



IPR INSIGHTS

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JULY
2026



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Innovation, Enforcement and IP Protection, our cover story this month examines the Delhi High Court's ruling in GRM Foodkraft Pvt. Ltd. v. KS Agro Impex, where the Court clarified that adoption of a prominent house mark cannot shield traders from liability when the overall trade dress, packaging structure and visual presentation substantially imitate a competing product.

This edition also analyses the Delhi High Court's approach toward inventive step and prior art analysis in patent refusal proceedings in The Nippon Signal Co. Ltd. v. Assistant Controller of Patents and Designs, the limits of contempt jurisdiction in online trademark advertising disputes in DRS Logistics Pvt. Ltd. v. Google LLC & Ors., the Bombay High Court's interpretation of Rule 45 timelines and deemed abandonment in Black Diamond Motors Pvt. Ltd. v. Registrar of Trade Marks, and the Delhi High Court's examination of descriptive trademarks and acquired distinctiveness in Honasa Consumer Ltd. v. Visage Beauty and Health Care Pvt. Ltd.

Across these decisions, courts continue to shape the evolving landscape of trademark protection, patent examination standards, digital advertising liability and procedural safeguards in intellectual property disputes, while balancing commercial competition, innovation and protection of valuable proprietary rights.

To cap it off, we bring you the latest developments from the world of intellectual property law.

Let's dive in.

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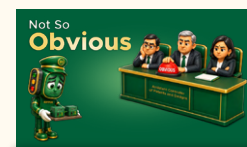
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COVER STORY

Delhi High Court Rejects the House Mark Defence in Trade Dress Passing Off in GRM Foodkraft v. KS Agro

Packaging Speaks Before the Brand Does



Walk into any grocery store and watch how consumers make purchasing decisions. Very few carefully scrutinize every word on a package. Most rely on what they remember: the colours, the layout, the imagery, the overall visual impression. In fast-moving consumer goods (FMCG) markets, packaging often functions as a source identifier long before a consumer reads the brand name.

That commercial reality sits at the heart of the Delhi High Court's decision on (29 May 2026) in GRM Foodkraft Pvt. Ltd. & Anr. v. KS Agro Impex & Anr., where the Court delivered a significant ruling on deceptive similarity in product packaging. The judgment underscores an increasingly important principle in Indian trademark jurisprudence: a prominently displayed house mark cannot shield a trader from liability for passing off or copyright infringement where the overall trade dress, visual get-up, structural arrangement and colour combination have been substantially replicated. The decision is particularly noteworthy for FMCG businesses because it clarifies that courts will look beyond textual distinctions and assess how an average consumer actually encounters products in the marketplace. In doing so, the Court has strengthened protection for distinctive packaging and emphasized that "smart copying" remains copying. The dispute arose from the Plaintiffs' sale of Golden Sella Basmati Rice under the house mark "10X" and sub-brand "Zarda King" in distinctive 30 kg green-and-gold packaging featuring stylized Arabic-style lettering, lanterns, stars, crescent motifs, architectural imagery and a pulao dish. According to the Plaintiffs, the packaging...

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PIVOTAL ISSUES

Delhi High Court on Inventive Step and Prior Art Analysis
in Patent Refusal Proceedings

Not So Obvious



Can a patent application be rejected merely because earlier technologies appear broadly similar, without a proper examination of the technical distinctions claimed by the inventor? This question came before the Delhi High Court in *The Nippon Signal Co. Ltd. v. Assistant Controller of Patents and Designs*, where the Court examined the standard for determining “inventive step” under the Patents Act, 1970 and the obligation of patent authorities to issue reasoned decisions grounded in technical analysis rather than conclusory findings.

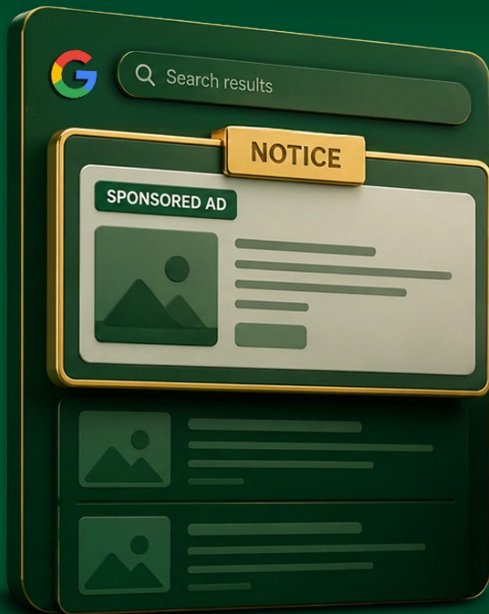
The dispute arose from a patent application filed by Nippon Signal Co. Ltd., a Japanese company engaged in railway signalling technologies, for a “Redundant Control Device and System Switching Method.” The invention related to synchronized active and standby train control systems capable of seamless switchover during operational failures while reducing hardware complexity and switching delays. While the invention involved complex engineering architecture, the broader issue before the Court was whether the Patent Office had adequately considered the applicant’s technical submissions before rejecting the application for lack of inventive step. Nippon Signal filed Indian Patent Application No. 201617036284 seeking protection for a low-cost redundant train control device in which active and standby systems operated in synchronization rather than through a conventional master-subordinate structure. According to the applicant, the invention eliminated mirror-memory hardware and relay-based switching circuits, reduced signal transmission delays, and enabled immediate switchover between systems during failures. Following...

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PIVOTAL ISSUES

Online Trademark Infringement and the Limits of Contempt Jurisdiction: DRS Logistics v. Google LLC



From Keywords to Contempt

Search for a brand online today and the first thing a consumer often encounters is not the brand's official website, but a sponsored advertisement. In digital marketplaces driven by keywords, algorithms, and paid search rankings, consumer attention can be redirected within seconds. For trademark owners, this creates a recurring concern: when competitors or third parties use protected marks in online advertisements, who bears responsibility for the resulting confusion: the advertiser, the intermediary platform, or both?

That question came before the Delhi High Court in *DRS Logistics Pvt. Ltd. v. Google LLC & Ors.*, where the Court examined whether intermediary platforms could be held liable for contempt when allegedly infringing advertisements continued appearing online despite earlier judicial directions. The case required the Court to determine the threshold for invoking contempt jurisdiction in trademark disputes arising from sponsored advertisements, Ad-Text, and URLs displayed through digital advertising systems. The dispute originated from earlier trademark infringement proceedings where the plaintiffs sought protection against unauthorised use of their registered marks, including AGARWAL and AGGARWAL PACKERS AND MOVERS, in online advertising. During those proceedings, Google stated before the Court that its advertising policy did not permit third parties to use a proprietor's trademark in Ad-Text or Ad-Title and that the policy would be implemented in favour of the plaintiffs. Consequently, the matter before the Court became confined primarily to the issue of whether providing trademarks as keywords to third-party...

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PIVOTAL ISSUES

Bombay High Court on Rule 45 Timelines and Deemed Abandonment in Trademark Proceedings: Black Diamond Motors v. Registrar of Trade Mark



Delay does Not Mean **Abandonment**

Trademark disputes are often shaped as much by procedure as by questions of ownership or goodwill. A missed filing deadline or delayed evidence can sometimes determine the fate of valuable intellectual property rights before the dispute is even examined on merits. But should procedural timelines automatically extinguish substantive trademark rights?

This issue came before the Bombay High Court in *Black Diamond Motors Pvt. Ltd. v. Registrar of Trade Marks*, where Justice Somasekhar Sundaresan examined whether the timeline prescribed under Rule 45 of the Trade Marks Rules, 2017 for filing evidence by affidavit is mandatory or merely directory. The Court was also required to interpret the Registrar's powers under Section 131 of the Trade Marks Act, 1999, the scope of "deemed abandonment" under Rule 45(2), and whether procedural timelines created through delegated legislation could still be extended after expiry of the prescribed period. The judgment is particularly relevant because it addresses the appellate divergence between the Bombay, Delhi, and Madras High Courts on procedural flexibility in trademark proceedings while clarifying the relationship between delegated legislation and statutory discretion under the Trade Marks Act. The dispute arose from rectification proceedings concerning the trademark "Black Diamond" following a split within a family business settlement. Black Diamond Motors Pvt. Ltd., the Registered Proprietor ("Registrant"), faced rectification proceedings initiated under Section 57 of the Trade Marks Act by Black Diamond Track Parts Pvt. Ltd. ("Rectification Applicant"). Following service of the...

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PIVOTAL ISSUES

Delhi High Court on Descriptive Trademarks and Acquired Distinctiveness in Rectification Proceedings

Can D-TAN Be Monopolised?



What happens when a term commonly used across an industry to describe a product's function is claimed as an exclusive trademark by one market participant? Can a business prevent competitors from using language that consumers ordinarily understand as descriptive of the product itself?

These questions came before the Delhi High Court in *Honasa Consumer Ltd. v. Visage Beauty and Health Care Pvt. Ltd.*, a decision examining the extent to which descriptive expressions can receive protection under the Trade Marks Act, 1999. The dispute concerned the expression “D-TAN,” widely used in the cosmetics and skincare industry in relation to products intended to remove skin tanning caused by sun exposure. While Visage Beauty and Health Care Pvt. Ltd. asserted exclusive rights over its registered trademark “D-TAN,” Honasa Consumer Ltd. challenged the validity of the registration on the ground that the expression was descriptive, common to trade, and incapable of distinguishing the goods of one trader from another. The judgment consequently examines descriptive marks, acquired distinctiveness, and the evidentiary threshold required to sustain exclusivity over industry terminology. The dispute arose after Visage Beauty and Health Care Pvt. Ltd., proprietor of the skincare brand “Professional O3+,” issued a cease-and-desist notice to Honasa Consumer Ltd. in April 2023 alleging infringement of its registered trademark “D-TAN.” The allegation was based on Honasa’s use of the expression “DETAN” in products such as “Aqualogica Detan + Dewy Sunscreen.”...

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SIGNIFICANT CASE LAWS

Delhi High Court Examines Trademark Infringement Through E-Commerce “Latching-On” Practices

In *Piyush Sapra & Anr. v. Flipkart Internet Pvt. Ltd. & Ors.*, the Delhi High Court examined misuse of Flipkart’s “latching-on” feature, where unauthorized sellers attached themselves to the plaintiffs’ original product listings and used the marks “SHAPERMEN/SHAPER MEN” along with copyrighted product images and listing content to sell allegedly counterfeit products at heavily discounted prices. The Court held that such conduct prima facie amounted to passing off and trademark infringement, particularly because the sellers were attempting to ride upon the goodwill associated with the plaintiffs’ brand. Observing that unwary consumers could easily be misled into believing that the impugned products originated from or were affiliated with the plaintiffs, the Court granted an ad-interim injunction restraining the infringing sellers and directed Flipkart to delist the impugned listings and disable access to future infringing listings within prescribed timelines.



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SIGNIFICANT CASE LAWS

Delhi High Court Upholds Independent Passing Off Claims Despite Disputed Design Rights

In *Novamax Industries LLP v. Paras Pan Products*, the Delhi High Court dealt with a commercial dispute arising from allegations that the defendant had copied the plaintiff's product packaging, trade dress and overall market presentation in relation to tobacco and pan-related products. The plaintiff alleged that the defendant had adopted deceptively similar visual features, colour combinations and packaging elements with the intention of creating confusion among consumers and unfairly benefiting from the goodwill and reputation associated with the plaintiff's products. The defendant, however, argued that the suit was not maintainable and sought summary dismissal under Order XIII-A of the Code of Civil Procedure on the ground that the plaintiff's design infringement claims were legally unsustainable. While examining the matter, the Court clarified that even if issues relating to registered design protection were disputed, a passing off action based on trade dress, goodwill and misrepresentation could still independently survive. The Bench emphasized that allegations concerning consumer confusion, deceptive similarity and market misrepresentation are heavily evidence-driven and require detailed examination during trial. Accordingly, the Court refused to summarily dismiss the suit and held that the plaintiff must be afforded an opportunity to establish its passing off claims through evidence in accordance with law.



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SIGNIFICANT CASE LAWS

Madras High Court Declines Interim Injunction in “RIO” Trademark Dispute Between Healthcare Businesses

In *Rio Children’s Hospital Pvt. Ltd. v. Rio Scans and Labs*, the Madras High Court dealt with a trademark dispute concerning the use of the mark “RIO” by two healthcare businesses operating in Tamil Nadu. The appellant, a well-known pediatric and maternity healthcare provider operating under the “RIO” brand since 2013, alleged that the respondent’s use of the name “Rio Scans and Labs” for diagnostic services amounted to trademark infringement and passing off, causing confusion among patients and the general public. The respondent, however, argued that “RIO” was a generic and descriptive expression used internationally by several institutions and that both parties had independently secured trademark registrations for their respective businesses. While examining the matter, the Court noted that neither side had produced sufficient documentary evidence at the interim stage to conclusively establish exclusive prior use, deceptive similarity or acquired distinctiveness. Relying upon Section 28 of the Trade Marks Act and the Supreme Court’s ruling in *Pernod Ricard India Pvt. Ltd. v. Karanveer Singh Chhabra*, the Court observed that generic or descriptive terms cannot ordinarily be monopolized unless they acquire strong secondary meaning in the minds of consumers. Holding that questions relating to deceptive similarity, acquiescence and infringement required detailed examination during trial, the Court refused to grant interim injunction and directed expedited disposal of the suit pending before the trial court.



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SIGNIFICANT CASE LAWS

Delhi High Court on Deceptive Similarity in Alcoholic Beverage Trademarks

In *Devans Modern Breweries Ltd. v. Cartel Bros Pvt. Ltd.*, the Delhi High Court dealt with a trademark dispute involving the plaintiff's well-known "GODFATHER" mark used for alcoholic beverages and the defendant's adoption of deceptively similar marks containing the same dominant element. The plaintiff argued that the defendant was attempting to capitalize on the goodwill and market reputation associated with the "GODFATHER" brand by using visually, structurally and phonetically similar marks for allied and cognate goods. While examining the dispute, the Court observed that the word "GODFATHER" constituted the essential and prominent feature of the rival marks and that the additional expressions used by the defendant were secondary in nature. The Court further noted that, in the Indian market, alcoholic beverages are commonly sold through overlapping trade channels such as bars, pubs, restaurants and retail outlets, thereby increasing the likelihood of consumer confusion and association. Holding that the defendant's adoption of the impugned marks raised a prima facie case of trademark infringement and passing off, the Court granted relief in favour of the plaintiff and restrained use of the deceptively similar marks.



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SIGNIFICANT CASE LAWS

Delhi High Court Refuses Patent Protection for Traditional Herbal Composition Lacking Inventive Step

In *Shaafi Naturcure v. Assistant Controller of Patents and Designs*, the Delhi High Court examined the patentability of a herbal composition claimed to provide therapeutic relief for asthma through a combination of traditionally known ingredients. The appellant argued that the formulation demonstrated synergistic effects and therapeutic advancement over prior art, relying upon additional clinical data and affidavits filed during the proceedings. However, the Court observed that the complete specification failed to adequately disclose any technical advancement, synergy or unique inventive feature distinguishing the claimed composition from existing traditional knowledge and prior art references. The Bench further held that post-filing evidence cannot be used to establish an inventive step for the first time unless the technical effect is already embedded within the patent specification itself, relying upon *AstraZeneca AB v. Alkem Laboratories Ltd.* While analysing the invention under Sections 2(1)(j), 2(1)(ja), 3(p) and 10(4) of the Patents Act, the Court concluded that the formulation merely combined traditionally known ingredients already recognized for treating the same condition and therefore lacked inventive step and patentable subject matter. Holding that routine optimization of known herbal compositions does not qualify as a patentable invention, the Court dismissed the appeal and upheld rejection of the patent application.



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SIGNIFICANT CASE LAWS

Delhi High Court Orders Removal of “SHAKTI” Mark for Lack of Genuine Use and Honest Concurrent Use

In *Duraisamy Modern Rice Mill v. Kewal Krishan Kumar & Anr.*, the Delhi High Court examined a trademark rectification dispute concerning the continued registration of the mark “SHAKTI” in Class 30 despite the respondents’ inability to establish genuine commercial use of the mark. The petitioner, proprietor of the mark “SAKTHI,” argued that the impugned mark was phonetically and structurally identical to its long-standing trademark and that the respondents had failed to produce any tangible documentary evidence proving actual use of “SHAKTI” either from the date of application or after its registration in 2018. The respondents attempted to justify their rights by relying upon use of the composite mark “SHAKTI BHOG,” claiming protection under the doctrine of honest concurrent use under Section 12 of the Trade Marks Act. However, the Court held that mere assertions without documentary proof cannot satisfy the statutory requirements of honest and concurrent use. The Bench further observed that both “SAKTHI” and “SHAKTI” conveyed identical meanings and were likely to cause confusion among consumers dealing in identical Class 30 goods. Distinguishing precedents such as *London Rubber Co. Ltd.* and *Nandhini Deluxe*, the Court concluded that the respondents had failed to establish bona fide use of the impugned mark and accordingly directed removal of “SHAKTI” from the Register of Trade Marks under Sections 47 and 57 of the Trade Marks Act.



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SIGNIFICANT CASE LAWS

Bombay High Court Sets Aside Unreasoned Patent Opposition Revocation Order

In *Saathi Eco Innovations India Pvt. Ltd. v. Controller of Patents & Anr.*, the Bombay High Court examined the validity of an order passed in post-grant opposition proceedings revoking a patent relating to an “Absorbent Article Having Natural Fibres.” The petitioner challenged the revocation order on the ground that the Controller had failed to provide proper reasons, ignored the recommendations of the Opposition Board and proceeded without adequately examining the rival submissions, amended claims and evidentiary record. The Court observed that although the impugned order repeatedly referred to findings and conclusions, it failed to disclose any substantive reasoning supporting the revocation of the patent. The Bench further noted that the Opposition Board had recommended rejection of the opposition, yet the Controller disagreed with those findings without recording reasons as required under Rule 62(5) of the Patents Rules. The Court also found merit in the petitioner’s objections regarding absence of proper affidavit evidence, non-consideration of locus standi of the opponent as a “person interested” under Section 25(2) of the Patents Act and overall non-application of mind in the adjudicatory process. Relying upon precedents including *Saurabh Arora v. Deputy Controller of Patents*, *Pharmacyclics LLC v. Controller General of Patents* and *Aloys Wobben v. Yogesh Mehra*, the Court held that the revocation order was legally unsustainable and accordingly set aside the impugned order.



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TRAINING AND EVENTS

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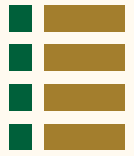
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