



IPR INSIGHTS

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



COVER STORY

Well-Known Means Wider Protection:
Delhi HC Restrains Use of 'SOCIAL CIRCLE' 04

SIGNIFICANT CASE LAWS

09

- Pravin Kumar v. ITC Limited & Ors.
 - Sporta Technologies Pvt. Ltd. v. John Doe & Ors.
 - Amazon Seller Services Private Limited vs <https://cinevood.love/> & Ors.
 - Basant Lal vs Shakti Hydraulic Engineers & Anr.
- MANY MORE*

TRAINING AND EVENTS

19

PIVOTAL ISSUES

- ◆ Contradictory Positions, Costly Consequences: Bombay HC on Competing Film Rights Assignments 05
- ◆ Battle for the Next-Gen Cigarette: How Philip Morris Defended its Thermal Wrap Patent Against ITC 06
- ◆ Clash over "Desi Chinese": Delhi HC halts Deceptively Similar "SCHEZWAN CHUTNEY" 07
- ◆ Author on Record: Why India's Copyright Office Rejected the DABUS Application 08



KINGS & ALLIANCE LLP
LAW FIRM



info@knallp.com



www.knallp.com



Enforcement, This month's edition of IPR Insights looks at how courts and authorities are deciding not just what is protected, but who can claim that protection, how far it extends, and how it is enforced.

Our Cover Story, Well-Known Means Wider Protection, examines the Delhi High Court's decision in *Impresario Entertainment and Hospitality Pvt. Ltd. v. M/s Social Circle*. The Court restrained the use of 'SOCIAL CIRCLE', holding that adding a word to a well-known mark does not avoid infringement when the dominant part of the mark stays the same.

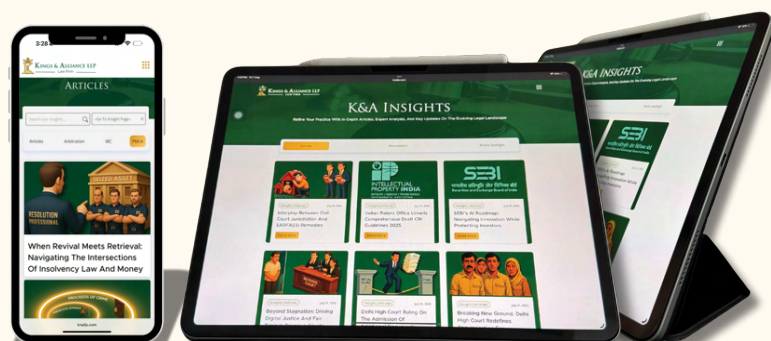
The In-Depth Analysis section turns to four significant developments. The Bombay High Court looks at what happens when a party takes contradictory positions on who owns the same film rights, and whether that conduct can justify punitive damages. A patent dispute in the heated tobacco space shows how much of a patent's survival can depend on procedure, from how and when claims are filed to how opposition proceedings are run. The Delhi High Court considers whether everyday descriptive terms can earn legal protection once the public starts linking them to one source. Finally, the Copyright Office's decision on an AI-generated artwork asks who can legally be called an author when a machine creates the work.

The Case Laws section covers further developments on deceptive similarity in the cigarette trade, dynamic blocking orders against piracy of live sports and unreleased films, cancellation of a confusingly similar registered mark, and territorial jurisdiction in a disparagement suit over a social media reel.

Together, these developments show an IP landscape where strong rights still depend on timing, conduct and proper process. Whether the issue is protecting a brand, defending a patent, enforcing against piracy or deciding who the author is, how a right is claimed and enforced can matter as much as the right itself.

Let's dive in.

[Click Here To Submit Feedback](#)





COVER STORY

04

Well-Known Means Wider Protection: Delhi HC Restrains Use of 'SOCIAL CIRCLE'



PIVOTAL ISSUES

05

Contradictory Positions, Costly Consequences: Bombay HC on Competing Film Rights Assignments



PIVOTAL ISSUES

06

Battle for the Next-Gen Cigarette: How Philip Morris Defended its Thermal Wrap Patent Against ITC



PIVOTAL ISSUES

07

Clash over "Desi Chinese": Delhi HC halts Deceptively Similar "SCHEZWAN CHUTNEY"



PIVOTAL ISSUES

08

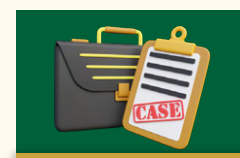
Author on Record: Why India's Copyright Office Rejected the DABUS Application



CASE LAWS

09

- Pravin Kumar v. ITC Limited & Ors.
- Sporta Technologies Pvt. Ltd. v. John Doe & Ors.
- Amazon Seller Services Private Limited vs <https://cinevood.love/> & Ors.
- Basant Lal vs Shakti Hydraulic Engineers & Anr.
- GRB Dairy Foods Private Limited v. Sri Lakshmi Industries



TRAINING & EVENTS

14



COVER STORY

Well-Known Means Wider Protection: Delhi HC Restrains Use of 'SOCIAL CIRCLE'



Can a party adopt a mark that incorporates the entirety of a well-known trademark by merely adding another word to distinguish its services? The Delhi High Court answered in the negative in *Impresario Entertainment and Hospitality Pvt. Ltd. v. M/s Social Circle*, granting an ex parte ad interim injunction restraining the defendant from using the mark 'SOCIAL CIRCLE' or any identical or deceptively similar variation in relation to restaurant and hospitality services. Justice Vikas Mahajan held that the defendant's mark was prima facie identical and deceptively similar to the plaintiff's registered trademark 'SOCIAL', observing that the addition of the word "CIRCLE" did not sufficiently distinguish the impugned mark from the plaintiff's mark. The Court placed significant reliance on the earlier declaration of 'SOCIAL' as a well-known trademark under Section 2(1)(zg) of the Trade Marks Act, 1999, holding that such recognition strengthened the plaintiff's claim for interim protection.

The decision highlights the enhanced protection available to well-known trademarks and reiterates that a party cannot avoid infringement merely by adding a descriptive or additional expression to a mark where the dominant and source-identifying feature remains identical. It also demonstrates the importance of prior judicial recognition of a trademark's reputation while assessing the strength of a plaintiff's prima facie case. *Impresario Entertainment and Hospitality Pvt. Ltd.*, the plaintiff, operates a chain of restaurants and bars under the brand name 'SOCIAL' and has been engaged in the hospitality sector since 2001. The plaintiff adopted the trademark 'SOCIAL' in 2012 and is the...

Page 4



PIVOTAL ISSUES

Contradictory Positions, Costly Consequences:
Bombay HC on Competing Film Rights Assignments



Can a party who takes flatly inconsistent positions on who owns the same rights, first backing one claimant, then reversing to support a rival, be made to pay punitive damages for it? The Bombay High Court answered in *Ultra Distributors Pvt.Ltd. v. M/s. Dhariwal Films Pvt. Ltd. and 2 Ors. .*, decreeing that Ultra Distributors holds the sole and exclusive video, cable television, and video-on-demand rights to a Hindi feature film, and awarding it over Rs 2 crore in compensatory damages, punitive damages, and costs. Justice Arif S. Doctor found that Dhariwal Films had taken “different and plainly contradictory stands” on competing claims to the same rights, holding this conduct “really amounts to misrepresentation and cheating.” For practitioners in entertainment and IP litigation, the judgment is a useful illustration of how a defendant's own shifting positions, taken across multiple proceedings, can both establish a plaintiff's title and independently justify punitive damages.

In 2005, Dhariwal films approached Ultra Distributors offering to assign its video rights to the film, telling Ultra that an earlier assignment of the same rights to a company called Showman Exports had been cancelled in writing dated 25 November 2002. On that basis, Ultra and Dhariwal executed an Assignment Agreement dated 31 March 2005 for a total consideration of Rs 42,51,000, of which Ultra paid Rs 10,01,000. A second party, referred to in the judgment as Defendant No. 2, separately claimed to hold the same video rights, tracing its title through an...

Page 5



READ MORE



PIVOTAL ISSUES

Battle for the Next-Gen Cigarette: How Philip Morris Defended its Thermal Wrap Patent Against ITC

Smoke Without Fire



In the rapidly evolving world of reduced risk nicotine products, a major intellectual property clash has erupted between two tobacco titans: Indian conglomerate ITC Limited and Swiss-based global giant Philip Morris Products. This legal showdown, formally titled ITC Limited v. Philip Morris Products S.A. & Ors. centers on a high-profile challenge regarding next-generation cigarette alternatives specifically heated tobacco products engineered to deliver nicotine without combustion.

ITC Limited has mounted a double-barreled legal challenge against Swiss tobacco giant over Philip Morris products titled “HEATED AEROSOL GENERATING ARTICLE WITH THERMAL SPREADING WRAP” the contested patent covers heat-not-burn technology utilizing a thermally-conductive foil wrapper designed to distribute heat and prevent accidental direct ignition. Granted on December 14, 2021 and valid through December 4, 2034 the patent became a subject of a post-grant opposition filed by ITC under Section 25(2) of the Patents Act, 1970. ITC sought full revocation of the patent, alleging lack of novelty, missing inventive step, prior public knowledge, insufficiency of disclosure and non-patentable subject matter while citing ten prior art references. The administrative conflict reached a flashpoint over procedural maneuvers before the Controller of Patents & Designs. Following a primary hearing on June 6, 2024. Philip Morris introduced two unannounced auxiliary claim sets alongside written submissions, prompting formal objections and an Interlocutory Petition from ITC. Although Philip Morris eventually withdrew the amended claims and submitted...

Page 6



PIVOTAL ISSUES

Clash over “Desi Chinese”: Delhi HC halts Deceptively Similar “SCHEZWAN CHUTNEY”



Delhi HC Blocks

“SCHEZWAN CHUTNEY”

Trademark Use

Can descriptive and generic culinary terms acquire secondary meaning over time and receive judicial protection against “smart copying”? The Delhi High Court answered yes in *Capital Foods Pvt. Ltd v. Patson Foods (India) Pvt Ltd.* restraining competitors from using “Schezwan Chutney” as the dominant feature on condiment packaging. In 1996, Capital Foods launched a bold culinary experiment which fused the fiery, pungent garlic and chilli flavours of China’s Sichuan province with the comforting everyday habit of the Indian kitchen which is the chutney. Marketed under the flagship brand Ching’s Secret, this hybrid birthed an entirely new phenomenon fondly embraced by millions as “Desi Chinese”.

In the year 2012, Capital Foods formalized this fusion into a single proprietary name which is “Schezwan Chutney” supported by massive celebrity endorsements campaigns featuring Ranveer Singh as its brand ambassador. Meanwhile MCA (Ministry of Corporate Affairs) show the defendants operate under the Patson group with shared leadership, jointly manufacturing and distributing “RASANND SCHEZWAN CHUTNEY” offline and online nationwide, including Delhi. After detecting this infringement in November 2025, Capital Foods issued a legal notice on November 18, 2025 to which Patson Food agreed to discontinue the product and pledged not to manufacture or sell identical or deceptively similar marks. However by March 2026 the plaintiff detected that Patson Foods had covertly resumed sales of the infringing product through its website. Despite a subsequent cease and desist letter dated March 10, 2026 Patson Foods failed to respond and continued its...

Page 7



READ MORE



PIVOTAL ISSUES

Author on Record: Why India's Copyright Office Rejected the DABUS Application

To Be or Not to Be An

Author



If an AI system generates an artwork based on a human prompt, without any human intervention in its final generated output, who by law can technically be considered the creator ? The Registrar of Copyrights rejected Dr. Stephen L. Thaler's application to register the artwork "A Recent Entrance to Paradise" with his AI system, Device for the Autonomous Bootstrapping of Unified Sentence (AI-DABUS), named as author. The Registrar held that DABUS cannot be an author under section 2(d)(iv) of the Copyright Act, 1957, since it is neither a natural nor a juristic person, but separately found the artwork itself cleared the originality threshold under section 13 and that the Applicant, on his own account of how the work was made, was the person who could have been named its statutory author. The application failed not because AI-generated works are categorically unprotected, but because the Applicant even when directly invited to amend the application and name himself as author, declined to do so.

The Applicant filed the application in May 2022, naming DABUS, an AI-System as author, and himself as owner. The copyright issued a discrepancy letter in 2023, questioning whether DABUS could legally be recognised as an author at all, and after the Applicant response failed to resolve the objections, the matter proceeded to a formal hearing process. An amicus curiae, Senior Advocate Rajeshwari Hariharan was appointed to assist the Registrar given the novelty of the questions involved. Across three hearings, the Applicants' side argued that DABUS operated through interconnected neural network modules, trained on...

Page 8



READ MORE





Calcutta High Court Affirms Restraining Order Against “IJM Gold Stag” over Trademark violation and deceptive similarity to ITC’s ‘Gold Flake’

Pravin Kumar v. ITC Limited & Ors. concerns a commercial appeal before a Division Bench of Calcutta High Court challenging an interim injunction granted against the manufacturing and sale of cigarettes under the brand name “IJM Gold Stag”. ITC Ltd. filed a suit alleging trademark infringement and passing off claiming that the defendants brand name and packaging bore deceptive phonetic similarities and overall visual impression to its long established “Gold Flake” registered trademark. The appellant argued that the court lacked territorial jurisdiction, that one registered proprietor cannot sue another for infringement and that the word “Gold” was generic. Laudatory and disclaimed in ITC registration that it had acquired secondary significance. Senior counsel for the appellant relied on Hindustan Unilever Limited v. Three Leaves India Pvt. Ltd. to challenge territorial jurisdiction under Clause 14 of the Letters Patent and Section 134(2) of the Trademarks Act, 1999 and further invoked Section 15(2) of the Copyright Act to allege that Copyright protection has ceased. ITC Ltd countered that the jurisdiction was valid, the appellant’s licences were questionable, and “Gold” had acquired secondary significance. Justice Sabyasachi Bhattacharya held that packaging must be evaluated as a whole, noting that 85% health warning leaves only 15% for branding heightening consumer confusion risks. Concluding ITC established a strong prima facie case, the High court upheld the interim injunction in the favor of the plaintiff.

© Kings & Alliance LLP, 2026



[VIEW JUDGEMENT](#)



Delhi HC mandates blocking of rouge sites illegally streaming F1, ATP Tennis and Saudi Pro league

Sporta Technologies Pvt. Ltd. v. John Doe & Ors. concerns an intellectual property suit before the Delhi High Court regarding broadcast reproduction rights infringement. Sporta Technologies (operator of OTT platform FanCode) holds exclusive Indian digital transmission rights for major events, including Formula 1, ATP Tennis, and Saudi Pro League and others. In September 2026, FanCode discovered rogue portals such as WeStreamF1, Stream East, and Live TV illegally streaming live feeds carrying FanCode's registered mark, directly stealing the primary signal. The main issue was whether unauthorized live streaming infringes Section 37 of the Copyrights Act, 1957 warranting a "Dynamic + Injunction" against proliferating mirror domains. Relying on *Universal City Studios LLC v. Dotmovies Baby and Others*, the plaintiff argued that dynamic domain blocking is essential to stop real time piracy by anonymous "John Doe" operators. Justice Jyoti Singh held that the defendants engaged in blatant signal piracy, violating statutory broadcast reproduction rights. Concluding that failure to grant immediate relief would cause irreparable commercial harm to the rights holder, the High Court issued an ex parte ad-interim injunction directing Domain Name Registrars and ISPs to block access to the infringing websites and mirror links within 24 hours.



[VIEW JUDGEMENT](#)





Delhi HC Restrains Rogue Websites from streaming Amazon's Upcoming Film 'VIBE'

Amazon Seller Services Private Limited vs <https://cinevood.love/> & Ors. concerns a copyright infringing suit before the Delhi High Court. Amazon, the exclusive copyright owner under a “work made for hire” agreement for the upcoming film “VIBE” starring Preity Zinta and Kunal Kemmu, sought an ex parte ad-interim injunction against 11 rogue websites including Cinevood, 1TamilMV etc listing the film under “comingsoon” categories for unauthorized streaming prior to its September 18, 2026 theatrical release. The core issue was whether unauthorized pre-release digital transmission infringes exclusive rights under Section 14(d) and 51 of the Copyright Act, 1957 warranting real time dynamic blocking orders. Relying on Universal City Studios LLC v. Dotmovies Baby, Amazon argued that immediate dynamic blocking is critical to prevent severe, irreversible box office loss caused by hydra-headed pirate sites with masked WHOIS identities.

Justice Jyoti Singh held that Amazon established a strong prima facie case, noting that online piracy directly undermines crucial theatrical revenue windows granting an ex-parte ad interim Dynamic + Injunction, the High Court ordered Domain Name Registrars, Internet Service Provider (ISP), Ministry of Electronics and Information Technology (MeitY) and Department of Telecommunications (DoT) to suspend and block the infringing domains within 36 hours, permitting Amazon to notify authorities for real-time blocking of future mirror links.

[VIEW JUDGEMENT](#)



Delhi High Court revokes “LNK” Trademark citing Likelihood of confusion with Basant Lal’s L&K mark

Basant Lal vs Shakti Hydraulic Engineers & Anr. concerns an adjudication by the Delhi High Court under Sections 47 and 57 of the Trade Marks Act, 1999 seeking the cancellation of the registered word mark “LNK” in Class 11 by Shakti Hydraulic Engineers for sanitary products. The petitioner, as registered proprietor of the “L&K Waterman Since 1948” device marks (registered since 2005) sought the removal of “LNK” (registered in 2016), alleging visual, phonetic, and deceptive similarity to the dominant element “L&K”. The fundamental legal issue was whether the registration of “LNK” for identical goods infringed Section 11(1)(b) of the Trade Marks Act by creating a likelihood of consumer confusion. While Respondent No.1 remained ex-parte, Respondent No.2 (Registrar of Trade Marks) invoked Section 17(1) of the Act to contend that composite device marks must be evaluated as an indivisible whole, prohibiting an exclusive monopoly over individual literal elements such as “L&K”. Rejecting the Registrar’s contention, Justice Jyoti Singh relied upon *M/s South India Beverages Pvt. Ltd. v. General Mills Marketing Inc. & Anr.* and *Pernod Ricard v. Karanveer Singh Chhabra* to affirm that the “dominant mark test” does not violate the anti-dissection rule. Identifying “L&K” as the essential feature of the petitioner's mark, the Court found “LNK” deceptively similar, visually and phonetically. Consequently, the High Court allowed the petition, ordered the cancellation of the “LNK” registration and directed the registrar to expunge the entry from the register within eight weeks.

© Kings & Alliance LLP, 2026



[VIEW JUDGEMENT](#)





Madras High Court Clears Deck for GRB dairy to sue Competitor Over Allegedly Defamatory Instagram Reel

GRB Dairy Foods Private Limited v. Sri Lakshmi Industries constitutes an adjudication by the Madras High Court under the Clause 12 of the Letters Patent granting the applicant leave to institute a civil suit on its original side against the manufacturer of “NG Ghee”. The applicant, a well established food products enterprise selling ghee under the “GRB” brand sought to file a suit for permanent and mandatory injunction against its competitor over an Instagram reel containing allegedly false, defamatory and disparaging statements. The applicant argued that under Clause 12 that part of the cause of action arose within Chennai because its products are extensively sold there and the online reel was directly disseminated to customers within Chennai. As this was an ex-parte grant of leave under Clause 12 the Andhra Pradesh based respondent had not yet entered an appearance. Justice K. Govindarajan Thilakavadi held that while the applicant carrying on business in Chennai is insufficient per se, the widespread online dissemination of the impugned reel to customers within Chennai where GRB products are extensively marketed establishes a prima facie territorial link. Concluding that reputational injury occurred within its jurisdiction, the High Court allowed the application and granted leave to institute the disparagement suit.



[VIEW JUDGEMENT](#)



TRAINING AND EVENTS

The Lex Witness 12th Annual Pharma Legal & Compliance Summit 2026

Organised By: Lex Witness



9 OCT 2026



Mumbai, India

[Know More](#)



International Conference on Technology Transfer, Knowledge Sharing, and IP Commercialization

Organised By: Nexa Research



10 OCT 2026



Bangalore, India

[Know More](#)



International Conference on International IP Treaties, Agreements, and Harmonization

Organised By: Nexa Research



17 OCT 2026



Bhopal, India

[Know More](#)



International Conference on Trade Secrets, Confidentiality, and Competitive Advantage

Organised By: Nexa Research



24 OCT 2026



Bhubaneshwar, India

[Know More](#)



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

© Kings & Alliance LLP, 2026

EXPOSITORS

Associate: Adv. Pratistha Dahiya

Associate: Adv. Vatsala

Associate: Adv. Gaurangi Tandon

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

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



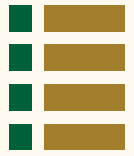
+91 981 981 5818



INFO@KNALLP.COM



WWW.KNALLP.COM



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/

Page 16



+91 981 981 5818



INFO@KNALLP.COM



WWW.KNALLP.COM

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

DISCLAIMER: The contents of this publication are intended solely for informational purposes and general guidance. They do not constitute advertising or solicitation. The information provided is not a substitute for professional advice, which may be necessary before taking any action on the matters discussed. While every effort has been made to ensure the accuracy of the material, Kings & Alliance LLP does not assume responsibility for any errors that may occur despite careful preparation. Additionally, Kings & Alliance LLP disclaims any liability for loss or damage resulting from any actions taken or refrained from based on the information contained in this publication.

