



IPR INSIGHTS

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



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Enforcement vs. Threat, our cover story this month examines whether platform-driven copyright strikes, when issued without an intent to litigate, can cross the line into **groundless threats** under Section 60 of the Copyright Act. We unpack how this question could reshape the balance between digital enforcement tools and legal accountability.

This edition's pivotal issues explore key developments across the IP landscape. We analyse the continued relevance of **prior user rights and the first-in-the-market rule**, the judicial protection of genuine **inventive advancement in high-value patent disputes**, and the evolving threshold for **personality rights in the context of commercial identity**.

We also examine how courts are navigating **ownership claims within family-run legacy brands**, where questions of exclusivity intersect with shared heritage and contribution.

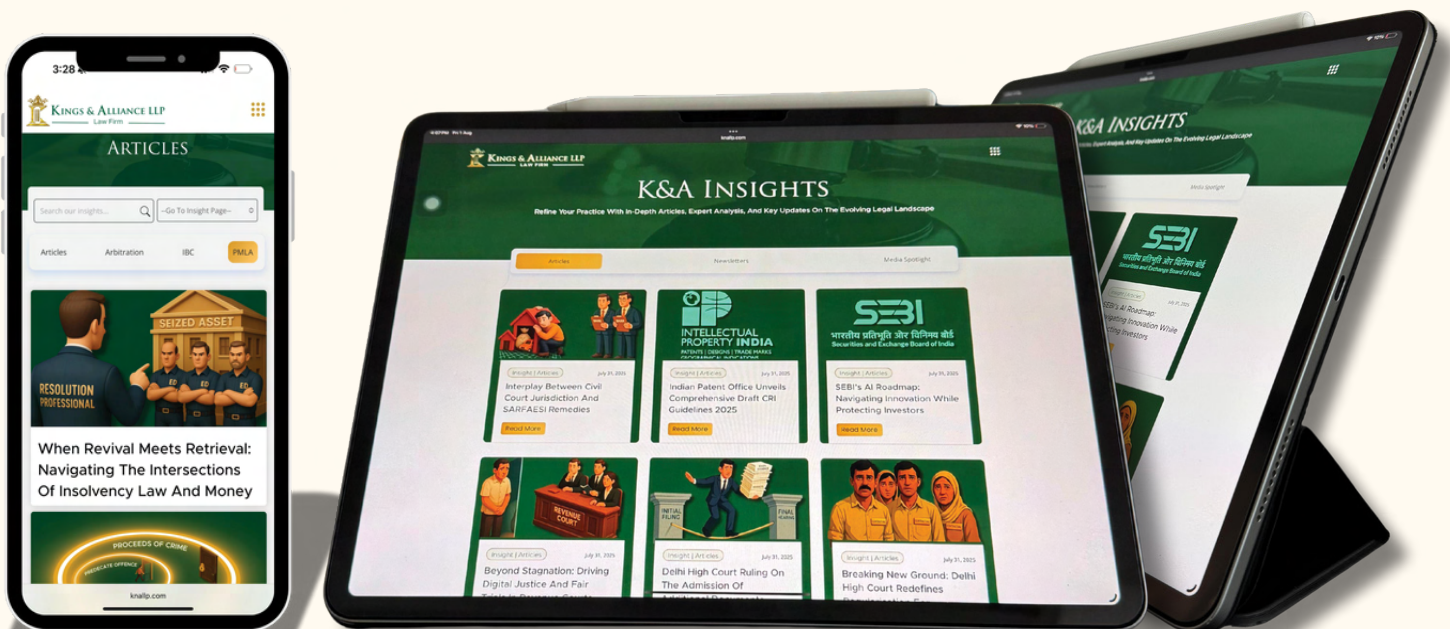
On the regulatory front, we highlight the impact of the **Biological Diversity (Amendment) Act, 2023**, which is driving a noticeable shift in biodiversity-linked IP filings and signalling a closer alignment between environmental governance and intellectual property strategy.

Together, these developments reflect a broader trend toward **defining the limits of protection, ownership, and enforcement** in an increasingly complex IP ecosystem.

To cap it off, this edition brings you key case law developments along with curated events and trainings to stay ahead in the IPR space.

Let's dive in.

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COVER STORY

04

Can YouTube copyright strikes without intent to litigate constitute groundless threats under Section 60 of Copyright Act?



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Analysing Prior User Rights and the First-in-the-Market Rule in the Context of NOKUF Dispute in Sana Herbals



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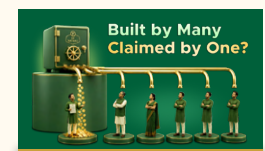
Protecting the Inventive Leap: Lessons from India's ₹152 Crore Patent Ruling in CCA v. Rosenberger



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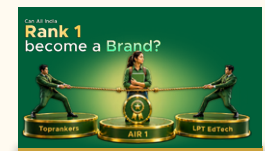
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Biological Diversity Amendment Act 2023 Drives Surge in Biodiversity Linked IPR Filings in India



TRAINING & EVENTS

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COVER STORY

Can YouTube copyright strikes without intent to litigate constitute groundless threats under Section 60 of Copyright Act?

De Minimis Non Curat Lex in the Age of Copyright Strikes



Why should legitimate journalistic expression, particularly in the reporting of current events, be vulnerable to automated copyright enforcement mechanisms deployed by digital platforms? In an era where news dissemination is increasingly mediated by platform-driven ecosystems, this concern becomes especially acute. The growing reliance on algorithmic enforcement tools has created a structural tension between the statutory right to report news and the rigid compliance frameworks of digital intermediaries, raising a fundamental legal question: can editorial autonomy be curtailed by the unilateral activation of platform-based “takedown” mechanisms, particularly when invoked without any genuine intent to pursue legal remedies?

This very tension lay at the heart of *Associated Broadcasting Company Limited v Google LLC and Others*, where the plaintiff, operates the TV9 Network. The dispute before the Delhi High Court was to determine whether the systemic deployment of copyright strikes against videos on TV9’s YouTube news channels absent a bona fide intention to initiate legal proceedings amounts to an actionable groundless threat under the Copyright Act, 1957 . The Court held that the plaintiff’s use of short clips on its YouTube channels constituted fair dealing and de minimis use, and further observed that the issuance of copyright strikes without instituting or pursuing legal action falls within the ambit of actionable groundless threats under Section 60. The judgment, therefore, represents a significant recalibration of the balance between copyright enforcement and the freedom of the press in the digital age...

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Chamber - 511, Ad. Complex, Supreme Court of India, New Delhi - 110001



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PIVOTAL ISSUES

Analysing Prior User Rights and the First-in-the-Market Rule in the Context of NOKUF Dispute in Sana Herbals

Dormant Means Dissolved?



Can a party that has built substantial goodwill through decades of continuous trademark use be prevented from seeking an injunction against a prior user who has returned to the market after a twenty-five-year hiatus? This central question highlights the tension between equitable longevity and the rigid "first in the market" rule in Indian trademark law. In the landmark judgment of Sana Herbals Private Limited vs. Mohsin Dehvi & Anr. pronounced on January 5, 2026, a Division Bench of the Delhi High Court comprising Justice C. Hari Shankar and Justice Om Prakash Shukla mentioned that while a plaintiff's claim may be grounded in equity due to long-standing use, it remains legally "unsound" if the defendant can prove prior usage. The court held that the respondents, having used the "NOKUF" mark as early as 1994, well before the appellant's very incorporation retained a superior right that could not be overridden by the appellant's subsequent registration or market success, thereby affirming that the common law remedy of passing off is anchored fundamentally in the timeline of first use rather than the volume of later sales. The factual matrix of this dispute spans over thirty years, beginning on October 20, 1994, when the respondents first commenced use of the "NOKUF" mark for medicinal syrups. This was followed by a formal trademark application on June 3, 1996. The appellant, Sana Herbals Private Limited, did not come into existence until its incorporation on October 21, 1997. Relationships between the parties were initially collaborative, evidenced by a Manufacturing Agreement dated November 3, 1997, where the respondents permitted the appellant to manufacture "NOKUF" for a limited period. However, the trajectory diverged following a fire at the respondents' unit...

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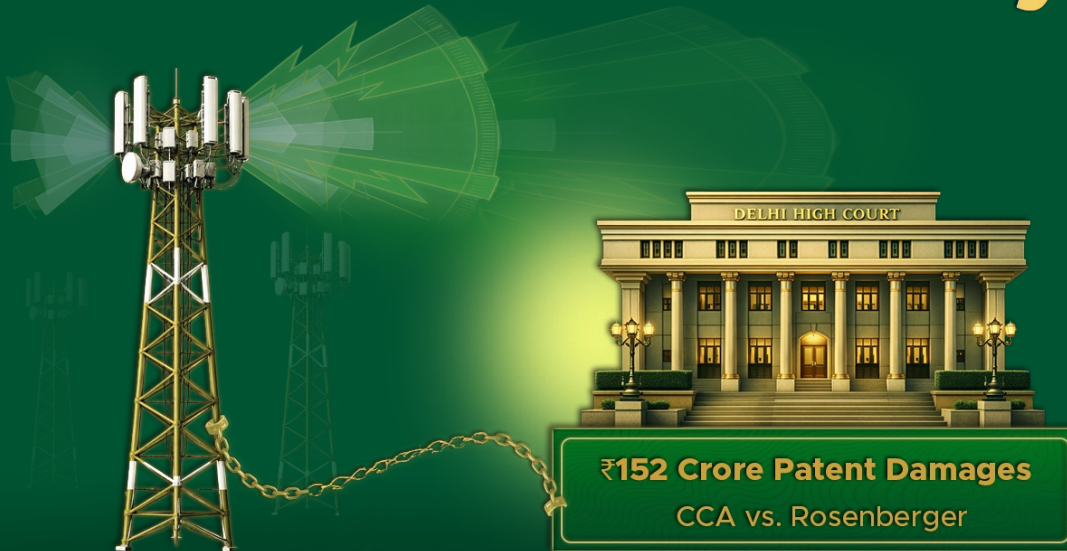
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PIVOTAL ISSUES

Protecting the Inventive Leap: Lessons from India's ₹152 Crore Patent Ruling in CCA v. Rosenberger

Invention or Assembly



Does the mere existence of scattered technical fragments in the public domain suffice to strip a breakthrough invention of its protection, or must the law safeguard the “eureka moment” that bridges those fragments? This fundamental question lies at the heart of the Delhi High Court’s monumental 259-page judgment in *Communication Components Antenna Inc. v. Rosenberger Hochfrequenztechnik GmbH*. The ruling does not merely resolve a decade-long dispute over split-sector antenna technology; it serves as a sophisticated guidepost for modern patent litigation in India. By tackling the complexities of asymmetrical beam patterns and the “mosaicing” of prior art, the Court has created renewed protection for human innovation in an era increasingly shaped by automated technical analysis.

The conflict traces back to Indian Patent No. 240893, a proprietary innovation held by Communication Components Antenna Inc. (CCA). Traditional sector antennas rely on symmetrical beams, often resulting in inefficient handover zones and signal interference. CCA’s invention introduced a method of replacing these with split-sector antennas emitting asymmetrical beams, thereby increasing network capacity within the same coverage footprint. Rosenberger Hochfrequenztechnik GmbH & Co. KG introduced functionally similar products; it attempted to invalidate the patent by citing a “mosaic” of nine disparate prior-art documents. Justice Prathiba M. Singh rejected this approach, observing that selectively extracting technical features from unrelated sources amounts to impermissible hindsight reconstruction. Drawing on principles articulated in *Sterlite Technologies Ltd.*...

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PIVOTAL ISSUES

Examining the Limits of Exclusive Ownership and Coparcenary Rights in Family-owned Legacy Brands



Built by Many Claimed by One?

Can a trademark, nurtured over decades within the folds of a family enterprise, ever be claimed as the exclusive dominion of a single heir based solely on formal documentation? This evocative question lies at the heart of the Delhi High Court's decision in *Varun Chopra & Anr. v. Shyam Sunder Chopra Sons HUF & Ors.*, where the celebrated "NATRAJ" brand synonymous with saffron and silver foil since 1956 became the focal point of a deeply personal yet legally intricate battle. What began as a contest over trademark infringement soon unfolded into a layered dispute involving testamentary succession, coparcenary rights, and the enduring concept of ancestral goodwill within a Hindu Undivided Family (HUF). This article explores the delicate intersection of statutory intellectual property rights and inherited commercial legacy, analyzing how the Court balanced formal title against shared heritage, the judicial precedents that guided this restraint, and the broader implications for legacy businesses in India.

The conflict began when Varun Chopra, the grandson of one of the original founders, sought to legally block his own relatives from using marks like 'SV NATRAJ' and 'SRI NATRAJ JI.' His argument was built on a foundation of exclusive rights, claiming that through a series of Wills and Assignment Deeds (legal documents transferring ownership), the trademark had been funneled down to him as the sole proprietor. In legal terms, he was alleging Trademark Infringement under Section 29 and Passing Off, arguing that his relatives were "outsiders" misrepresenting their goods to cash in on his brand's Goodwill (its commercial reputation)...

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PIVOTAL ISSUES

When Does Academic Success Become a Protectable Commercial Identity Delhi High Court Clarifies Personality Rights Threshold

Can All India

Rank 1 become a Brand?



At what point does individual excellence evolve into a legally protectable commercial identity? This question lies at the heart of Toprankers EdTech Solutions Pvt. Ltd. v. LPT EdTech Pvt. Ltd., on 13 April 2026, a dispute that places the doctrine of personality rights at the centre of an increasingly commercialized educational landscape. In an era where a single “All India Rank 1” can generate substantial reputational and commercial value, academic success is no longer viewed solely as a personal milestone; it has also become a valuable branding asset capable of shaping institutional goodwill and competitive advantage. The dispute arose between Toprankers, the plaintiff and LPT EdTech, the defendant over their competing claims of association with Geetali Gupta, the CLAT 2026 All India Rank 1, whose academic success became the flashpoint for an acrimonious professional rivalry between rival EdTech institutions vying to claim commercial association with her achievement. According to the plaintiff, Gupta was a student of its “Champions Batch” and had publicly acknowledged its role in her preparation. It was alleged that the defendant thereafter sought to connect itself with her success through promotional claims and digital content, including morphed photographs and AI-generated material suggesting her endorsement of its services. The controversy further expanded into allegations of trademark infringement involving the “LegalEdge” brand and malicious commercial disparagement, prompting the Delhi High Court to observe that a young achiever risked being reduced to a mere “pawn” in a larger professional turf war. Against this backdrop, the case raises a broader and significant legal issue: can exceptional academic achievement, by itself, give rise to a...

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SIGNIFICANT CASE LAWS

Judicial Affirmation of Intellectual Property in Media: Safeguarding Newspaper Layouts and Structural Formats as Copyrightable Works

In the landmark decision of *Cmyk Printech Limited v. Ideal Multi Media Network Private Limited* (2026), the Delhi High Court significantly broadened the scope of intellectual property protection for news organizations by ruling that the visual architecture of a newspaper is an independently protectable asset. The Court observed that transforming raw data into a daily publication is a "coordinated and layered process" that requires substantial intellectual labor in editing, curation, and structural design, thereby rendering the specific layout and presentation eligible for copyright protection as an original creative work. This litigation arose after the defendant continued to utilize the plaintiff's trademarks and mimicked its unique newspaper format following the termination of their legal collaboration, a practice the Court identified as unauthorized and deceptive. By determining that such imitation constituted a prima facie case of trademark infringement, copyright infringement, and passing off, the Court granted an ex-parte ad interim injunction to prevent the defendant from leveraging the plaintiff's brand equity and "trade dress," reinforcing the principle that a publication's unique "look and feel" is a proprietary right entitled to strict legal enforcement. The Court further clarified that the "sweat of the brow" involved in news curation, when combined with a distinct aesthetic arrangement, elevates a newspaper's format above a mere functional template into the realm of protected intellectual property. It noted that in the digital and print media age, the arrangement of columns, font-styles, and masthead positioning forms a unique "trade dress" that consumers rely upon to identify the source of news. Consequently, any unauthorized replication of this structural identity post-termination is not merely a competitive overlap but a calculated attempt to misappropriate the goodwill and creative labor of the original publisher. This ruling serves as a vital shield for media houses, ensuring that their curated presentation styles are as legally defensible as the investigative content they print.



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SIGNIFICANT CASE LAWS

Safeguarding Trademark Integrity and Preventing Consumer Deception within Overlapping Product Categories.

In the case of *Shubham Goldiee Masale Pvt. Ltd. v. Jai Shiv Oil Industries (2026)*, the Delhi High Court reaffirmed the supremacy of the "prior user" doctrine over subsequent registrations, even when the goods are not identical but are closely related in the market. The petitioner, who had consistently utilized the "GOLDIEE" brand for spices since 1980, successfully challenged the respondents' registration of a phonetically and visually identical mark for edible oils. The Court observed that spices and edible oils are "allied and cognate" goods typically sold through the same trade channels, creating a high probability that an average consumer would assume a common commercial origin. By invoking Sections 47 and 57 of the Trade Marks Act, 1999, the Court emphasized that allowing such registrations would dilute the sanctity of the Trademark Register and cause irreparable harm to established brand equity built over decades. The ruling clarifies that the protection of a well-established trademark extends beyond its specific registration class if the competing products are of such a nature that they are likely to be associated with the same brand by a person of average intelligence. Furthermore, the Court noted that the respondents failed to provide a plausible explanation for adopting a mark identical to a famous household brand, suggesting a dishonest intent to "ride upon the coattails" of the petitioner's success. This judicial scrutiny ensures that mere registration does not shield a party from the foundational requirement of honest concurrent use and bona fide adoption. Consequently, the judgment serves as a vital precedent for the rectification of entries obtained in bad faith, ensuring that the register accurately reflects the true ownership of intellectual property based on long-term market presence and public recognition.



SIGNIFICANT CASE LAWS

Judicial Enforcement Against Software Piracy: Protecting Computer Programs as Copyrighted Literary Works.

In the case of Dassault Systemes Solidworks Corporation v. Zoneonne Venture Private Limited (2026), the Delhi High Court addressed a critical instance of software copyright infringement involving the unauthorized use of "SOLIDWORKS" software. The plaintiffs, a globally recognized corporation, sought a permanent injunction against the defendants for utilizing pirated versions of their high-end 3D design software for commercial purposes. Since the software is protected as a "literary work" under the Copyright Act, 1957, the Court scrutinized the technical evidence of unauthorized installations and the lack of valid licensing. Finding the defendants liable for infringement, the Court granted a permanent injunction and awarded substantial damages and legal costs totaling approximately Rs. 68 lakhs, reinforcing that the commercial exploitation of pirated software warrants stringent financial and legal penalties to protect intellectual property rights. The Court emphasized that the "end-user" of pirated software is equally liable for infringement as the distributor, particularly when such software is used to generate commercial profit and gain a competitive advantage. It noted that the complexity of high-end design software represents years of research and development, which is undermined by the use of "cracked" versions that bypass technical protection measures. Furthermore, the judgment highlighted that software piracy constitutes a sophisticated form of theft that necessitates deterrent damages to discourage other commercial entities from engaging in similar illicit practices. By upholding the sanctity of end-user license agreements, the Court ensured that the digital ecosystem remains a space where intellectual labor is respected and legally shielded from unauthorized exploitation. Consequently, this ruling stands as a robust warning to the industry that technical forensics can and will be used to hold infringing corporations accountable to the fullest extent of the law.

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SIGNIFICANT CASE LAWS

Admissibility of Cenvat Credit for IPR Services: Validating Tax Discharge under the Reverse Charge Mechanism.

In the case of *MLR Motors Ltd. v. Pr. Commissioner of Central Tax (2026)*, the Customs Excise and Service Tax Appellate Tribunal (CESTAT) examined whether service tax liability under the Reverse Charge Mechanism (RCM) for "Intellectual Property Rights (IPR) Services" could be discharged using Cenvat Credit instead of cash. The appellant had entered into a technical assistance agreement with a foreign entity and paid the resulting tax demand of approximately Rs. 1.78 crore by debiting their Cenvat Credit account (RG23A Part II). The tax authorities contested this, insisting that RCM liabilities must be paid in cash. However, the Tribunal ruled in favor of the appellant on the mode of payment, holding that since the tax was paid through a valid Cenvat account, it should be adjusted toward the confirmed demand. While the classification of the service under IPR and the demand for interest and penalties were upheld due to the appellant's failure to register and disclose the services initially, the judgment established that the use of Cenvat Credit for such payments was legally permissible in this context. The Tribunal emphasized that the acquisition of technical know-how and assistance from a foreign entity clearly falls within the ambit of "Intellectual Property Services," as it involves the temporary transfer or permission to use proprietary knowledge. This classification underscores the broad legislative intent to tax the commercial exploitation of intangible assets, regardless of whether the provider is based domestically or abroad. By allowing the adjustment of Cenvat Credit, the Tribunal acknowledged that such taxes, once paid, form part of the input service chain for the manufacturer. Furthermore, the decision highlights that while the procedural mode of payment whether through credit or cash may be flexible, the underlying obligation to disclose and register foreign IPR agreements remains absolute. This ensures that the fiscal benefits of Cenvat Credit do not excuse the lack of transparency in cross-border intellectual property transactions. Consequently, the ruling provides vital clarity for companies engaging in global technology transfers, balancing the administrative requirements of tax disclosure with the substantive rights of credit utilization.



SIGNIFICANT CASE LAWS

Protection of Dominant Trademarks and Trade Dress: Reaffirming Secondary Meaning and the 'Anti-Dissection' Rule in Consumer Goods

In the significant appellate ruling of *K.S. Oils Limited v. Shivang Edibles* (2026), the Delhi High Court set aside a lower court's order to reaffirm that the tactical addition of a prefix cannot immunize a defendant from trademark infringement if the "dominant feature" of a registered mark is misappropriated. The appellant, a user of the registered trademark "KALASH" for mustard oil since 1993, successfully challenged the respondent's use of "SHIVANG KALASH," which utilized a nearly identical red-and-yellow color palette and pitcher device. The Court observed that for daily-use "cognate goods," the average consumer relies on visual memory and overall "trade dress," making the respondent's imitation a clear attempt to trade upon the appellant's established goodwill. Rejecting the defense that "Kalash" is a common religious symbol and thus public property, the Court held that through decades of extensive use, the mark had acquired a distinct "secondary meaning" within that commercial sector. Furthermore, the judgment clarifies that the "anti-dissection rule" requiring marks to be viewed as a whole does not prevent courts from identifying the "essential feature" that consumers likely remember. Ultimately, the Court emphasized that a unique combination of colors and graphics forms a proprietary identity protectable against "passing off," granting an interim injunction to ensure fair competition and prevent the circumvention of intellectual property laws through deceptive brand imitations.



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SIGNIFICANT CASE LAWS

Classification of Media Activities: Distinguishing Between Perpetual Copyright Assignment and Taxable Production Services

In the case of *Sathya Jyothi Films v. Commissioner of GST & Central Excise*, the Customs, Excise and Service Tax Appellate Tribunal (CESTAT) addressed whether a "Copyright Assignment Agreement" for a television serial should be treated as a permanent sale of property or a taxable service. The appellant, a production house, had assigned the exclusive Telugu dubbing rights of the Tamil serial "Anandam" to Gemini TV for a perpetual period of 99 years. While the appellant contended that this was a permanent transfer exempt from service tax, the Revenue Department argued that the activity fell under "Programme Producer's Services" because the appellant continued to perform production and dubbing work as directed by the broadcaster. The Tribunal analyzed the agreement in its entirety and observed that while one aspect involved the assignment of rights, another distinct aspect involved the active production of episodes at a fixed rate of Rs. 10,000 per episode. Relying on the principle that a single transaction can involve multiple identifiable taxable events, the Tribunal held that the "sweat of the brow" involved in the ongoing production work constituted a service provided on behalf of another person. It further noted that the appellant had previously paid service tax on these activities from 2008 onwards without any change in the underlying agreement, which evidenced a deliberate intent to evade taxes for the prior period through "willful suppression". Consequently, the Tribunal upheld the tax demand and penalties, ruling that a perpetual assignment clause does not shield an entity from tax liabilities arising out of the concurrent provision of commercial production services.

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SIGNIFICANT CASE LAWS

Judicial Action Against Digital Piracy and Brand Impersonation: Protecting the 'TIMES OF INDIA' Trademark in the Digital Space

In the case of Bennett Coleman and Company Limited v. www.timesofindiaa.news & ors, the Delhi High Court addressed a severe instance of "typosquatting" and digital brand impersonation. The plaintiff, owner of the globally recognized media brand "THE TIMES OF INDIA," sought an urgent injunction against several rogue websites that were using deceptively similar domain names such as www.timesofindiaa.news and www.timesofindias.com to disseminate news content. The Court observed that these websites were not only misappropriating the plaintiff's registered trademarks but were also replicating the layout, color scheme, and masthead of the official Times of India website to deceive the public. The Court found that the defendants' actions constituted a clear case of trademark infringement, copyright violation, and passing off. It was noted that by using nearly identical domain names, the defendants were leveraging the plaintiff's reputation to divert web traffic and potentially spread misinformation under the guise of a reputable news source. The judgment emphasized that in the digital age, the protection of a media house's "online identity" is paramount to maintaining public trust and preventing commercial parasitism. Recognizing the "hydra-headed" nature of such digital infringements, where rogue sites often mirror themselves across different URLs, the High Court granted an ex-parte ad interim injunction. The order directed Domain Name Registrars (DNRs) to suspend the offending domain names and ordered the Department of Telecommunications (DoT) and Ministry of Electronics and Information Technology (MeitY) to block access to these websites. This ruling serves as a vital precedent in the enforcement of intellectual property rights against anonymous digital entities aiming to exploit established brand equity.

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REGULATORY UPDATE:

Biological Diversity Amendment Act 2023 Drives Surge in Biodiversity Linked IPR Filings in India



NBA

National Biodiversity Authority

The landscape of Indian patent activity within the Intellectual Property Rights (IPR) framework is undergoing a structural transformation. Recent data released by the **Ministry of Environment, Forest and Climate Change (MoEF&CC)** in April 2026 confirms that India has moved past regulatory bottlenecks toward a phase of "Safe Velocity" in biotechnology and pharmaceutical innovation.

At the heart of this shift is the Biological Diversity (Amendment) Act, 2023, which has successfully reconciled the need for conservation with the imperative of industrial growth. To appreciate the current growth, one must look at the restrictive "Stop Sign" framework of the original Biological Diversity Act, 2002. Before the 2023 reforms, the legal landscape was defined by high scrutiny and strict penalties that often stifled domestic innovation. The "Prior Approval" Barrier: Under Section 6, innovators were strictly prohibited from even applying for a patent without the previous approval of the National Biodiversity Authority (NBA). This created a significant "Time Lag," often causing researchers to lose their competitive edge. Criminal Liability: Non-compliance was treated as a criminal offense. Under Section 55, failing to obtain approval for accessing resources or filing IPR was punishable by up to 5 years in prison. The Compliance Burden: There was a lack of distinction between "codified" traditional knowledge (like Ayurveda) and "uncodified" oral traditions, forcing small-scale local healers into a complex regulatory loop. The 2023 reforms serve as a vital indicator...

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Chamber - 511, Ad. Complex, Supreme Court of India, New Delhi - 110001

+91 981 981 5818
INFO@KNALLP.COM
WWW.KNALLP.COM

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LEADERSHIP




MOHIT CHAUDHARY

FOUNDER AND MANAGING PARTNER

Former **AAG** for State of J&K at Supreme Court of India
Advocate on Record, Supreme Court of India

 +91 98106 63997

 mohit@knallp.com

 mohitchaudhary2020@gmail.com



KUNAL SACHDEVA

PARTNER

 +91 99536 55270


 kunal@knallp.com

 kunalsachdeva826@gmail.com




PUJA CHAUDHARY

PARTNER

 +91 98106 22198

 puja@knallp.com

 pujabhaskar1@rediffmail.com

EXPOSITORS

Associate

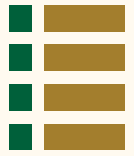
Adv. Archana Shukla

Associate

Adv. Aparna Shukla

Associate

Adv. Jahnobi Paul



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 info@knallp.com

 www.knallp.com



Kings & Alliance LLP

wa.me/919819815818

WhatsApp Business Account



LOCATIONS

CORPORATE OFFICE

13 Ring Road, Lajpat Nagar IV,
New Delhi - 110024

CHAMBER

511, Ad. Complex, Supreme Court
of India, New Delhi - 110001

IPR OFFICE

T 518, Sector 99, Supreme Tower,
Noida, Uttar Pradesh - 201303

INSIGHT DIVISION

62/6, Channi Himmat
(Green Belt), Jammu - 180015

MUMBAI

Chamber No.3, Block No.23, O2nd Floor,
Bell Building, Sir Phirozshah, Mehta Road,
Fort, Mumbai - 400 001



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LAW FIRM

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Chamber - 511, Ad. Complex, Supreme Court of India, New Delhi - 110001

 +91 981 981 5818

 INFO@KNALLP.COM

 WWW.KNALLP.COM