected to substantially enhance market access and reduce trade barriers across goods and services, while also strengthening regulatory cooperation between two of the world's largest economic blocs.

At the centre of this framework is a dedicated chapter on intellectual property rights (IPR), reflecting a shared commitment to fostering innovation, facilitating cross-border trade, and strengthening enforcement standards. The emerging arrangement signals a move toward greater regulatory alignment while preserving core domestic policy priorities, particularly in areas of public interest. An official overview of the agreement is available in the Government of India factsheet. The IPR chapter reflects a calibrated effort to reconcile the European Union's protection-oriented framework with India's more flexible, public interest driven regime. While grounded in the WTO TRIPS Agreement, the framework introduces elements that extend beyond existing multilateral standards, signalling a move toward enhanced protection and regulatory alignment. At the same time, the confirmation of public health safeguards particularly under the Doha Declaration preserves India's ability to balance patent protection with access to medicines...

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TRAINING AND EVENTS

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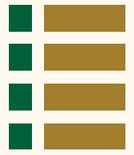
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