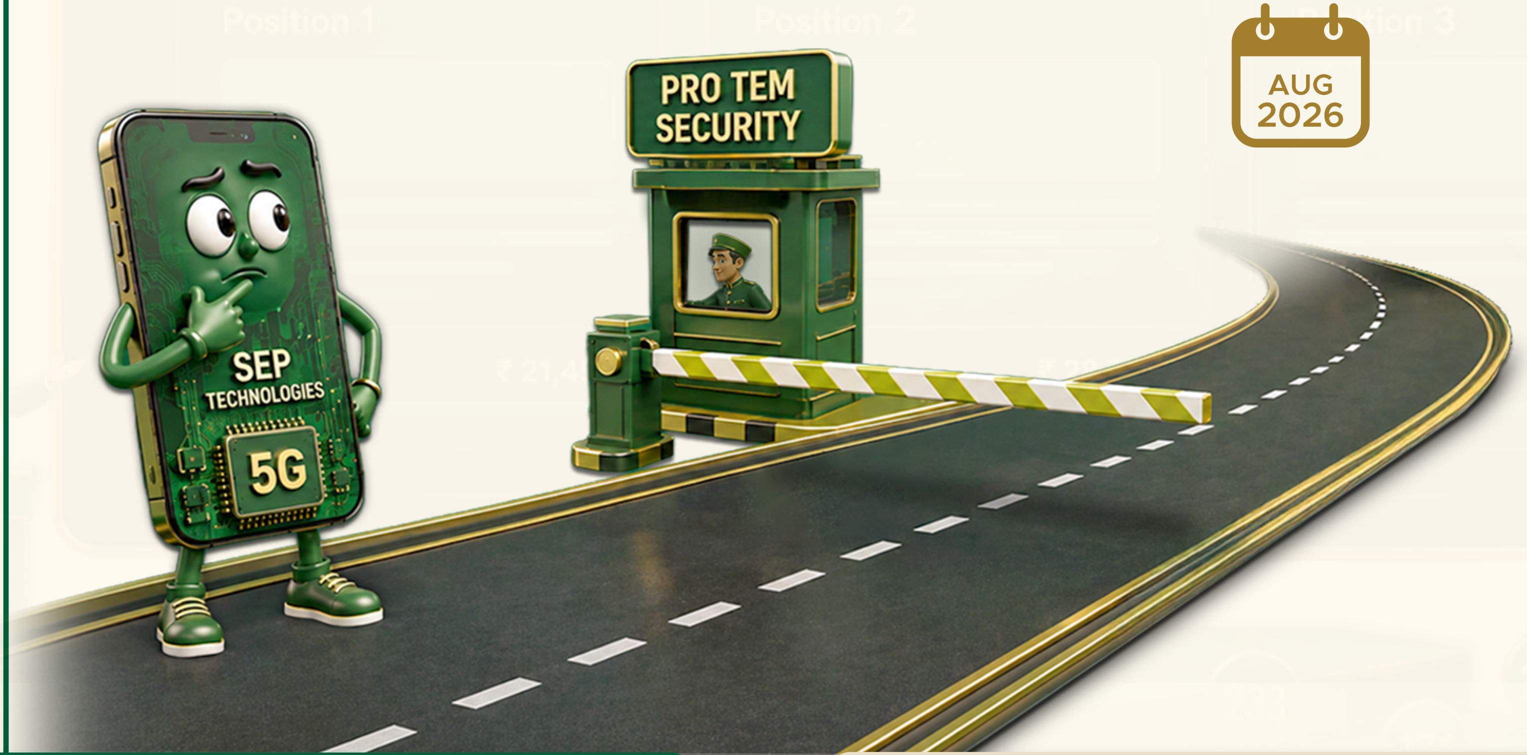
IPR INSIGHTS

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

AUG 2026



COVER STORY

SIGNIFICANT CASE LAWS

PIVOTAL ISSUES

KINGS & ALLIANCE LLP
LAW FIRM

info@knallp.com

www.knallp.com

Editor's Note

Calibration, our cover story this month examines how the Delhi High Court is shaping the prima facie standard for pro tem security in SEP disputes. We unpack how interim financial protection can preserve the practical value of patent enforcement while allowing the underlying questions of validity, essentiality, infringement and FRAND terms to proceed to fuller adjudication.

This edition also explores the expanding use of dynamic injunctions against rogue websites and the safeguards needed as infringing domains continue to reappear in new forms.

At the intersection of copyright and artificial intelligence, we examine the USD 1.5 billion Bartz v. Anthropic settlement and a distinction of growing importance for AI developers: a defensible training use may still leave substantial exposure arising from how copyrighted material was acquired and retained.

We then turn to trademark enforcement, analysing the protection available to well-known marks under Section 11(2), along with the evidentiary trail required to secure swift interim relief against online counterfeiting.

To cap it off, this edition brings together noteworthy case law developments, regulatory updates, and curated events and training opportunities across the IPR landscape.

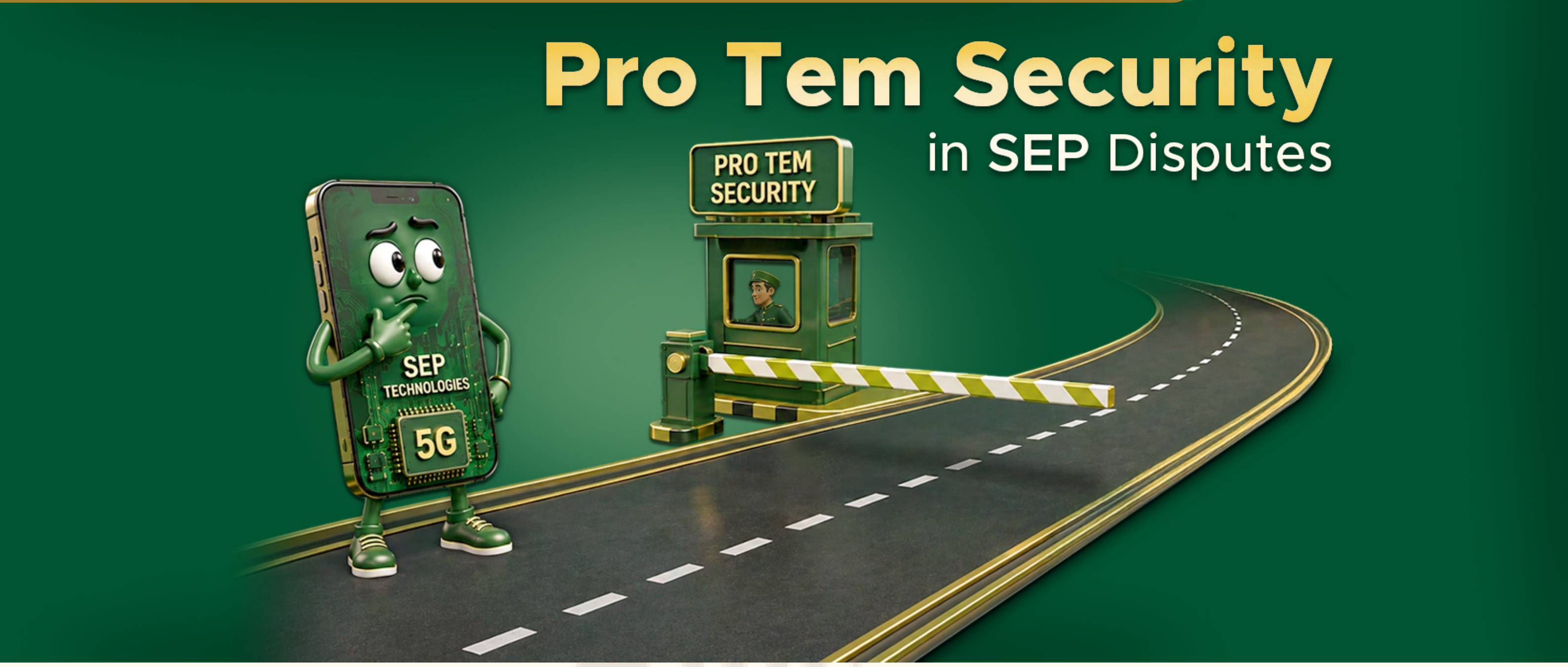
Let's dive in.

Click Here To Submit Feedback

INDEX

COVER STORY

Pro Tem Security in SEP Disputes: InterDigital v. Transsion and the Delhi High Court's Calibrated Prima Facie Standard



Standard-essential patent litigation contains an inherent imbalance. A SEP holder that has committed to license its technology on fair, reasonable and non-discriminatory ("FRAND") terms cannot treat exclusion from the market as an ordinary enforcement response. Yet an implementer may continue selling standards-compliant products while validity, essentiality, infringement and FRAND terms remain contested, often for years. The resulting delay is not commercially neutral. The implementer continues to monetise the standardised technology; the SEP holder continues to wait for adjudication. The difficult question is whether a court can correct that imbalance before liability itself has been established.

That was the central problem before the Delhi High Court in InterDigital Patent Holdings Inc. & Anr. v. Shenzhen Transsion Holdings Co. Ltd. & Ors.[1] InterDigital alleged that smartphones sold by Transsion under the Tecno, Infinix and iTel brands used its standard-essential technology relating to 3G, 4G, 5G and HEVC without a licence. While the infringement suits remained pending, InterDigital sought pro tem security against the continued unlicensed manufacture, import and sale of the relevant devices. The application placed two principles in direct tension. If security could be ordered without sufficient scrutiny of validity, essentiality and infringement, an implementer could effectively be required to secure a liability that had not yet been established. But if those issues had to be examined with the same intensity required for an interim injunction, or substantially determined before any security could be ordered, the remedy would lose much of its...

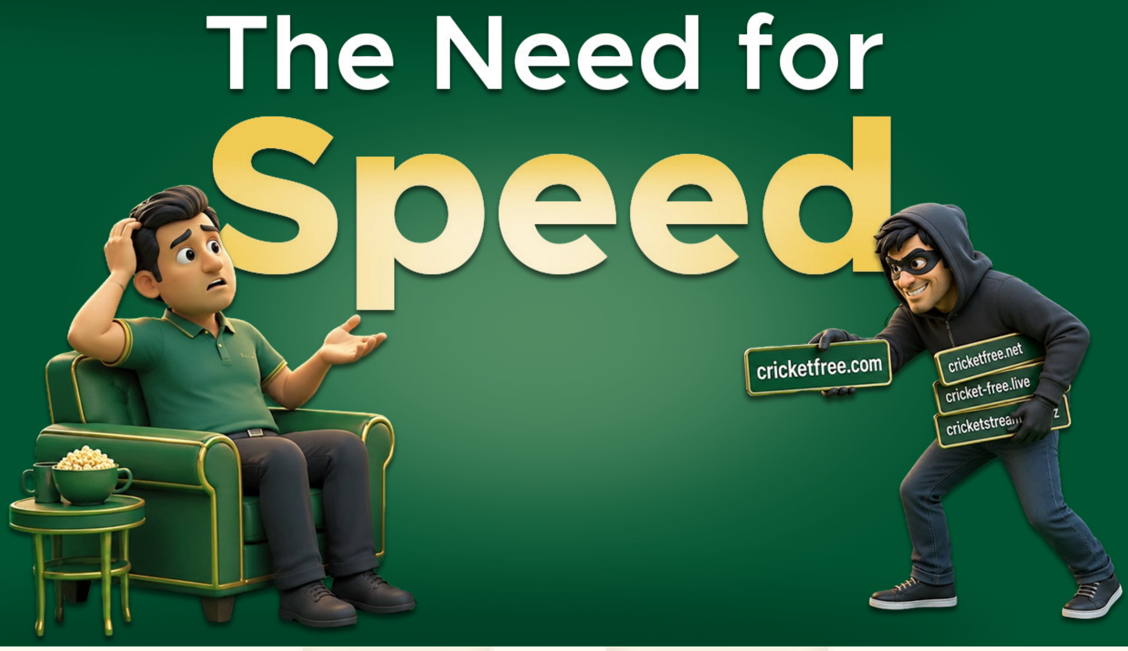
READ MORE

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

Corporate Office - 13 Ring Road, Lajpat Nagar IV, New Delhi - 110024
Chamber - 511, Ad. Complex, Supreme Court of India, New Delhi - 110001

PIVOTAL ISSUES

Examining the Delhi High Court's Evolving Approach to Dynamic Injunctions Against Rogue Websites



By the time a court blocks an unauthorised live stream, the match may already be over and the commercial value of the exclusive broadcast right exhausted. In online copyright enforcement, speed is not merely a procedural advantage. It determines whether the remedy preserves the right at all. The Delhi High Court recognised this urgency while protecting ongoing cricket broadcasts, observing that delayed blocking would cause irreparable infringement, revenue loss and injury to the exclusive rights holder.

The problem is not limited to identifying the first infringing website. Rogue operators can shift the same stream to a mirror domain, redirect users to another address or return through a minor alphanumeric variation. A conventional injunction may restrain the website named in the suit, while the underlying operation continues through a new digital entrance. Three Delhi High Court orders delivered in July 2026 trace the judicial response to this moving target. In Sony Pictures Networks India Private Limited v. Cricfree., the Court granted urgent protection for ongoing and future sporting events and permitted later-discovered infringing websites to be blocked during the currency of those events. Nineteen days later, Sony Pictures Networks India Private Limited v. Cricgo.pro applied a similar mechanism shortly before the Commonwealth Games 2026 commenced. A week thereafter, Home Box Office Inc. v. Streamzy.to accepted the need for rapid enforcement, but examined more closely who should decide whether an unidentified website is genuinely a mirror of an already restrained rogue operation. Read together, the orders move the law beyond the...

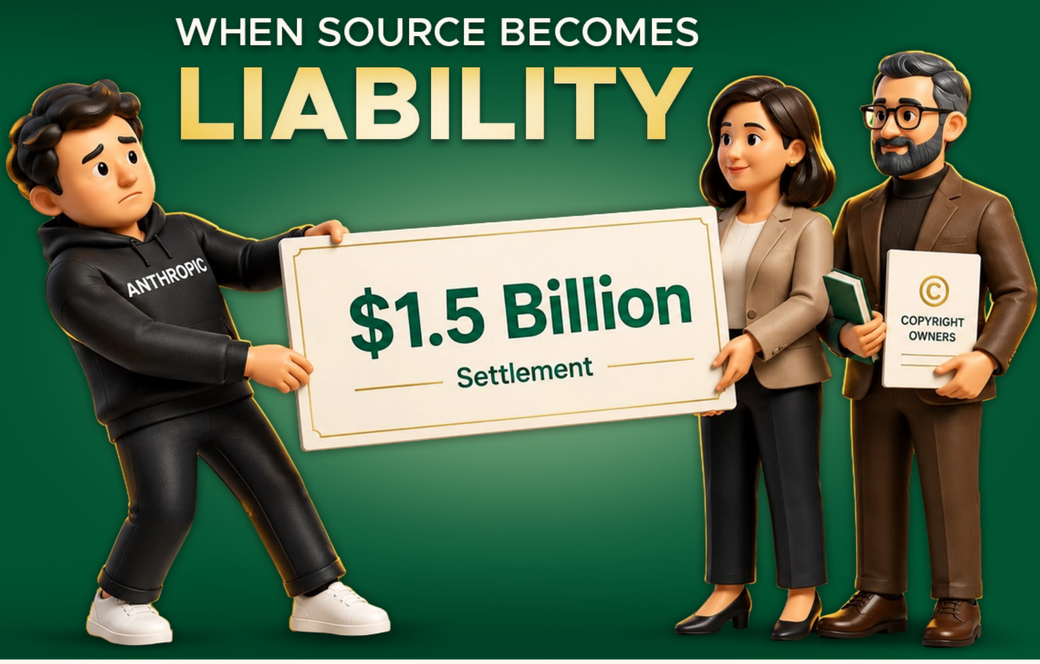
READ MORE

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

Corporate Office - 13 Ring Road, Lajpat Nagar IV, New Delhi - 110024
Chamber - 511, Ad. Complex, Supreme Court of India, New Delhi - 110001

PIVOTAL ISSUES

The USD 1.5 Billion Cost of Pirated Training Data: What Bartz v. Anthropic Means for AI Fair Use and Copyright



A USD 1.5 billion settlement has brought one of the most consequential copyright disputes in the generative AI industry to a close. Its significance lies in a distinction that every AI developer using copyrighted material must now confront: a court may treat the use of works for model training differently from the manner in which those works were acquired.

In Bartz v. Anthropic PBC1, authors and copyright owners alleged that Anthropic had downloaded millions of books from Library Genesis and Pirate Library Mirror and retained them in a central digital library. The dispute did not ultimately produce a single answer to whether the use of copyrighted books in artificial intelligence is lawful. Instead, the Court separated Anthropic's conduct into distinct acts and subjected each to its own copyright analysis.

In June 2025, the United States District Court for the Northern District of California held that Anthropic's use of books to train its large language models was fair use on the record before it. The Court also treated the one-to-one digitisation of lawfully purchased print books for an internal research library as fair use. It reached a different conclusion on Anthropic's downloading and retention of pirated copies to build a permanent central library, holding that this activity was not protected by fair use at the summary judgment stage. The surviving piracy-related claims proceeded toward class adjudication before the parties agreed to a USD 1.5 billion settlement. The final approval order described it as the largest...

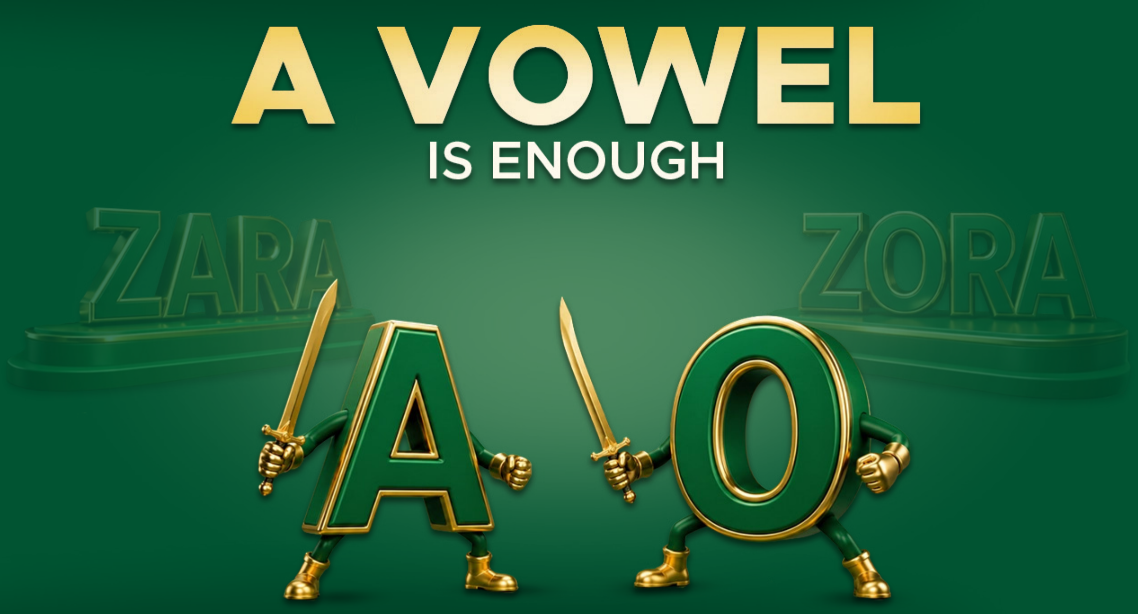
READ MORE

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

Corporate Office - 13 Ring Road, Lajpat Nagar IV, New Delhi - 110024
Chamber - 511, Ad. Complex, Supreme Court of India, New Delhi - 110001

PIVOTAL ISSUES

Delhi High Court on Well-Known Mark Protection under Section 11(2) in ZARA v. ZORA



Sometimes, a trademark dispute turns on a single letter. Here, it was the difference between "A" and "O". The mark ZARA was already registered, widely used and judicially recognised. Yet the Trade Marks Registry allowed ZORA to proceed to registration in Class 24 for fabrics. The Registrar treated the two marks as distinct because "ZA" and "ZO" sounded different, and because the parties appeared to operate through different trade channels. That reasoning brought the dispute before the Delhi High Court in Industria De Diseno Textil, S.A. v. Registrar of Trade Marks & Anr. The appeal required the Court to examine not merely whether ZARA and ZORA looked or sounded alike, but how well-known marks are to be protected under Section 11(2) of the Trade Marks Act, 1999. It also raised a broader question: must a mark first be formally declared well known before it can receive protection against a later, similar mark?

Anti-Dissection, Well-Known Mark Protection and Dilution under Section 11(2)
The Registrar had compared the marks by separating their components. Since both ended in "RA", the focus shifted to the prefixes "ZA" and "ZO". On that basis, the Registrar found the marks visually and phonetically dissimilar. The High Court rejected that approach. Trademark comparison does not proceed by breaking marks into isolated syllables and examining their differences one by one. The marks must be assessed as wholes, through the eyes and ears of a person of average intelligence and imperfect recollection. Viewed in that manner, ZARA and ZORA shared the same length, beginning, ending and overall...

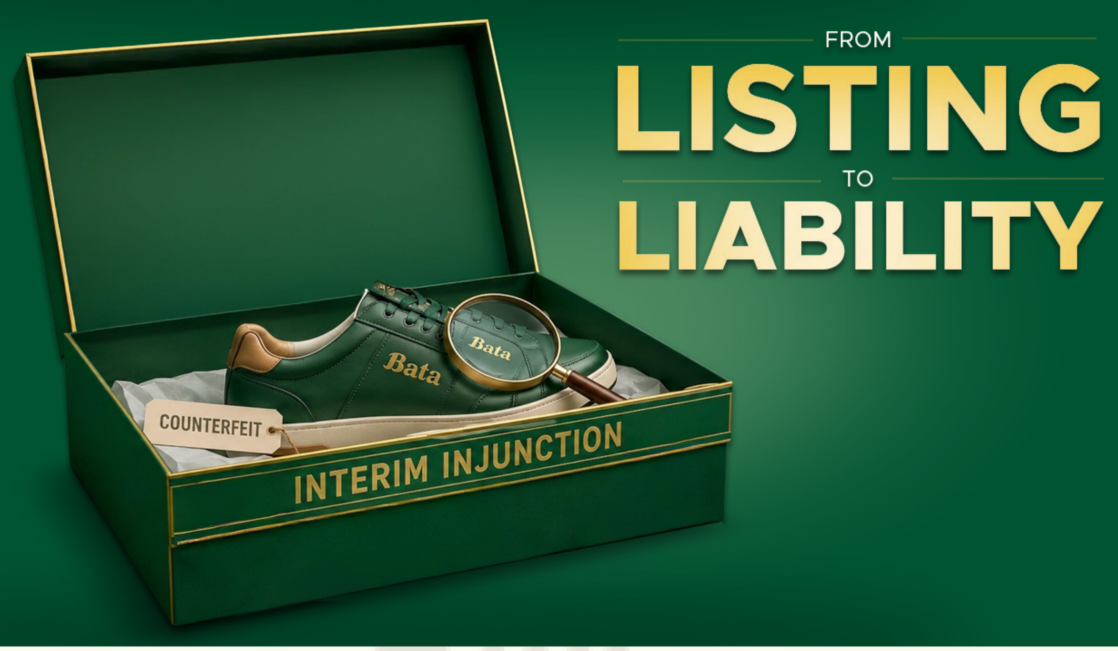
READ MORE

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

Corporate Office - 13 Ring Road, Lajpat Nagar IV, New Delhi - 110024
Chamber - 511, Ad. Complex, Supreme Court of India, New Delhi - 110001

PIVOTAL ISSUES

The Evidentiary Path to Interim Relief in Bata India v. Lalli Devi



Online counterfeiting reaches the courtroom through a chain of proof. The listing identifies the representation made to the consumer; the purchase connects that representation to a seller; and the product delivered enables the court to test whether the mark has been used on genuine or counterfeit goods. In Bata India Limited v. Lalli Devi & Ors.1, that chain was completed before the plaintiff sought judicial intervention.

Bata India Limited discovered footwear bearing the BATA mark on Flipkart during the third week of May 2026. It issued a cease-and-desist notice to the first seller on 21 May 2026 and placed a test order on 3 June 2026. The footwear delivered on 6 June 2026 was found, upon inspection, to be counterfeit, although the product stated that it had been manufactured and marketed by Bata. A search of the Trade Marks Registry disclosed no registration or pending application for BATA in favour of the sellers. Armed with these, Bata India Limited filed a commercial suit before the Delhi high court and obtained an order dated 8 July 2026 in which Justice Jyoti Singh, granted an ex parte ad interim linjunction restraining the sellers from dealing in goods under the BATA mark and directed Flipkart Internet Pvt. Ltd. to remove the URLs identified in Annexure-A within 36 hours of receiving the order. The order demonstrates how a trademark proprietor can translate an online investigation into urgent and precisely framed relief. Its reasoning moves through three stages: access to the Commercial Court without pre-institution mediation, establishment of Bata's proprietary right, and application of the statutory presumption arising from the use...

READ MORE

Corporate Office - 13 Ring Road, Lajpat Nagar IV, New Delhi - 110024
Chamber - 511, Ad. Complex, Supreme Court of India, New Delhi - 110001
+91 981 981 5818
INFO@KNALLP.COM
WWW.KNALLP.COM

SIGNIFICANT CASE LAWS

Ex-Parte Interim Injunction Restrains Infringement and Deceptive Similarity of "ZEPTO" Mark

In Resilient Innovations Pvt. Ltd. & Anr. vs. Sailendra Kashyap & Ors. (Delhi High Court, 30 July 2026, authored by Justice Jyoti Singh) This matter concerns a trademark infringement and passing-off suit filed by the quick-commerce platform Zepto against the defendants' unauthorized adoption of the mark "ZEPTO FINANCE" for financial services. The High Court granted an ex-parte ad-interim injunction, holding that actual consumer confusion had occurred and observing that adopting a deceptively similar mark in financial services was a prima facie attempt to trade on the plaintiff's established goodwill and reputation.

VIEW JUDGEMENT

Delhi High Court Orders Meta to Disclose Subscriber Details in Fake Copyright Strike Suit

In Mohammed Nawaz Shaikh vs. Unidentified Persons & Meta Platforms Inc. (Delhi High Court, 28 July 2026, authored by Justice Anup Jairam Bhambhani) This suit involves a digital content creator seeking protection against fabricated copyright takedown notices issued by unknown entities misusing Instagram's reporting mechanism. The High Court passed a directional order compelling Meta Platforms Inc. to furnish IP logs and subscriber information of the anonymous entities issuing false copyright strikes, addressing the systemic abuse of automated copyright reporting architectures to extort digital creators.

VIEW JUDGEMENT

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

Corporate Office - 13 Ring Road, Lajpat Nagar IV, New Delhi - 110024
Chamber - 511, Ad. Complex, Supreme Court of India, New Delhi - 110001

SIGNIFICANT CASE LAWS

High Court Passes Summary Judgment Restraining Deceptively Similar "PHENSERYL" Mark in "PHENSEDYL" Trademark Suit

In Opella Healthcare Group vs. Pureca Laboratories Pvt. Ltd. (Delhi High Court, 30 July 2026, authored by Justice Jyoti Singh) This trademark infringement and copyright suit was brought by France-based Opella Healthcare (a Sanofi group company) to protect its long-registered cough syrup brand "PHENSEDYL". The High Court passed a summary judgment in favor of the plaintiff, restraining the defendant from manufacturing or selling pharmaceutical syrups under the mark "PHENSERYL" or using a deceptively similar dark blue and pink trade dress. The court observed that the rival marks were visually and phonetically similar and noted that the defendant's sole defense—its own trademark registration for PHENSERYL—had already been invalidated and cancelled in prior proceedings.

VIEW JUDGEMENT

High Court Allows Amendment of Passing-Off Suit to Include Infringement Following Subsequent Registration

In L'Oreal SA vs. Vekariya Nikunj Arvindbhai & Ors. (Delhi High Court, 13 July 2026, authored by Justice Jyoti Singh) This procedural appeal under CM(M)-IPD arose from a trial court order refusing permission to amend a pending passing-off suit. The High Court set aside the lower court order, holding that the grant of trademark registration for "GARNIER BRIGHT COMPLETE" during the pendency of litigation did not constitute a barred cause of action. The court ruled that subsequent statutory registration entitles the plaintiff to amend pleadings to add statutory infringement claims alongside common law passing-off claims.

VIEW JUDGEMENT

Corporate Office - 13 Ring Road, Lajpat Nagar IV, New Delhi - 110024
Chamber - 511, Ad. Complex, Supreme Court of India, New Delhi - 110001
+91 981 981 5818
INFO@KNALLP.COM
WWW.KNALLP.COM

Patent Office Rejection Upheld for Lack of Novelty and Section 3(d) Statutory Bar

In Intra-Cellular Therapies, Inc. vs. Controller of Patents (Delhi High Court, 11 July 2026) This appeal challenged the rejection of a patent application covering a deuterated gamma-carboline compound under the Patents Act, 1970. The High Court affirmed the Controller's decision, ruling that the claimed invention lacked inventive step and fell within the statutory exclusion under Section 3(d). The court reiterated that post-filing affidavit evidence cannot be submitted to cure baseline disclosure defects or circumvent initial patentability criteria.

VIEW JUDGEMENT

Commercial Court Directs Recovery of Actual Litigation Costs Following Cancellation of Design Claims

In Crocs Inc. vs. Bata India Ltd. & Ors. (Delhi High Court, 10 July 2026) This proceeding addressed the award of litigation costs under the Commercial Courts Act, 2015, following the invalidation and cancellation of Crocs' registered foot-apparel design. The High Court awarded Bata India ₹24,63,400 in real litigation costs, enforcing strict "costs follow the event" principles to deter unmeritorious and prolonged intellectual property litigation.

VIEW JUDGEMENT

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

Corporate Office - 13 Ring Road, Lajpat Nagar IV, New Delhi - 110024
Chamber - 511, Ad. Complex, Supreme Court of India, New Delhi - 110001

SIGNIFICANT CASE LAWS

Ad-Interim Injunction Restrains Infringing Use of "HAJMOLA" Packaging and Mark

In Dabur India Limited vs. Sameer Das Shastri Proprietor of MS MDL Herbal (Delhi High Court, 8 July 2026, authored by Justice Anup Jairam Bhambhani) This trademark infringement and passing-off suit was filed by Dabur to protect its Ayurvedic brand identity. The High Court granted an ex-parte ad-interim injunction restraining the defendant from manufacturing, marketing, or selling products under the mark "HAJMOLA" or any packaging deceptively similar to Dabur's trade dress.

VIEW JUDGEMENT

Madras High Court Enforces Music Owner Rights Against Unauthorized Synchronization in Feature Film

In Ilaiyaraaja vs. Makers of 'Happy Raj' (Madras High Court, 6 July 2026) This copyright enforcement suit concerned the unauthorized synchronization and adaptation of the composer's iconic track "Pothuvaaga En Manasu Thangam" in a new cinematograph film. The Madras High Court issued an interim injunction restraining the filmmakers, holding that unauthorized commercial re-use or synchronization of copyrighted musical works requires explicit written consent and licensing from the original copyright owner.

VIEW JUDGEMENT

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

Corporate Office - 13 Ring Road, Lajpat Nagar IV, New Delhi - 110024
Chamber - 511, Ad. Complex, Supreme Court of India, New Delhi - 110001

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. Jahnobi Paul

ABOUT KINGS & ALLIANCE LLP

For over 22 years, Kings & Alliance LLP has been a trusted advisor to both corporations and individuals, combining traditional legal wisdom with modern innovation to deliver exceptional results. Our core values of expertise, excellence, and integrity drive our commitment to providing practical, client-focused solutions, underpinned by innovative strategies and deep industry insights.

We offer a comprehensive range of services, including general and corporate litigation, arbitration, insolvency and bankruptcy, taxation, and competition law. Whether addressing complex corporate matters or navigating intellectual property and regulatory challenges, we tailor our approach to meet the unique needs of each client. Our expertise also extends to high-growth industries such as fintech, healthcare, and infrastructure, where we help businesses succeed in these dynamic sectors.

In today's globalized market, we leverage strategic cross-border partnerships to guide our clients on ESG compliance, digital transformation, and international disputes, ensuring they are prepared for the evolving challenges of the modern business environment. Our goal is to enable businesses and individuals to operate with confidence, within a landscape that values fairness and security.

With more than two decades of experience, we have developed the foresight to anticipate challenges and craft solutions that protect and empower our clients—whether they are corporations, MSMEs, entrepreneurs, NGOs or indigent individuals, we ensure that regardless of their financial standing they receive equitable access to quality legal advice.

K&A INSIGHTS

K&A Insights
WhatsApp channel

JOIN

Our WhatsApp channel for
EXCLUSIVE INSIGHTS
to refine your
Expertise

knallp.com/insights/

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

Corporate Office - 13 Ring Road, Lajpat Nagar IV, New Delhi - 110024
Chamber - 511, Ad. Complex, Supreme Court of India, New Delhi - 110001

GET IN TOUCH

+91 981 981 5818

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, 02nd Floor,
Bell Building, Sir Phirozshah, Mehta Road,
Fort, Mumbai - 400 001

KINGS & ALLIANCE LLP
LAW FIRM