IPR INSIGHTS

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

SEP 2026

COVER STORY

PIVOTAL ISSUES

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Editor’s Note

Innovation, our cover story this edition brings together a wide sweep of dispute resolution developments spanning arbitration, patents and trademark law, capturing where Indian and cross border jurisprudence is headed this season. Our cover story looks at a nearly half a billion dollar arbitral award that came under fire before one of Asia's premier international commercial courts, testing just how far a party can push the argument that a tribunal quietly skipped over the issues that mattered most. The court's answer draws a line that arbitration practitioners everywhere will want to take note of.

Beyond the cover feature, we track a cluster of rulings on when courts will and won't step into arbitral territory: a fee dispute that raised sharp questions about what really counts as a "refusal" of interim relief, a case of common arbitrators seemingly contradicting themselves across parallel infrastructure disputes, a family arbitration where informal chat messages collided with the limits of contractual interpretation, and a PSU contract termination that tested just how high the bar really is for courts to order a relationship restored mid dispute.

On the IP side, we cover a set of patent rulings addressing when a claim crosses from genuine invention into an unpatentable "mental act," when combining two ordinary prior art documents can be enough to sink a pharmaceutical patent, and when patent examiners' own shortcuts can undo their rejections entirely. We round things off with a trademark dispute over who really owns the "essential feature" of a decades old brand, and a disparagement battle that turned as much on how a plaint was drafted as on what the advertisement actually said. Read on for the full stories, and don't miss our roundup of arbitration events and training happening this month.

We’ve curated this digest to provide the essential insights and legal direction needed to stay ahead in this dynamic legal environment.

Let’s dive in.

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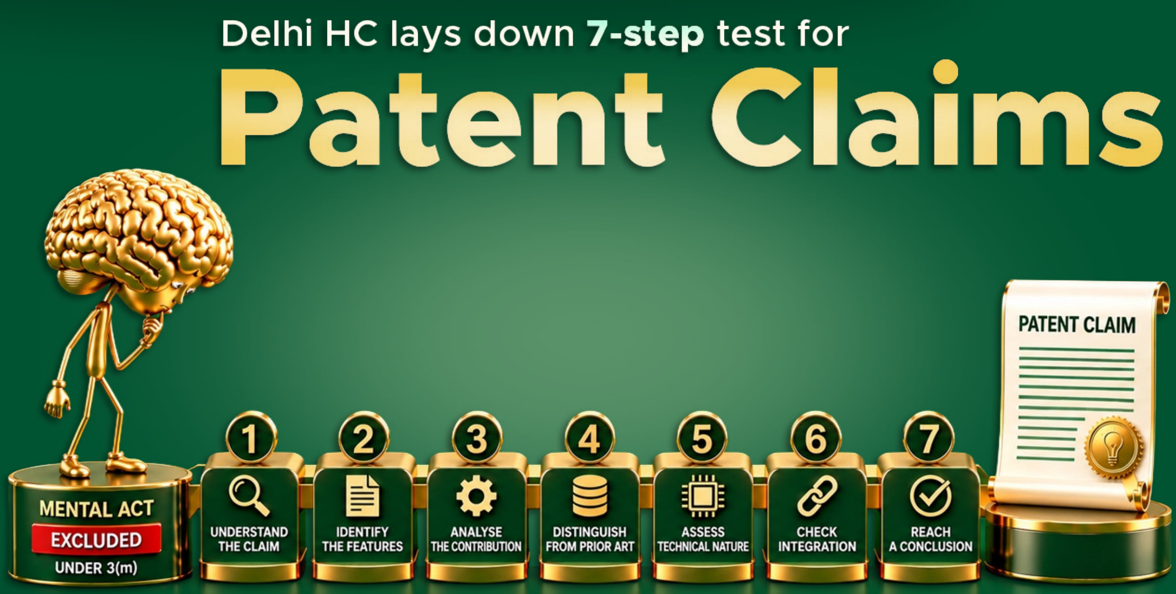
When Does a Claim Stop Being a Thought? Delhi HC's Section 3(m) Test



For over two decades, Section 3(m) of the Patents Act, 1970 which bars patentability of invention over a "mere scheme or rule or method of performing mental act" has been applied by patent examiners without any settled framework for what actually counts as a mental act. In T-Mobile International AG v The Controller General of Patents, Designs and Trademarks (order dated 4 August 2026), the Delhi High Court closed that gap. A single-judge bench of Justice Tushar Rao Gedela, assisted by an amicus curiae, laid down a structured seven-step test for examining Section 3(m) objections, with worked illustrations, and directed the guidelines be placed before the Patent Office within six weeks. For patent practitioners and applicants navigating computer-implemented and process claims, this is likely to become the reference framework for Section 3(m) examination going forward.

T-Mobile had appealed against a 2016 order refusing its patent application for a method of optimising the operational times and cell-change performance of mobile terminals, rejected under both Section 3(k) (computer programmes per se) and Section 3(m). The Court had already remanded the appeal for fresh consideration on the merits in February 2026. What kept the matter alive was a narrower, public-interest point; counsel on both sides candidly told the Court that no guidelines existed for how the Patent Office was meant to evaluate Section 3(m) objections at all. Rather than let that gap persist, the Court appointed an amicus curiae, invited draft guidelines from all sides, and used this otherwise-concluded appeal as the vehicle to settle the framework. The core issue was interpretive: when does a...

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Two Prior Arts, One Obvious Invention: Delhi HC Rejects Esteve's Tramadol-Celecoxib Co-Crystal Patent

Can two separate prior art documents, neither of which discloses the claimed invention on its own be combined to defeat a patent application? The Delhi High Court answered yes in Esteve Pharmaceuticals S.A. v Controller of Patents and Designs(judgment dated 7 August 2026), dismissing Esteve's appeal against the rejection of its patent application for a co-crystal of tramadol and celecoxib. Justice Tushar Rao Gedela held that reading two prior art documents together one teaching that tramadol could be combined with celecoxib for pain relief, the other teaching general co-crystal formation techniques and their benefits rendered the specific claimed co-crystal obvious under Section 2(1)(ja) of the Patents Act, 1970.

Esteve filed a national phase application in India in February 2012, claiming priority from October 2009, for a co-crystal combining tramadol, an opioid analgesic with celecoxib, a coxib-class NSAID (Nonsteroidal anti-inflammatory drug). Esteve's case was that combining the two known painkillers into a single crystalline form produced a novel solid with improved bioavailability, solubility, and a synergistic pain-relief effect exceeding either drug alone. The Assistant Controller of Patents rejected the application in February 2020 on multiple grounds: lack of inventive step under Section 2(1)(ja), and lack of patentability under Sections 3(d) (mere new form of a known substance) and 3(e) (mere admixture of known substances). Esteve appealed, arguing that since the impugned order had not ultimately sustained an objection of lack of novelty, the Section 3(d) objection could not stand either...

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Beyond Copy-Paste Orders: The Delhi HC Directive on Patent Rejections

In an era where clean technology and green innovations are vital to combating climate change, patent offices worldwide are expected to rigorously and fairly evaluate complex technical applications. However, a widespread administrative shortcut has plagued Indian patent practice: the issuance of non-speaking, "copy-paste" rejection orders by Patent Controllers. In Enviro Ambient Corporation v. Assistant Controller of Patents, the High Court of Delhi drew a firm line against this practice. The appellant, an entity with over 25 years of experience in green technologies, had filed an Indian national phase patent application for an invention titled "Carbon Dioxide Capture Device and Method." The application disclosed an energy-efficient CO_2 capture system utilizing amine-free water droplets sized under 50 microns at subsonic speeds (less than Mach 1); a stark technical contrast to conventional, high-energy amine-based carbon absorption systems. Following a First Examination Report (FER), detailed written responses, and a formal hearing, the Assistant Controller of Patents rejected the application under Section 2(1)(j) for lack of novelty and Section 2(1)(ja) for lack of inventive step. However, while the impugned rejection order ran over 15 pages, roughly three-fourths of it merely reproduced verbatim the initial objections from the FER, extracted claim lines, and quoted prior art teachings, concluding with a single-line, unreasoned rejection that completely ignored the detailed comparative matrices and scientific proofs submitted by the applicant. The High Court was confronted with critical questions of administrative and patent law: Whether a Patent Controller can satisfy the statutory mandate of a reasoned "speaking order" by mechanically reproducing FER objections and...

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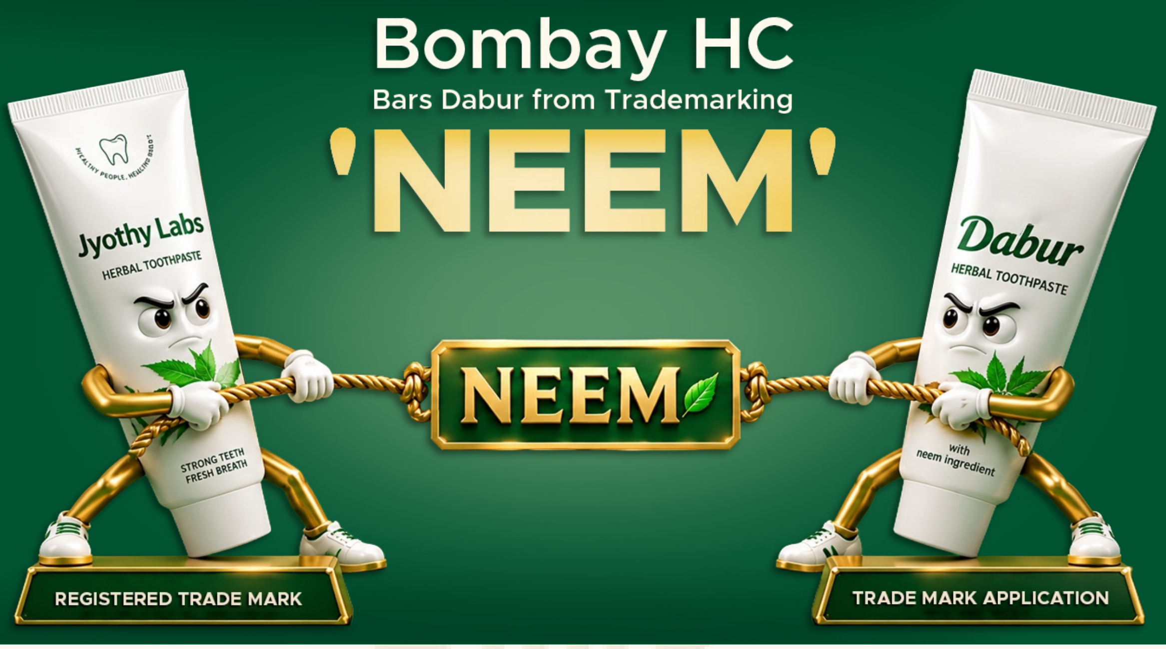
Leading and Essential: Bombay HC Restrains Dabur's Use of 'NEEM' as a Registered Trademark



Can a word that a company never separately registered still be protected as a trade mark? The Bombay High Court answered yes in Jyothy Labs Ltd. v Dabur India Ltd. (order dated 10 August 2026), restraining Dabur from using "NEEM" as the leading feature on its domestic toothpaste packaging. Justice Arif S. Doctor's interim order applies the essential-feature doctrine to protect an unregistered component of a composite mark, and holds that a party who seeks registration of a label without disclaiming a word cannot later argue in infringement proceedings that the same word is generic. For trade mark practitioners, the ruling is a useful illustration of how registration conduct before the Trade Marks Registry can come back to bind a party in subsequent litigation.

Jyothy Labs has used "NEEM" in connection with toothpaste since around 1920, through its predecessor Calcutta Chemical Company, and holds three subsisting registrations in Class 3 in which "NEEM" is the leading feature, none of them carrying a disclaimer over the word. Dabur, which had long used "NEEM" only as a small, descriptive ingredient callout on its international packaging, introduced a domestic label in late 2020 displaying "NEEM" centrally, in large bold lettering. Jyothy Labs sued for infringement and passing off. Dabur resisted on several grounds: that Jyothy Labs held no standalone registration for "NEEM" and so Section 17 of the Trade Marks Act barred any claim over the word alone; that "NEEM" was generic or descriptive of a toothpaste category, much like "decaf coffee" or "herbal tea"; that the word had become common to the trade, given roughly twenty-two other...

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Mimicry, not Malice: Calcutta HC draws the line between disparagement and trade mark infringement in the "Balm" dispute

Does citing your trade mark registrations in a plaint automatically turn a disparagement suit into a "commercial dispute"? The Calcutta High Court answered no in Sun Pharmaceutical Industries Limited v Emami Limited (judgment dated 17 August 2026), setting aside a trial court's ad interim injunction that had restrained Sun Pharma from airing an advertisement referencing Emami's "Zandu Balm," "Mentho Plus Balm," and "Zandu Ultra Power Balm" products. A Division Bench of Justice Sabyasachi Bhattacharyya and Justice Supratim Bhattacharya held that a suit for disparagement simpliciter does not fall within Section 2(1)(c)(xvii) of the Commercial Courts Act, 2015 merely because the plaint makes incidental reference to IP registrations, and separately held that mere market leadership cannot convert a generic word into an exclusive brand identifier. For litigators handling comparative-advertising disputes, the order is useful on both a jurisdictional point and a substantive one.

Emami sued Sun Pharma before an ordinary civil court, alleging that an advertisement disparaged its Ayurvedic pain-relief products, commonly referred to as "Balm", by portraying balms generally as ineffective, sticky, and unpleasant. Emami sought a permanent injunction, a corrigendum and apology, destruction of the offending video's master tape, and damages, valuing the suit at Rs 50 crore. A trial court granted an ex parte ad interim injunction. Sun Pharma appealed, arguing the suit was actually a "commercial dispute" under the Commercial Courts Act. The plaint referred to Emami's trade mark, copyright, and...

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Counterfeit Bearings and the Cost of Cutting Corners on Safety AB SKF v. M/s B.M. Bearing Sales & Ors.

SKF, the Swedish bearings manufacturer that has operated in India since 1923 and held the 'SKF' mark since 1907, approached the Delhi High Court after its investigations revealed that Defendants No. 1 and 2, operating from the same Delhi address and acting in collusion, were selling counterfeit ball bearings bearing the SKF mark in packaging that mirrored the plaintiff's own. Discrepancies in the country-of-manufacture markings, Data Matrix Codes, and batch-code formats confirmed the goods were fake, while the defendants' bank accounts showed proceeds running into several lakhs from the infringing sales. Justice Jyoti Singh found a strong prima facie case of trademark infringement, copyright violation and passing off, noting the dishonest and mala fide adoption of an identical mark and trade dress, and the added public-safety risk given that substandard bearings can compromise vehicle safety. The Court restrained the defendants from using the SKF mark or deceptively similar packaging in any manner, and directed the bank to place a lien on their accounts to the extent of the traced infringing proceeds

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A Crown by Another Name: Settling the "Date Crown" Dispute Bait Al Tamur Co v. Insiya Global & Anr.

Bait Al Tamur had sued Insiya Global and another defendant seeking a permanent injunction against their use of the mark and trade dress 'DATE'S CROWN', which it alleged was deceptively similar to its own registered 'DATE CROWN' mark and packaging for dates. During the pendency of the suit, the parties reached an amicable settlement, under which the defendants agreed to permanently cease using the impugned mark, packaging, and domain name, and to adopt an entirely new corporate identity and packaging — rebranding as 'Al Qaswa Crown Dates Private Limited' with a revised label design — without any objection from the plaintiff. The defendants also undertook to formally withdraw their pending trademark application before the Trade Marks Registry. Finding the settlement lawful, the Court decreed the suit in its terms, directed the Registry to draw up the decree, and held the plaintiff entitled to a refund of the court fees paid

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Chasing Fake Job Offers: Court Widens the Net Against HCL Impersonators HCL Corporation Pvt Ltd v. John Does & Ors

HCL had earlier secured an ex parte injunction against a network of "John Doe" defendants who were impersonating HCL employees through fraudulent emails, calls and messages to dupe job seekers into paying money for fake employment offers. In this round, armed with KYC details supplied by Defendant No. 18 (SBI) pursuant to an earlier order, HCL was able to trace a further individual — impleaded as Defendant No. 24 — linked to a specific fraudulent transaction, and sought to amend its plaint accordingly. The Court allowed both the impleadment and the amendment, and, finding that Defendants No. 20 to 24 were acting in collusion with the earlier defendants to run the same fraudulent scheme, extended the existing ex parte ad interim injunction to cover them as well. The order restrains all these defendants from using HCL's trademarks, directs destruction of any infringing material in their possession, bars them from using the email addresses identified in the suit, and directs the relevant telecom defendant to disclose subscriber details for several mobile numbers used in the scam and block them.

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VKC Nuts Cracks Open a Cancellation Dispute Over "Panchmeva" VKC Nuts Private Limited v. Connedit Business Solutions Private Limited & Anr.

VKC Nuts approached the Delhi High Court under Section 57 of the Trade Marks Act, 1999, seeking cancellation of Connedit Business Solutions' registration for the 'PANCHMEVA' mark under Class 29 (relating to food products). Rather than contest the petition, Senior Counsel for Respondent No. 1, on instructions, informed the Court that the company would voluntarily initiate steps to withdraw the challenged registration — while expressly reserving its right to separately pursue any common law rights it might otherwise claim in the mark through appropriate legal proceedings. The Court accepted this statement as binding on the respondent and disposed of the petition on that basis, without needing to adjudicate the cancellation claim on its merits

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Testbook and Collegedunia Call a Truce Through Mediation Testbook Edu Solutions Private Limited v. Collegedunia Web Private Limited

Testbook and Collegedunia had filed cross-suits against each other alleging copyright infringement and passing off. Rather than proceed to trial, the parties were referred to mediation before the Delhi High Court Mediation and Conciliation Centre, where they successfully resolved their disputes and executed a formal Settlement Agreement. Having examined the terms and found them lawful, the Court decreed both suits in accordance with the settlement, directing that its terms bind both parties and form part of the decree. All pending applications in both matters were disposed of alongside the suits, and each plaintiff was held entitled to a refund of the court fees paid in its respective proceeding.

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