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Office of The Controller General of Patents, Designs & Trade Marks

बौद्धिक संपदा भारत
Intellectual Property INDIA

"बौद्धिक न्यायवृत्त"

(IP LEX)

MONTHLY COMPILATION OF JUDGMENTS ON *INTELLECTUAL PROPERTY RIGHTS*

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"बौद्धिक न्यायवृत्त" (IP LEX) presents significant recent developments in Indian intellectual property jurisprudence across Patents, Copyright, Designs, Trade Marks and GI. This edition brings together important judicial pronouncements interpreting and clarifying key provisions of intellectual property law. These decisions reflect the evolving legal principles and emerging issues shaping the contemporary IP landscape in India.

The IP Lex reflects significant developments across the spectrum of Intellectual Property law. The decisions particularly emphasise reasoned adjudication, principles of natural justice, proper assessment of novelty, inventive step, non-patentability and other patent matters, and evolving standards relating to trademark infringement, deceptive similarity, interim injunctions and procedural fairness. The copyright decisions address important questions concerning ownership, communication of works to the public and protection of creative rights. Collectively, these decisions provide important guidance on both substantive IP rights and their fair and effective administration.

These developments have direct implications for filing strategies, enforcement actions, and risk assessment in intellectual property matters.

Going forward, continued vigilance is required in tracking emerging trends, particularly those relating to artificial intelligence and the digital economy, so that **"बौद्धिक न्यायवृत्त" (IP LEX)** continues to serve as an accessible and evolving reference for IP officials, practitioners, students, and rights holders.

It is expected that this resource will be reviewed and supplemented periodically in light of significant judicial pronouncements, legislative developments, and technological advancements that may affect the interpretation and application of intellectual property law.

Prof. (Dr.) Unnat P. Pandit
Controller General of Patents, Designs & Trade Marks

IP LEX

India's intellectual property jurisprudence has, in recent years, grown in both volume and complexity. Courts across the country, from the Supreme Court to the High Courts and their specialised Intellectual Property Divisions, deliver a steady stream of judgments interpreting the Patents Act, 1970, the Copyright Act, 1957, the Designs Act, 2000, the Trade Marks Act, 1999, and the Geographical Indications of Goods (Registration and Protection) Act, 1999. These decisions shape how statutory provisions are read, how rights are enforced, and how the balance between innovation, creativity, and public interest is struck in practice. For controllers, registrars, examiners, practitioners, students, and rights holders, keeping track of this evolving body of law is not straightforward. Judgments are scattered across court websites, law reports, and databases, often without a common structure, making it difficult to locate the reasoning on a given provision or to see how a principle has developed across cases and years.

IP Lex is conceived as a consolidated resource bringing together Indian statutes, rules, and judicial decisions relating to Patents, Copyright, Designs, Trade Marks, and Geographical Indications. Each entry is organised around the relevant statutory provisions, enabling users to readily trace the judgments interpreting them. It facilitates easy navigation between the statutory framework and its judicial interpretation, while presenting recurring legal principles emerging from the Courts. The platform serves as an accessible and evolving reference, reflecting significant judicial developments and the continuing evolution of Indian Intellectual Property law.

For the month of **September 2026**, this monthly compilation brings together significant judicial decisions relating to Intellectual Property Rights, covering the areas of Patents, Copyright, and Trade Marks. The compilation highlights key judicial findings and principles emerging from these decisions, providing a consolidated reference to the developments in Indian Intellectual Property law during the month.

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Patents

1. **PANACEA BIOTEC LIMITED vs. THE CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADE MARKS & ORS.**[1]

Case no.: W.P.(C)-IPD 17/2026 & CM 99/2026

Court: HIGH COURT OF DELHI

Bench: HON'BLE MS. JUSTICE JYOTI SINGH

Date of Judgement/Order: September 18, 2026

Keywords

Patent, Post-Grant Amendment, Form-13, Withdrawal of Amendment, Post-Grant Opposition, Granted Claims

Facts

Panacea Biotec (i.e. Petitioner) was the proprietor of Patent No. 272351 and had filed a Form-13 application dated 17 May 2019 for amendment of its patent claims under Section 57. The amendment application was subsequently published, and post-grant opposition proceedings were instituted.

Panacea later sought permission to withdraw the amendment application and requested that the pending post-grant oppositions under Section 25(2) proceed on the basis of the original, unamended granted claims. The matter was brought before the Delhi High Court after the request was not allowed.

Provisions

Sections 57 and 25(2) of the Patents Act, 1970

Judgment

The High Court permitted Panacea to withdraw its amendment application filed through Form-13. The Controller was directed to consider and decide the pending post-grant oppositions and other

[1] PANACEA BIOTEC LIMITED vs. THE CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADE MARKS & ORS.

pending applications within nine weeks from the date of the order. The Court, however, expressly left open the question of law as to whether withdrawal of a post-grant amendment is permissible after publication and commencement of opposition

Ratio

In the facts of the case, withdrawal of the post-grant amendment application was permitted, and the pending post-grant oppositions were directed to proceed. The Court did not decide the broader legal question regarding withdrawal of an amendment after publication and commencement of opposition.

Issues Framed by the Court

1. Whether Panacea could withdraw its post-grant amendment application after its publication and commencement of post-grant opposition?
2. Whether the pending post-grant oppositions could proceed on the basis of the original, unamended claims?

Points to be Considered

The order permits withdrawal of the post-grant amendment only in the facts of this case; it does not establish a general rule that such amendments can always be withdrawn after post-grant opposition has commenced.

2. M/s. ARUNACHALAA ENTERPRISES vs. M/s. R. SUKUMAR AND THE OFFICE OF THE CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADEMARKS[2]

Case No.: REV.PET(IPD) No. 2 of 2026 and (PT) A No. 7 of 2026

Court: MADRAS HIGH COURT

Bench: HON'BLE MR. JUSTICE K. KUMARESH BABU

[2] M/s. ARUNACHALAA ENTERPRISES vs. M/s. R. SUKUMAR AND THE OFFICE OF THE CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADEMARKS

Date of Judgement/Order: September 9, 2026

Keywords

Patent Revocation, Infringement Suit, Independent Revocation Petition, Counterclaim, Transfer of Suit

Facts

An infringement suit by Arunachalaa Enterprises (petitioner) relating to a patent was already pending before the District Court. During the pendency of the suit, the defendant, R. Sukumar (Respondent), filed a separate petition before the High Court seeking revocation of the patent, rather than filing a counterclaim for revocation in the infringement suit.

The High Court had earlier ordered that the infringement suit be transferred to the High Court so that it could be dealt with along with the revocation petition.

Arunachalaa Enterprises (Petitioner) challenged this transfer through a review petition. It argued that once the infringement suit had been filed, R. Sukumar (Respondent No. 1) could seek revocation only through a counterclaim in that suit. Since no counterclaim had been filed, according to the petitioner, there was no basis to transfer the suit under Section 104.

Provisions

Sections 64 and 104 of the Patents Act, 1970, Order VIII CPC and Clause 13 of the Letters Patent

Judgment

The High Court dismissed the review petition. The Court held that Section 64 gives a defendant two choices: to seek revocation independently or to file a counterclaim in the infringement suit. Therefore, R. Sukumar (Respondent No. 1) could not be forced to seek revocation only through a counterclaim. Since the revocation petition was already pending before the High Court, transferring the infringement suit to the High Court so that both matters could be dealt with together was not improper. The Court found no material error apparent on the record warranting review of its earlier order. The connected application seeking stay was also closed. No costs were awarded.

Ratio

Section 64 gives a defendant the choice to seek patent revocation either through an independent revocation petition or by asserting a counterclaim in an infringement suit. This statutory choice cannot be curtailed by requiring the defendant to use only the counterclaim route. Where an independent revocation proceeding is pending before the High Court, the infringement suit may be transferred to the High Court so that the connected matters can be dealt with together.

Issues Framed by the Court

1. Whether R. Sukumar (Respondent No. 1) could seek revocation of the patent through an independent petition even though the infringement suit was already pending?
2. Whether revocation could be sought only by way of a counterclaim once the infringement suit had been filed?
3. Whether the infringement suit pending before the District Court could be transferred to the High Court to be dealt with along with the independent revocation petition?
4. Whether there was any material error in the earlier order warranting its review?

Points to be Considered

Section 64 provides two routes for revocation: independent petition or counterclaim. Filing an infringement suit does not automatically take away the defendant's right to file an independent revocation petition. The District Court cannot decide the revocation of a patent. Where revocation is involved, the High Court can bring the connected infringement and revocation proceedings together. The Court did not decide the validity or invalidity of the patent itself; it decided the procedural issue concerning the available route for revocation and transfer of the suit. The review petition was dismissed because there was no material error apparent on the record.

3. ITC LIMITED vs. PHILIP MORRIS PRODUCTS S.A. & ORS. and ITC LIMITED vs. THE ASSISTANT CONTROLLER OF PATENTS AND DESIGNS & ORS.[3]

Case No.: C.A.(COMM.IPD-PAT) 24/2025 and W.P.(C)-IPD 25/2025

Court: HIGH COURT OF DELHI

Bench: HON'BLE MS. JUSTICE JYOTI SINGH

[3] ITC LIMITED vs. PHILIP MORRIS PRODUCTS S.A. & ORS. and ITC LIMITED vs. THE ASSISTANT CONTROLLER OF PATENTS AND DESIGNS & ORS.

Date of Judgement/Order: September 10, 2026

Keywords

Post-Grant Opposition, Patent Validity, Novelty, Inventive Step, Heated Aerosol generating article, Mosaicing of Prior Art, Skilled person in Art, Obviousness, Functional Limitation, Thermally Conductive Wrapper, Flame Barrier, Rule 62(4), Additional Prior-Art Documents, Natural Justice, Writ Petition, Section 117A

Facts

Philip Morris Products S.A. was granted Indian Patent No. 384250 titled “Heated Aerosol Generating Article with Thermal Spreading Wrap” on 14 December 2021. The invention related to a heated aerosol-generating article in which a thermally conductive wrapper surrounded the aerosol-forming substrate and acted as a flame barrier, spreading heat and reducing the risk of the substrate being accidentally ignited. ITC Limited filed a post-grant opposition under Section 25(2) of the Patents Act, 1970. ITC challenged the patent on several grounds, including lack of novelty, prior use/prior knowledge, lack of inventive step, not being an invention, and insufficiency of disclosure. ITC initially relied upon documents D1 to D6. The Opposition Board recommended rejection of ITC's objections and found the claims to be novel and inventive. The first hearing was fixed for 30 April 2024. ITC sought an adjournment and later filed additional documents D7 to D10 on 31 May 2024 under Rule 62(4). The Controller refused to consider these documents as they were filed after the prescribed period calculated from the first scheduled hearing date. The Controller ultimately rejected ITC's post-grant opposition on 30 January 2025. During the opposition proceedings, Philip Morris had also proposed two auxiliary claim sets. ITC filed interlocutory petitions objecting to the proposed amendments and also challenged subsequent written submissions filed by the patentee. The Controller dismissed both interlocutory petitions. ITC therefore approached the Delhi High Court through a writ petition concerning the interlocutory petitions and a statutory appeal under Section 117A challenging the rejection of its post-grant opposition.

Provisions

Sections 2(1)(ja), 25(2)(b), 25(2)(d), 25(2)(e), 25(2)(f), 25(2)(g), 25(4), 57(3) and 117A of the Patents Act, 1970 and Rules 57, 58 and 62(4) of the Patent Rules, 2003, Article 226 of the Constitution of India

Judgment

The High Court dismissed both the writ petition and the appeal, thereby allowing the patent to remain in force. On novelty, the Court held that a claim can be anticipated only when one single prior-art document discloses all the elements or limitations of the claim. Different prior-art documents cannot be combined or "mosaiced" merely to establish lack of novelty.

The Court found that D1 did not disclose all the features of Claim 1. Although D1 contained electrically heated aerosol-generating arrangements and thermally conductive wrapping material, it did not disclose the claimed wrapper functioning as a thermally conducting flame barrier for reducing the risk of ignition by an externally applied flame.

On inventive step, the Court held that the cited prior-art documents did not provide sufficient motivation for a skilled person to arrive at the claimed invention. The documents relied upon by ITC dealt with different technical contexts, particularly conventional combustible smoking articles, whereas the patented invention concerned a heated aerosol-generating article designed to avoid combustion.

The Court also considered the issue of D7–D10. It held that Rule 62(4) does not create an absolute rule that additional publications can never be considered after the first scheduled hearing. However, such documents cannot be introduced as a matter of right, and the circumstances of the particular case must be considered. Even after considering D7, the Court concluded that it neither anticipated Claim 1 nor rendered it obvious.

With respect to the writ petition, the Court held that the writ petition was maintainable because ITC had alleged procedural irregularity and violation of natural justice. However, on the merits, the Court found no basis to interfere with the ultimate outcome. The auxiliary amendments were ultimately not pursued by the patentee, and therefore the objection concerning those amendments did not justify interference.

Ratio

For lack of novelty, all the elements or limitations of a claim must be found in one single prior-art reference. Different prior-art documents cannot be combined or mosaiced to establish anticipation.

A functional limitation can be important in determining novelty where the claimed function is linked to the structure of the invention. Merely showing that the prior art contains a similar material or component is not enough if it does not disclose that component performing the claimed function.

In this case, the fact that aluminium or another metal is thermally conductive did not by itself establish that the prior art disclosed a wrapper functioning as the claimed thermally conducting flame barrier.

Rule 62(4) does not impose an absolute prohibition on considering additional publications filed after the first scheduled hearing, but the admission of such material is not a matter of right and depends on the circumstances of the case.

Issues Framed by the Court

1. Whether the Controller was correct in dealing with interlocutory petition-I (IP-I) and interlocutory petition-II (IP-II) concerning the auxiliary claim amendments and the patentee's subsequent written submissions?
2. Whether the Controller was justified in dismissing IP-I after the patentee decided not to pursue the proposed auxiliary claim amendments?
3. Whether ITC's writ petition under Article 226 was maintainable despite the availability of a statutory appeal under Section 117A?
4. Whether the Controller was correct in rejecting ITC's post-grant opposition against the patent?
5. Whether the additional documents D7–D10, filed after the first scheduled hearing, could be considered under Rule 62(4)?
6. Whether the thermally conductive wrapper disclosed in the prior art was the same as the claimed wrapper which functioned as a thermally conducting flame barrier?

Points to be Considered

For novelty, one prior-art document must disclose all elements of the claim. Mosaicing of different documents is not permissible for novelty. A functional limitation can be important in determining anticipation. The scientific and functional distinction between metal foils (which exhibit intrinsic properties of the metal) and metal-paper laminates (which have different thermal conductivities and ignition points). Thermally conductive wrapper ≠ necessarily a flame-barrier wrapper. Inventive step must be assessed from the perspective of the skilled person without hindsight. Late filing under Rule 62(4) is not an automatic right.

4. IN RE EXORBITANT PRICING OF LIFE SAVING PATENTED MEDICINES vs. UNION OF INDIA & ORS.[4]

[4] IN RE EXORBITANT PRICING OF LIFE SAVING PATENTED MEDICINES vs. UNION OF INDIA & ORS.

Case no.: WP(C) NO. 18999 OF 2022

Court: HIGH COURT OF KERALA AT ERNAKULAM

Bench: HON'BLE MR. JUSTICE HARISANKAR V. MENON

Date of Judgement/Order: September 28, 2026

Keywords

Government Use of Patent, Section 100, Working of patent, Public Health, Affordable Medicines, Patented Medicines, Government Use, Non-Commercial Sale, Patent Rights vs Public Interest, Breast Cancer, Ribociclib, Palbociclib, Abemaciclib

Facts

The writ petition was initially filed by a retired bank employee diagnosed with HR+/HER2- Metastatic Breast Cancer, who was struggling to afford her targeted therapy medicine, Ribociclib, which cost approximately Rs.58,140/- for a 21-day course. She sought directions to the Government to take action under Sections 92 or 100 of the Patents Act, 1970, so that Ribociclib would be available at a reasonably affordable price. During the pendency of the case, the petitioner unfortunately died. To ensure her cause did not go in vain, the court took suo motu cognizance, renaming the case and appointing an Amicus Curiae to assist. The Court also considered whether Palbociclib could be used as a substitute for Ribociclib. On the medical material placed before it, the Court found that the two medicines were not interchangeable for the relevant stages of breast cancer. The manufacturers argued that reducing the prices or overriding their patents would severely undermine the massive investments made in research and development. The government respondents argued that Section 100 of the Patents Act was strictly for the "purposes of Government" and not meant for distributing medicines to the general public.

Provisions

Section 92, 99 and 100 of The Patents Act, 1970, Articles 7, 8, 30 and 31 of TRIPS Agreement, and Articles 21 and 47 of the Constitution of India, Article 21, Article 47 of Right to Life and Public Health

Judgment

The Kerala High Court disposed of the writ petition with important findings on the scope of Section 100. The Court held that Section 100 can permit the Government to use a patented invention to manufacture a patented medicine and sell it on a non-commercial basis to needy patients. The Court further held that exorbitant pricing of a life-saving patented medicine can constitute a circumstance in which Government intervention under Section 100 may be required. However, the Court did not directly order the Central Government to invoke Section 100. The decision whether to invoke Section 100 was left to the Central Government, after collecting the necessary data and determining whether the particular medicine is affordable.

Ratio

Section 100 is not restricted to the Government's internal use alone. Government use can include manufacturing a patented medicine and selling it on a non-commercial basis to needy patients. Exorbitant pricing of a life-saving patented medicine can justify consideration of Section 100. The expression "purposes of Government" must be read along with Sections 99 and 100, including Section 100(4) and (6). Patent rights are subject to considerations of public health and public interest under Section 83. The Government must collect relevant data and determine affordability before deciding whether Section 100 should be invoked. The ultimate decision to invoke Section 100 is a policy decision of the Central Government.

Issues Framed by the Court

1. Whether Ribociclib and Palbociclib are interchangeable medicines?
2. What is the scope of Section 100 of the Patents Act?
3. Whether "purposes of Government" under Section 100 is limited to direct Government use?
4. Whether Section 100 permits the Government to manufacture patented medicines and supply them to needy patients?
5. Whether exorbitant pricing of a life-saving patented medicine is a circumstance warranting Government intervention under Section 100?
6. Whether the Court should mandate the Central Government to invoke Section 100, or whether the matter should be left to the Government as a policy decision?

Points to be Considered

"Government use" is not limited to Government departments using the invention themselves. Government can authorise manufacture/use/vending of a patented medicine or drug. But the Court

does not itself invoke Section 100, the Central Government must assess the factual/data position and take the policy decision.

5. DR. ALOYS WOBBEN (AND WOBBEN PROPERTIES GMBH) vs. INTELLECTUAL PROPERTY APPELLATE BOARD & ORS.[5]

Case No.: WP No. 9729 of 2011, WP NO. 9730 OF 2011,WP NO. 9731 OF 2011,WP NO. 9732 OF 2011,WP NO. 9733 OF 2011,WP NO. 9734 OF 2011,WP NO. 9735 OF 2011,WP NO. 9736 OF 2011,WP NO. 9737 OF 2011,WP NO. 31136 OF 2013,WP NO. 31138 OF 2013,WP NO. 31139 OF 2013

Court: HIGH COURT OF JUDICATURE AT MADRAS

Bench: THE HON'BLE MR. JUSTICE P. VELMURUGAN AND THE HON'BLE MR. JUSTICE GK. MUTHUKUMAAR

Date of Judgement: September 29, 2026

Keywords

Patent Revocation, Intellectual Property Appellate Board (IPAB), Expired Patents, Infructuous Writ Petition

Facts

The petitioners (Dr. Aloys Wobben and Wobben Properties GmbH) filed a batch of writ petitions challenging various orders passed by the Intellectual Property Appellate Board (IPAB) that revoked their patents. The petitioners sought to quash these revocation orders and requested directions for the Controller of Patents to restore/reinstate their patents on the Register of Patents. Previously, the High Court had set aside the revocation orders and directed the IPAB to decide on the validity of a Board Resolution of the second respondent, Enercon (India) Limited (later known as Wind World (India) Ltd.). Wind World (India) Ltd. appealed this to the Supreme Court, which granted a stay on October 31, 2013, and the matter remained pending there as Civil Appeal Nos. 3766 and 3777 of 2016. During the present hearing, the petitioner's Senior Counsel submitted a

[5] DR. ALOYS WOBBEN (AND WOBBEN PROPERTIES GMBH) vs.NTELLECTUAL PROPERTY APPELLATE BOARD & ORS.

memo dated September 29, 2026, informing the court that all the patents involved in these writ petitions had expired

Provisions

Article 226 of the Constitution of India

Judgment

The High Court dismissed the entire batch of writ petitions as infructuous, with no order as to costs.

Ratio

When the underlying patents in a revocation dispute have expired through the passage of time, the dispute ceases to survive for further adjudication, rendering the writ petitions infructuous

Issues Framed by the Court

1. Whether any further adjudication was required or possible in the present writ petitions, given that the patents forming the subject matter of the dispute had expired.

Points to be Considered

Because the broader dispute is still pending before the Supreme Court (Civil Appeal Nos. 3766 and 3777 of 2016), the High Court explicitly left it open for the parties to agitate their respective rights concerning the IPAB's original orders before the Supreme Court.

6. ADELTA OPTEC vs. UNION OF INDIA & ORS.[6]

Case no.: W.P.(C)-IPD 39/2026

Court: HIGH COURT OF DELHI

Bench: HON'BLE MR. JUSTICE A. J. BHAMBHANI

[6] ADELTA OPTEC vs. UNION OF INDIA & ORS.

Date of Judgement/Order: S, WP NO. 9730 OF 2011,WP NO. 9731 OF 2011,WP NO. 9732 OF 2011,WP NO. 9733 OF 2011,WP NO. 9734 OF 2011,WP NO. 9735 OF 2011,WP NO. 9736 OF 2011,WP NO. 9737 OF 2011,WP NO. 31136 OF 2013,WP NO. 31138 OF 2013,WP NO. 31139 OF 2013eptember 7, 2026

Keywords

Pre-Grant Opposition, Hearing Notice

Facts

The petitioner, Adelta Optec, filed a writ petition seeking a direction for the Controller of Patents to issue a hearing notice for their patent application (No. 202211064261), which has been pending since 2022. The petitioner's counsel highlighted that a pre-grant opposition was also pending in relation to this patent application, which the Controller needed to decide. Alongside the main petition, an application was filed seeking leave to submit additional documents.

Provisions

Article 226 of the Constitution of India, Section 14 of the Patents Act, 1970

Judgment

The court directed the Controller of Patents to issue a hearing notice to the petitioner within four weeks. The court further ordered the Controller to formally decide the patent application within eight weeks following the notice, ensuring that the pending pre-grant opposition is duly considered. The application for filing additional documents was disposed of as infructuous given the main order passed by the court.

Ratio

While a formal legal ratio was not heavily discussed, the underlying principle is that the court will exercise its writ jurisdiction under Article 226 to issue a mandamus directing statutory authorities to perform their duties—such as conducting hearings and deciding on patent applications and pre-grant oppositions—within a reasonable, fixed timeframe when unwarranted delays occur.

Issues Framed by the Court

1. Whether the Controller of Patents should be compelled to issue a hearing notice and expedite the decision on a long-pending patent application and its related pre-grant opposition?

Points to be Considered

The court considered the timeline of the delay, noting the application had been pending since 2022, and acknowledged the procedural necessity of resolving the attached pre-grant opposition concurrently.

7. DR. TARKESHWAR CHANDRAKANT PATIL vs. INDIAN INSTITUTE OF TECHNOLOGY, BOMBAY & ORS.[7]

Case No.: Commercial Miscellaneous Petition (L) No. 12000 of 2026

Court: Bombay High Court, Commercial Division

Bench: HON'BLE MR. JUSTICE SOMASEKHAR SUNDARESAN

Date of Judgement/Order: September 8, 2026

Keywords

Pre-Grant Opposition, Wrongful Obtainment, Ownership of Invention, Applicant's Right, Deed of Assignment, IITB IP Policy, Employee/Student Inventor, Proof of Right, Form 6, Form 13, Controller's Jurisdiction, Appellate Powers.

Facts

Dr. Patil was a researcher and Ph.D. student at IIT Bombay (IITB) who invented a method to generate power inside the human body to keep medical implants active. Dr. Tarkeshwar Chandrakant Patil was the original inventor of an invention titled "An Apparatus and a Method for In-Vivo Power Generation", relating to the generation of power for devices implanted in the human body. The patent application was filed in India on 28 August 2013 by IIT Bombay (IITB),

[7] DR. TARKESHWAR CHANDRAKANT PATIL vs. INDIAN INSTITUTE OF TECHNOLOGY, BOMBAY & ORS.

with Patil named as the principal inventor. Initially, under IITB's 2012 IP Policy, the intellectual property vested in IITB. Patil also signed a Revenue Sharing Agreement dated 11 December 2013, acknowledging the IITB IP Policy. However, disputes later arose between Patil and IITB regarding prosecution of the patent. On 3 July 2017, IITB, through its Dean, R&D, executed a worldwide Deed of Assignment transferring the full and exclusive right, title and interest in the invention to Patil. The Court found that this assignment covered India as well as the USA and other countries. Relying on this assignment, Dr. Patil successfully secured two patents for the invention under his own name in the US. However, the Controller severely mishandled the case, changing the applicant's name back and forth between Dr. Patil and IITB on their portal for 13 years without ever reviewing the scientific merits of the invention. The Controller initially allowed his Form 6 on 15 November 2017, but the order was later withdrawn. The application continued to remain in IITB's name. Patil filed a pre-grant opposition under Section 25(1)(a), claiming that IITB's continued pursuit of the patent after assigning the invention to him amounted to wrongful obtainment. The Controller ultimately rejected Patil's opposition and also refused the patent application under Section 15, stating that proof of right from Patil had not been filed. The Controller therefore did not consider the substantive merits of the patent application. Patil challenged this order before the Bombay High Court under Section 117A.

Provisions

Section 7(2), Section 14, Section 15, Section 25(1)(a), Section 77, Section 117A of Patent Act, 1970

Judgment

The Bombay High Court completely canceled (quashed and set aside) the Patent Controller’s 2025 rejection order. The court allowed Dr. Patil's pre-grant opposition, officially declaring him the rightful inventor and sole applicant of the patent. The Court held that the Deed of Assignment executed by IITB conferred upon Patil full and exclusive rights, title and interest in the invention and related patent applications worldwide, including India. The assignment operates prospectively from its execution, making Patil the sole owner thereafter, with no issue of retrospectivity arising. The court ordered the patent application to be restored to the Controller's file under Dr. Patil’s name. Furthermore, the patent application was restored with Patil substituted as the applicant, and the Controller was directed to examine the application on its merits under Sections 14 and 15 after hearing Patil. The Controller was directed to pass a final reasoned order within eight weeks. A

senior officer who had not previously dealt with the matter was also requested to handle the application.

Ratio

When an institution explicitly executes a written, worldwide assignment of intellectual property rights to an inventor (in accordance with its own internal IP policy waiver provisions), this legally supersedes the general rule that inventions created during employment belong to the employer.

A Patent Controller cannot ignore a valid, legally binding assignment deed to deny an inventor their rights, nor can they use bureaucratic technicalities—such as missing "proof of right" documents from an employer who has already surrendered their rights—to unjustly reject a patent application.

Issues Framed by the Court

1. Whether Dr. Patil had rights in the intellectual property covered by the Patent Application worldwide, including India?
2. Whether the conduct of the Controller required intervention by the High Court in its appellate jurisdiction?

Points to be Considered

Once IITB executed a valid worldwide assignment transferring the invention to Patil, it could not continue pursuing the Indian patent in its own name; the High Court treated that continued pursuit as wrongful obtainment under Section 25(1)(a) and restored Patil as the applicant.

Copyrights

1. **A. SATHYANARAYANA SWAMY vs. THE HIGH COURT OF KARNATAKA, REPRESENTED BY ITS REGISTRAR GENERAL AND ORS.**[8]

Citation: W.P. No. 28070 of 2026 (GM-RES)

Court: Karnataka High Court

Bench: HON'BLE MR. JUSTICE C.M. POONACHA

Date of Judgement/Order: September 21, 2026

Keywords

Court recordings, archival data, live streaming rules, Form III application, access recordings

Facts

The petitioner, a 72-year-old resident of Bengaluru, applied in Form III under the Karnataka Rules on Live Streaming and Recording of Court Proceedings, 2021 for copies of the audio-visual recording of a hearing in W.A. No. 929/2025. The recording was part of the High Court's archival data. By a communication dated 23.07.2026, the Assistant Registrar (Information Technology) rejected the request. The reason given was Rule 10(1)(ii), under which archival data is not the official record of the proceedings unless the Bench says otherwise, and no such direction had been made.

The petitioner then approached the High Court under Article 226. He asked for the rejection to be quashed, for a direction to hand over the recording, and for the Court to frame guidelines on how Rule 8(3) is to be applied, including reasoned orders, timelines and a review mechanism. His case was that a proper Form III application had been made and the recording ought to have been given.

Provisions

Rules 8(3), 8(4) and 10 of the Karnataka Rules 2021; Article 226 of the Constitution of India; the Copyright Act, 1957.

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[8] A. SATHYANARAYANA SWAMY vs. THE HIGH COURT OF KARNATAKA, REPRESENTED BY ITS REGISTRAR GENERAL AND OTHERS

Judgment

The Court dismissed the petition as devoid of merit. It read Rule 8 and Rule 10 together and held that nothing in them gives a litigant a right to demand copies of archival recordings. Rule 8(3) only provides that access to recordings not uploaded is sanctioned by the Designated Officer, who acts as per law, and Form III is merely the way to apply. The Court observed that the Rules *"do not in any manner provide a right to the petitioner to seek for copies of the said recording unless the same is specifically ordered by the Court."*

Because no such right existed, the challenge to the rejection could not get off the ground: *"In the absence of any right vested with the petitioner, the question of the petitioner assailing the rejection of his request for copies does not arise."* The Court did not separately deal with the Article 14 argument or the prayer for guidelines.

Ratio

An application in Form III does not create a right to receive archival recordings of court proceedings. Access under Rule 8(3) depends on the Designated Officer and, in substance, on the Court, because archival data is not the official record unless the Bench directs otherwise under Rule 10(1)(ii).

The Rules treat the recordings as the Court's own property. Rule 10(2)(i) states that *"The Court shall have the exclusive copyright in the Recordings and Archival Data"*, and that unauthorised use is punishable under the Copyright Act, 1957, the Information Technology Act, 2000 and the law of contempt. Release for news, training or academic use is allowed only where the Court authorises it, in the original form and not for commercial or promotional purposes.

Issues Framed by the Court

- Whether Rule 8(3) of the 2021 Rules, read with Form III, entitles a litigant to copies of archival recordings of court proceedings as of right?
- Whether the rejection of the petitioner's application on the basis of Rule 10(1)(ii) was open to challenge under Article 226?

Points to be considered

The Court gave no ruling on the plea that the Rules be supplemented with guidelines on reasons, timelines, and review, and no finding on Article 14. A litigant who needs a recording is left to ask the Bench hearing the matter to direct that it be made available.

2. EROS TECHNOLOGIES DIGITAL FZE vs. AYNGARAN INTERNATIONAL MEDIA PRIVATE LIMITED AND OTHERS[9]

Citation: O.A. No. 454 of 2026 and A. No. 2680 of 2026 in C.S.(Comm. Div.) No. 140 of 2026

Court: Madras High Court

Bench: HON'BLE MR. JUSTICE K. KUMARESH BABU

Date of Judgement/Order: September 1, 2026

Keywords

Copyright assignment, subsequent assignee, ad interim injunction, arbitrability of copyright infringement

Facts

Eros Technologies Digital FZE, a company incorporated in the United Arab Emirates, filed a commercial suit in the Madras High Court claiming copyright in a set of cinematograph films listed in the plaint schedule. Its title came through a chain of assignments. Ayngaran International Limited, acting for itself and its group companies, assigned the rights in 2018 under a Deed of Assignment dated 23.03.2018. The rights then passed to Copsale Limited and from there to the plaintiff's predecessor, and finally to the plaintiff.

The plaintiff's grievance was that Ayngaran International Media Private Limited and Ayngaran International Films Private Limited (Defendants 1 and 2), along with their director Mr. Kumarasamy Karunamoorthy (Defendant 3), had kept exploiting the same films on social media after assigning them away. Google, YouTube, Meta and X Corp. were joined as Defendants 4 to 7. Alleging loss of revenue and dilution of its rights, the plaintiff sought an ad interim injunction in O.A. No. 454 of 2026 against uploading, streaming, distributing or monetising the films. Defendant 3 responded with an A. No. 2680 of 2026 under Section 45 of the Arbitration and Conciliation Act, 1996, asking the Court to send the parties to arbitration under Clause 18 of the 2018 Deed, which is governed by the laws of the United Kingdom.

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[9] EROS TECHNOLOGIES DIGITAL FZE vs. AYNGARAN INTERNATIONAL MEDIA PRIVATE LIMITED AND OTHERS

Provisions

Section 45 of the Arbitration and Conciliation Act, 1996; Sections 55 and 56 of the Copyright Act, 1957; Order XIV Rule 8 of the Original Side Rules read with Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908.

Judgment

The Court allowed the Section 45 application and dismissed the injunction application, with a direction to the Registry to strike off and return the plaint. No costs were awarded. The plaintiff had argued that a copyright infringement suit is statutory and cannot go to arbitration, that neither it nor Defendant 3 had signed the arbitration clause, and that a multi-party suit cannot be split. The Court did not accept this. It pointed out that the plaintiff's own right over the films rests on an assignment that traces back to the 2018 Deed, which carries the arbitration clause. It could hardly claim under the Deed and stay outside it. The Court also noted that Defendants 1 and 2 are former group companies of the assignor and that Defendant 3 signed the Deed on the assignor's behalf.

On the plaintiff's reliance on Section 55, the Court agreed that the section gives a civil remedy for infringement but held that the remedy need not be a court action: *"There can be no doubt that the civil remedy can also be by a process of arbitration"*, if the parties have agreed to it. Finding nothing to suggest the agreement was void or unworkable, it observed that *"If the said agreement was a null and void agreement, the plaintiff cannot have any right to sue the defendants"*, since its own title would fall with it.

Ratio

A subsequent assignee of copyright takes the rights subject to the dispute resolution clause in the original deed of assignment. A plaintiff whose title depends on that deed cannot ignore the arbitration clause while relying on the deed for ownership.

The existence of a civil remedy under Section 55 of the Copyright Act does not bar a reference under Section 45 of the Arbitration and Conciliation Act. At the reference stage, the Court looks only for a *prima facie* finding that the agreement is null and void, inoperative or incapable of being performed. In the Court's words, the contention that neither side was a party to the arbitration agreement *"cannot hold water"* in a dispute of this kind.

Issues Framed by the Court

- Whether a suit for infringement of copyright, brought by a subsequent assignee against the original assignor's group companies and director, could be referred to arbitration under Section 45 of the Arbitration and Conciliation Act, 1996 on the strength of Clause 18 of the Deed of Assignment?

- Whether there was any *prima facie* material to show that the arbitration agreement was null and void, inoperative or incapable of being performed, so as to keep the dispute in the civil court ?.

Points to be considered

The Court did not decide the plaintiff's title or the merits of the infringement claim, and no finding was recorded on the injunction itself. Since the plaintiff was ordered to be returned, the plaintiff's route now lies through arbitration under Clause 18 of the Deed. The Court also did not take up the plaintiff's point that the multi-party suit, which includes the platform defendants, could not be split.

3. HINDUSTAN UNILEVER LIMITED vs. KWICK LIVING (I) PRIVATE LIMITED[10]

Citation: FAO(OS) (COMM) 231/2026 & CM APPL. 58256/2026

Court: Delhi High Court

Bench: HON'BLE MR. JUSTICE V. KAMESWAR RAO and HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

Date of Judgement/Order: September 02, 2026

Keywords

Territorial jurisdiction, interim injunction, advertisement campaign, hoardings.

Facts

Hindustan Unilever Limited sued Kwick Living (I) Private Limited in CS(COMM) 904/2026 over an advertising campaign that it says is damaging the goodwill of its product, and applied for interim relief in I.A. 22515/2026 under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure. By order dated 25.08.2026, the learned Single Judge referred certain questions on territorial jurisdiction to a Larger Bench, covering Section 134(2) of the Trade Marks Act, 1999, Section 62

[10] HINDUSTAN UNILEVER LIMITED vs. KWICK LIVING (I) PRIVATE LIMITED

of the Copyright Act, 1957, Section 20 CPC, and how they interact. The Single Judge also held that no interim relief could be granted while the maintainability of the suit was in question, and re-notified the matter for 11.09.2026.

Hindustan Unilever appealed against that interim order only, and not the reference. Kwick Living's objection was that the plaint showed no bill or invoice of sale in Delhi, that both companies have their registered offices in Mumbai so that the suit should have been filed there in view of *Indian Performing Rights Society v. Sanjay Dalia* ((2015) 10 SCC 161), and that the plaint did not allege purposeful availment through digital platforms. Hindustan Unilever pointed to hoardings carrying the campaign in Delhi, photographs of which were placed on record on 19.08.2026.

Provisions

Sections 20(a) and 20(c) of the Code of Civil Procedure, 1908; Order XXXIX Rules 1 and 2 CPC. Section 134(2) of the Trade Marks Act, 1999 and Section 62 of the Copyright Act, 1957.

Judgment

The Division Bench held that Delhi has territorial jurisdiction and sent the interim application back to the Single Judge. The decision came from facts the respondent itself admitted. On a query from the Bench, Kwick Living filed an affidavit dated 01.09.2026 confirming a GST registration in Delhi, with its principal place of business at Naraina Industrial Area, and its senior counsel accepted that the hoardings went up in Delhi on 14.08.2026 and that the company sells its products in Delhi. On that basis, the Court found Sections 20(a) and 20(c) CPC satisfied, saying the cause of action had *"indisputably arisen at Delhi"* because the hoardings were erected before the suit was filed, and that the respondent *"undoubtedly carries on business at Delhi"*.

Hindustan Unilever asked the Bench to grant an ad-interim injunction itself, while Kwick Living, relying on *Shyam Sel and Power Ltd. v. Shyam Steel Industries Ltd.* ((2023) 1 SCC 634), argued that the Single Judge should take the first view on merits. The Bench chose not to decide the rival claims, since the Single Judge is the court of first instance. It listed the suit for 03.09.2026, when counsel had agreed to finish their arguments, and asked for an expeditious decision.

Hindustan Unilever was allowed to amend the plaint, without a formal application and with the respondent's consent, only to add the two facts as paragraphs 152(A) and 157(A). The Court added that the jurisdiction issue has been decided finally and *"will not be permitted to be re-agitated"* before the Single Judge, and that it had not expressed any opinion on the reference order.

Ratio

Where the defendant's own admissions show that advertising material was put up in Delhi before the suit was filed and that it carries on business there, the conditions of Section 20(a) and 20(c) CPC are met and the Delhi courts have territorial jurisdiction, even if the plaint did not state these facts and has to be amended to include them.

Once jurisdiction is settled, the Single Judge, as the court of first instance, should decide the interim injunction application on merits. The appellate court need not do so itself, and a jurisdictional doubt is not a reason to withhold interim relief.

Issues Framed by the Court

- Whether the Single Judge was right to decline interim relief because the territorial jurisdiction of the Delhi courts was in doubt?
- Whether, on the facts admitted by the respondent, the Delhi High Court has territorial jurisdiction under Section 20 CPC, and what course should follow, including amendment of the plaint and the hearing of I.A. 22515/2026?

Points to be considered

The Division Bench said nothing on the merits of the interim injunction, which the Single Judge was to hear from 03.09.2026. It also did not describe the rights or works Hindustan Unilever relies on, so the report does not say whether the suit rests on trademark, copyright or passing off, and the order refers to the Copyright Act only through the reference questions. The reference to the Larger Bench was left untouched, with the Court noting that it was not the subject of this appeal, and the questions at paragraph 53 of the reference judgment are not set out here. The jurisdiction finding rests on facts the respondent admitted during the appeal, and the plaint was amended only to carry them.

4. ITC LIMITED vs. SMM TOBACCO PRIVATE LIMITED & ORS.[11]

Citation: IP (COM) No. 10 of 2026

Court: Kolkata High Court

[11] ITC LIMITED vs. SMM TOBACCO PRIVATE LIMITED & ORS.

Bench: HON'BLE MR. JUSTICE ARINDAM MUKHERJEE

Date of Judgement/Order: September 8, 2026

Keywords

pre-institution mediation, urgent interim relief, continuing infringement, counterfeiting, return of plaint

Facts

ITC Limited presented a plaint at the Central Filing Department of the Court for a suit for infringement and passing off against SMM Tobacco Private Limited and others, asking the Court to dispense with the pre-institution mediation required by Section 12A of the Commercial Courts Act, 2015. The plaint says that in the third week of July 2026, ITC's field investigators received specific information that counterfeiting was going on in Muzaffarpur, Bihar, and that the first defendant, which makes and trades in cigarettes and tobacco products there, was running it with mechanised cigarette-making and packing machinery. ITC then lodged an FIR, and a search and seizure was carried out on 22.07.2026. ITC argued that it was facing a continuing wrong to its intellectual property and, relying on the Supreme Court's decision in *Novenco Building & Industry A/S v. Xero Energy Engg. Solutions (P) Ltd.* ((2026) 4 SCC 815), that it was entitled to be excused from Section 12A. The plaint had only been given a number and had not yet been admitted.

Provisions

Section 12A of the Commercial Courts Act, 2015. Sections 103 and 104 of the Trade Marks Act, 1999 and Section 63 of the Copyright Act, 1957.

Judgment

The Court refused to dispense with Section 12A and directed that the plaintiff be returned. It began from the settled position that Section 12A is mandatory (*Patil Automation*, (2022) 10 SCC 1), but that a court may excuse it where the plaintiff shows that the plaintiff genuinely contemplates urgent interim relief. It also accepted what *Novenco* says: that in continuing infringement every sale is a fresh wrong, and that the urgency lies not in the age of the cause but in what the Supreme Court called *"the persistence of the peril"*.

But the Court found the facts different. The delay was not more than a month, yet ITC learnt of the wrong in July 2026 and at once chose the police route. Both the criminal and the civil remedy were open to it, and they are independent of each other, but it had *"chosen a specific avenue out of the two roads"* and kept the civil suit aside, although its right to sue arose that month. A continuing cause of action, the Court said, keeps the claim alive, but a suit must still be filed in case of urgency when the right first accrues.

The Court also rejected ITC's reading of *Novenco* that every intellectual property suit deserves dispensation, since that would make Section 12A *"otiose"* for such suits, which the Act specifically includes. It noted that the Calcutta Division Bench in *Goodfaith Holding* and the Bombay Division Bench in *High Point Supply* have explained *Novenco* without departing from its substance. The plaint is to be returned for filing after pre-suit mediation, with leave to reuse the court fees, and the suit number is to be de-registered.

Ratio

Section 12A of the Commercial Courts Act is mandatory. It can be dispensed with only where the plaintiff itself shows that the plaintiff contemplates urgent interim relief. *Novenco* does not mean that every intellectual property suit qualifies automatically.

Where the plaintiff, on first learning of the infringement, chooses the criminal remedy under the Trade Marks Act or the Copyright Act and keeps the civil remedy aside, the urgency needed to excuse pre-institution mediation is not shown, even if the civil cause of action continues.

Issues Framed by the Court

- Whether the formalities of Section 12A of the Commercial Courts Act, 2015 could be dispensed with for a suit for infringement and passing off on the ground of urgent interim relief?.
- Whether the ratio of *Novenco* on continuing infringement applied where the plaintiff had first lodged an FIR and search and seizure and kept the civil suit in abeyance?

Points to be considered

The order was passed at the stage of presenting the plaint, so it decides nothing on infringement or passing off. The plaintiff's marks or works are not described, and the order refers to the Copyright Act only for the parallel criminal remedy. The plaintiff is returned and not rejected, and ITC may refile after mediation using the same court fees. The refusal rests on the plaintiff's choice

of the criminal route and not on delay, which the Court put at no more than a month. The Court mentioned the Division Bench rulings in *Goodfaith Holding* and *High Point Supply* only to say they explain *Novenco* and did not discuss them further.

5. JITENDRABHAI MOHANBHAI KRIPLANI vs. STATE OF GUJARAT & ANR.[12]

Citation: R/Criminal Misc. Application No. 21846 of 2022

Court: Gujarat High Court

Bench: HONOURABLE MR.JUSTICE P. M. RAVAL

Date of Judgement/Order: September 7, 2026

Keywords: Quashing of FIR, Counterfeit Electronic Products, Illegal Search and Seizure, Copyright Act v. Trade Marks Act

Facts

The petitioner, Jitendrabhai Mohanbhai Kriplani, approached the High Court under Section 482 of the Cr.P.C. to quash an FIR filed against him under the Copyright Act, 1957. The complainant, representing an intellectual property firm authorized by Apple Inc., received a private tip about counterfeit Apple products being sold in the Kalupur area. A police raid was conducted at the petitioner's shop, "Raj Cover House," where items like fake AirPods, USB cables, power adapters, smartwatches, and various Apple stickers were seized. The petitioner sought quashing of the FIR under Section 482 Cr.P.C., contending that the seized hardware accessories did not constitute "artistic" or "literary" works under the Copyright Act and that, at best, it was a trademark issue governed by the Trade Marks Act, 1999 — under which mandatory procedural safeguards had not been followed.

Provisions

Section 13, 63, and Section 2(o) of the Copyright Act, 1957, Section 482 of the Code of Criminal Procedure, Sections 103 and 104, Section 115(4) of the Trade Marks Act, 1999

Judgment

The Court held that the allegations in the FIR do not satisfy the statutory ingredients of Sections 13 and 63 of the Copyright Act, 1957, since commercial hardware (AirPods, cables, adapters,

[12] JITENDRABHAI MOHANBHAI KRIPLANI Versus STATE OF GUJARAT & ANR.

smartwatches) and standard stickers/MRP labels do not constitute "artistic" or "literary" works. No instruction manuals or user leaflets were actually recovered as per the seizure memo, despite the complainant's counsel later arguing otherwise. The prosecution could not be salvaged or substituted under Sections 103 and 104 of the Trade Marks Act, 1999, because the search and seizure were conducted in clear violation of the mandatory requirements of Section 115(4) — no prior opinion was obtained from the Registrar of Trade Marks, and the raid was executed by officers below the rank of DSP (a Police Inspector and constables, not a DSP/ACP). The Court found a deliberate attempt to dress up a trademark dispute as a copyright offence specifically to bypass the statutory safeguards under the Trade Marks Act. FIR C.R. No. 11191026220492 of 2022 and all consequential proceedings against the petitioner were quashed and set aside. Rule made absolute; direct service permitted.

Ratio

The court clarified that commercial hardware items (like USB cables, adapters, and AirPods) and standard packaging stickers do not qualify as "original literary, dramatic, musical, or artistic works" that can be protected under the Copyright Act. Selling duplicate commercial products bearing a brand's registered logo is an offense of trademark falsification governed exclusively by the Trade Marks Act, not a copyright infringement. The court strictly held that prosecuting authorities cannot deliberately disguise a trademark dispute as a copyright offense just to bypass the strict procedural safeguards established under the Trade Marks Act. Under Section 115(4) of the Trade Marks Act, a police raid is legally void from the start if it is conducted without first obtaining the written opinion of the Registrar of Trade Marks, or if it is executed by a police officer below the rank of Deputy Superintendent of Police (DSP).

Issues Framed by the Court

1. Whether the goods seized (electronic accessories, cables, adapters, stickers) fall within the definition of "work" under Section 2(c)/13 of the Copyright Act, 1957, so as to attract Sections 51 and 63 thereof?
2. Whether, even if the Copyright Act charges fail, the FIR/proceedings could be sustained or continued under Sections 103 and 104 of the Trade Marks Act, 1999?
3. Whether the search and seizure conducted was compliant with the mandatory procedural requirements of Section 115(4) of the Trade Marks Act, 1999 (Registrar's opinion and officer rank)?
4. Whether the criminal proceedings could alternatively continue under the Trade Marks Act, 1999, despite severe procedural violations made by the police during the raid?.

Points to be considered

The raid on the petitioner's shop was conducted by a Police Inspector and constables, which directly violated the Trade Marks Act's requirement that any such search and seizure must be executed by an officer not below the rank of DSP.

While the complainant argued that the packaging and instruction manuals were "literary works" being copied, the actual police seizure memo did not list any instruction manuals or original literary works recovered from the shop.

6. M/S.SCREEN SCENE MEDIA ENTERTAINMENT PVT. LTD., vs. DR.S.VENKATESH[13]

Citation: A.No.3144 & 3145 of 2026 & O.A.Nos.626 & 627 of 2026

Court: Madras High Court

Bench: HON'BLE MR.JUSTICE K.KUMARESH BABU

Date of Judgement/Order: September 1, 2026

Keywords:

Interim Injunction, Copyright Assignment, Theatrical Rights, Satellite and OTT Rights, Cinematograph Film ("Karathey Babu")

Facts

The plaintiff, Dr. S. Venkatesh, originally obtained an interim injunction on June 25, 2026, which blocked the defendant, M/s. Screen Scene Media Entertainment Pvt. Ltd., from releasing, distributing, or dealing with the Tamil film titled "Production No.9/Karathey Babu" (starring Jayam Ravi). The plaintiff claimed these rights based on sale and assignment agreements, as well as a letter issued to a film laboratory. The defendant filed applications to vacate this injunction, arguing that the plaintiff had misrepresented the facts. The defendant claimed the arrangement was purely a financial one involving an overdraft facility against fixed deposits, and that the plaintiff had misused blank signed papers, stamp papers, and letterheads provided merely as collateral security. The plaintiff countered this by providing sale agreements from 2022 and subsequent amendments, showing a clear assignment of rights for the

[13] M/S.SCREEN SCENE MEDIA ENTERTAINMENT PVT. LTD., V. DR.S.VENKATESH

film. The plaintiff also provided minutes of a meeting dated November 25, 2024, where the defendant acknowledged this assignment.

Provisions

Order XIV Rule 8, Order XXXIX Rules 1 & 2 (for granting temporary injunctions) and Order XXXIX Rule 4 (for vacating or modifying an interim injunction).

Judgment

The High Court decided to modify the existing interim injunction rather than completely vacating it. The court restricted the injunction specifically to the non-theatrical rights clearly assigned to the plaintiff under Schedule B of their May 12, 2022 sale agreement. Importantly, the court ruled that the defendant is legally entitled to proceed with the theatrical release of the film "Karathey Babu".

Ratio

A party cannot simply claim that an assignment agreement is forged via "blank signed papers" when they do not dispute the authenticity of their signatures on the agreements and subsequent meeting minutes confirming the assignment. However, an interim injunction enforcing copyright assignment must be strictly limited to the specific rights transferred in the agreement. Because the assignment agreement transferred satellite, digital, OTT, and other ancillary rights but explicitly left out theatrical release rights, the court cannot block the film's theatrical release.

Issues Framed by the Court

1. Whether the interim injunction granted on June 25, 2026, which completely restricted the release and commercial exploitation of the film "Karathey Babu," should be vacated based on the defendant's claim that the underlying assignment agreements were fabricated from blank collateral documents?.

Points to be considered

The court closely examined Schedule B of the sale agreement, which detailed a vast array of assigned rights—including television, satellite, DVD, OTT, internet, and merchandising rights—but noted the clear absence of theatrical exhibition rights. The defendant's defense was weakened because the Managing Director's signatures on the agreements and the minutes of the meeting were admitted and undisputed.

7. MUKESH JAIN vs. REGISTRAR OF COPYRIGHTS & ANR[14]

Citation: CA (COMM.IPD-CR) 1/2025 & I.A. 12033/2025

Court: Delhi High Court

Bench: HON'BLE MS. JUSTICE JYOTI SINGH

Date of Judgement/Order: September 10, 2026

Keywords:

Appeal, Registration of Artistic Work, Opposition to Copyright Registration, Settlement, Mediation and Conciliation

Facts

The Appellant, Mukesh Jain, filed an appeal under Section 72 of the Copyright Act, 1957, challenging the order dated 31.12.2024 passed by Respondent No. 1/Registrar of Copyrights. By the impugned order, the Registrar had rejected the opposition filed by the Appellant against the application of Respondent No. 2 seeking registration of an artistic work (a logo/mark featuring "JJ" and associated with the word mark "J.J."). During the pendency of the appeal, the Appellant and Respondent No. 2 amicably settled their disputes before the Delhi High Court Mediation and Conciliation Centre and executed a Settlement Agreement dated 05.06.2026, which was placed on record. Under the settlement, the Appellant agreed to have no objection to Respondent No. 2's use of the copyright/logo (the "JJ" mark, "A Unit of Trust"), but solely and exclusively within the geographical territory of Mathura, Uttar Pradesh. Respondent No. 2 undertook to restrict its use of the logo, as well as the word mark "J.J." or any formative marks/artistic variations thereof, exclusively to Mathura, Uttar Pradesh, and not use it in any other geographical territory.

Provisions

Section 72 of the Copyright Act, 1957 (governs appeals against orders passed by the Registrar of Copyrights)

Judgment

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The High Court disposed of the appeal in accordance with the terms of the settlement agreement. The court found the settlement to be lawful and officially ordered that both parties are legally bound to honor their agreed-upon terms.

Ratio

Where parties to a copyright appeal (including a third party/Respondent No. 2 whose registration application was under challenge) amicably settle their dispute through court-annexed mediation, and the settlement is lawful and does not offend public interest or statutory provisions, the Court may dispose of the appeal in terms of such settlement, binding the parties to its terms (including territorial restrictions on use of a disputed artistic work/mark), without adjudicating the merits of the original opposition or the Registrar's order.

Issues Framed by the Court

1. Whether the appeal under Section 72 of the Copyright Act challenging rejection of the Appellant's opposition to registration of Respondent No. 2's artistic work could be disposed of on the basis of a settlement arrived at between the parties during its pendency?
2. Whether the terms of settlement were lawful and fit to be accepted and made binding on the parties?.

Points to be considered

The matter was resolved not on merits but through a negotiated territorial carve-out: Respondent No. 2's use of the "JJ" logo and the word mark "J.J." (including artistic variations) was confined exclusively to Mathura, Uttar Pradesh, with the Appellant withdrawing objection only to that limited extent. The Court's role was confined to verifying that the settlement was lawful before disposing of the appeal on its terms; no independent findings were recorded on the validity of the Registrar's original order or the merits of the opposition. This order illustrates use of the Delhi High Court Mediation and Conciliation Centre to resolve IP (copyright/trademark-adjacent) disputes through consent terms involving geographically restricted/co-existence use of a mark, rather than through adjudication.

8. OLYMPIC DECOR LLP & ORS. vs. STATE OF MAHARASHTRA & ANR.[15]

[15] OLYMPIC DECOR LLP & ORS. V. VERSUS STATE OF MAHARASHTRA & ANR.

Citation: WRIT PETITION NO. 4403 OF 2026

Court: Bombay High Court

Bench: MILIND N. JADHAV, J.

Date of Judgement/Order: September 28, 2026

Keywords: Consent Quashing, Inherent Powers, Commercial Dispute, Imposition of Costs, Social Media memes, reels

Facts

The petitioners and the second respondent shared a business relationship that deteriorated into a conflict, prompting the respondent to file a criminal complaint over memes, reels, and videos published on social media. Consequently, FIR No. 775 of 2025 was registered at the MIDC Police Station in Mumbai. Eventually, the parties resolved their differences voluntarily and without coercion. They filed a joint request, backed by a consent affidavit, asking the court to quash the FIR and all related proceedings so that the lingering criminal case would not damage their future business prospects.

Provisions

Code of Criminal Procedure, 1973 / Bharatiya Nagarik Suraksha Sanhita (BNSS): Section 482 of CrPC, Copyright Act, 1950, Sections 318(3) and 3(5) of Bharatiya Nyaya Sanhita (BNS), Sections 63 and 69 of the Copyright Act, 1957

Judgment

The High Court allowed the writ petition and quashed the FIR based on the mutual settlement between the parties. However, the court did not let the parties off completely scot-free. To penalize them for unnecessarily activating the criminal justice system, the court ordered both the petitioners and the second respondent to pay a cost of Rs. 15,000 each. The combined costs were directed to be paid within two weeks to the A.K. Munshi Yojana, a charitable trust supporting medical centers and a special school for children with intellectual disabilities.

Ratio

Under Section 482 of the CrPC (and Section 528 of the BNSS), High Courts possess the discretionary power to quash criminal proceedings if the dispute is fundamentally private or commercial and does not involve a heinous crime that impacts society at large. However, when parties abuse the system by filing strategically exaggerated criminal complaints and later request

a "consent quashing," the court is justified in imposing financial costs on them to deter litigation and compensate for the massive waste of judicial resources.

Issues Framed by the Court

1. Whether it was appropriate to quash the pending FIR given that the parties had amicably resolved their underlying commercial dispute?.
2. Whether the court should impose financial penalties on the parties for burdening the state machinery and wasting judicial time before ultimately settling their private grievances?.

Points to be considered

The court relied heavily on the landmark Supreme Court ruling in *State of Haryana vs. Bhajan Lal*, affirming that the power to quash should be exercised to prevent procedural harassment in disputes that are distinctly private in nature. The judge strongly criticized the growing trend of litigants using criminal complaints to strong-arm opponents into financial or legal settlements, noting that investigations and court scheduling severely drain the public exchequer and clog the legal system. The court established that while consent quashing is permissible for non-heinous offenses, it should not be granted mechanically; the imposition of costs serves as a necessary deterrent to protect judicial efficiency.

9. RAJAN MONGA vs. THE STATE AND ANOTHER[16]

Citation: CRL.M.C. 2356/2025 | CRL.M.A. 10591/2025

Court: Delhi High Court

Bench: HON'BLE MS. JUSTICE MADHU JAIN

Date of Judgement/Order: September 2, 2026

Keywords: Quashing of FIR, Counterfeit Garments

Facts

The Petitioner, Rajan Monga, sought quashing of FIR No. 75/2021 dated 08.04.2021, registered at Police Station Inder Puri, Delhi, under Section 63 of the Copyright Act, 1957 and Sections 103

[16] RAJAN MONGA vs. THE STATE AND ANOTHER

and 104 of the Trade Marks Act, 1999, and all consequential proceedings. On 08.04.2021, on a complaint, the police raided premises at Dashrathpuri, Inderpuri, Delhi, where counterfeit Levi's jeans and garments were allegedly being manufactured. The premises were found under the control of the accused, Rajan, and material allegedly used to manufacture counterfeit Levi's products was recovered. The Petitioner and Respondent No. 2 (the complainant side, whom the order does not name) were present in Court and were identified by counsel and the Investigating Officer. Respondent No. 2 stated that he had entered into a compromise by a Settlement Agreement dated 13.11.2024 of his own free will, without pressure, coercion or threat, and had no objection to the FIR being quashed.

Provisions

Section 63 of the Copyright Act, 1957; Sections 103 and 104 of the Trade Marks Act, 1999.

Judgment

The Delhi High Court quashed FIR No. 75/2021 and all consequential proceedings, disposed of the petition and the pending applications, and directed that a copy of the order be sent to the concerned Trial Court for compliance. It held that, as the parties had resolved their differences amicably, of their own free will and without coercion, no useful purpose would be served by continuing the proceedings, which would only create further acrimony, and there was no legal impediment to quashing.

Ratio

An FIR for offences under Section 63 of the Copyright Act and Sections 103 and 104 of the Trade Marks Act may be quashed where the complainant, identified before the Court, states that he has entered into a compromise voluntarily and without coercion, and continuing the proceedings would serve no useful purpose and only create further acrimony.

Issues Framed by the Court

1. Whether FIR No. 75/2021 under Section 63 of the Copyright Act and Sections 103 and 104 of the Trade Marks Act could be quashed on the basis of the Settlement Agreement dated 13.11.2024?

Points to be considered

- The hearing was held in hybrid mode. Notice was issued, and the learned APP accepted it for the State.
- The Court asked Respondent No. 2 directly, and he categorically confirmed that the compromise was voluntary. The Investigating Officer identified him.
- The order does not set out the terms of the Settlement Agreement, or the name of the complainant brand-owner (it refers to Levi's products), nor does it cite any authority. Unlike the Bombay High Court in Olympic Decor (same month), it imposed no costs for consent quashing.

10. SRI SEETESH VIJ & ANR. vs. THE STATE OF TELANGANA & ANR.[17]

Citation: Criminal Petition No. 11803 of 2026 | I.A. Nos. 2 and 3 of 2026

Court: Telangana High Court

Bench: HON'BLE SRI JUSTICE J. SREENIVAS RAO

Date of Judgement/Order: September 16, 2026

Keywords: Quashing of Proceedings, Compromise, Compounding of Offences, Identification by High Court Legal Services Committee

Facts

The Petitioners, Seetesh Vij (Accused No. 1, Managing Director of Chinar Forge Limited, Jalandhar, Punjab) and Buyyankar Narsingha Rao (Accused No. 2, Purchase Manager, Hyderabad), sought quashing of C.C. No. 429 of 2026 on the file of the I Additional Chief Judicial Magistrate, Nampally, Hyderabad, arising out of FIR / Crime No. 280 of 2026 of Asifnagar Police Station, registered under Section 380(4) of the Bharatiya Nyaya Sanhita, 2023 (as cited in the order), Sections 103 and 104 of the Trade Marks Act, 1999 and Section 63 of the Copyright Act, 1957. The de facto complainant, Respondent No. 2, was Salim Mohammed Khan, a Field Officer of Mass and Valiant Agencies, Mumbai. The petition was filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, with I.A. No. 1 for a stay of the proceedings.

During the petition, the parties settled their disputes through relatives, well-wishers, and elders and filed a Joint Memo of Compromise, together with I.A. No. 2 under Section 359(6) BNSS

[17] SRI SEETESH VIJ & ANR. vs. THE STATE OF TELANGANA & ANR.

(permission to compound the offences) and I.A. No. 3 under Section 359(2) BNSS (to record the compromise and quash the proceedings). The memo states that, although the offences in the chargesheet are non-compoundable, it is not filed for compounding but to invite the Court's inherent jurisdiction under Section 528 BNSS, that the complainant has no surviving grievance, and that the settlement is voluntary and free of coercion, fraud or undue influence. I.A. No. 4 sought an extension of time for the parties to appear before the High Court Legal Services Committee.

Provisions

Section 528 and Section 359(2) and (6) of the Bharatiya Nagarik Suraksha Sanhita, 2023; Section 380(4) of the Bharatiya Nyaya Sanhita, 2023 (as cited in the order); Sections 103 and 104 of the Trade Marks Act, 1999; Section 63 of the Copyright Act, 1957.

Judgment

The Telangana High Court allowed I.A. Nos. 2 and 3 of 2026, quashed the proceedings in C.C. No. 429 of 2026 against Accused Nos. 1 and 2, and allowed the Criminal Petition, subject to payment by the Petitioners of Rs. 10,000/- to the High Court Legal Services Committee, Hyderabad and Rs. 5,000/- to the Telangana High Court Advocates Association, Hyderabad, on or before 26.09.2026. The miscellaneous applications were closed. The Court relied on the Committee's report on identification and voluntariness, the joint memo, and the fact that the Additional Public Prosecutor did not oppose.

Ratio

Criminal proceedings for offences under the Trade Marks Act and the Copyright Act, even after a chargesheet and at the stage of a pending criminal case, may be quashed by the High Court on a joint memo of compromise between the accused and the de facto complainant, where the Court has verified through its Legal Services Committee that the parties were identified and entered into the compromise willingly and without coercion, and the State does not oppose.

Quashing on compromise may be made subject to payment of costs to the Legal Services Committee and the Advocates Association.

Issues Framed by the Court

1. Whether the compromise entered into between the accused and the de facto complainant could be recorded, and the proceedings in C.C. No. 429 of 2026 quashed, although the offences are non-compoundable?
2. Whether the compromise was voluntary, as verified through the High Court Legal Services Committee?

Points to be considered

- By order dated 25.08.2026, the Court directed the parties to appear before the High Court Legal Services Committee, Hyderabad, on or before 11.09.2026 for identification. The Secretary of the Committee reported on 10.09.2026 that all the parties were identified with their Aadhaar cards and had entered into the compromise willingly and without coercion.
- The Court gave brief reasons, relying on the report, the compromise and the submissions, and did not discuss the offences, the nature of the goods or the marks concerned. The order does not describe the allegation against the Petitioners or name the brand owner or rights-holder that the complainant represents.
- An endorsement at the end of the copy records that a total of Rs. 15,000/- was paid by the Petitioners' counsel and that a memo as proof of compliance was filed on 28.09.2026 (USR No. 122547 of 2026), which is two days after the 26.09.2026 date fixed in the order. The order does not address any consequences of this.
- The copy of the order supplied is a scanned copy with several recognition errors, and I have taken the details from the legible parts.

11. SH. SHASHI BHUSHAN & ORS. vs. STATE OF DELHI & ORS.[18]

Citation: CRL.M.C. 7191/2026 | CRL.M.A. 30072/2026

Court: Delhi High Court

Bench: HON'BLE MR. JUSTICE SACHIN DATTA

Date of Judgement/Order: September 25, 2026

Keywords: Quashing of FIR, Offences against Intellectual Property Proprietor, Special Power of Attorney

[18] SH. SHASHI BHUSHAN & ORS. vs. STATE OF DELHI & ORS.

Facts

Ten petitioners, led by Shashi Bhushan, sought quashing of FIR No. 0896/2022 registered at P.S. Sadar Bazar, Delhi, under Section 63 of the Copyright Act, 1957 and Sections 103 and 104 of the Trade Marks Act, 1999, and all proceedings arising from it. The FIR was registered on the complaint of Respondents No. 2 and 3, the proprietors of certain trade marks and artistic works, alleging that the petitioners were stocking and selling unlicensed counterfeit products bearing infringing marks. A chargesheet was filed on 15.07.2024. The petitioners and the representatives of Respondents Nos. 2 and 3 told the Court that they had entered into a compromise deed dated 27.07.2026, signed by the petitioners and by authorised representatives of Respondents Nos. 2 and 3 who were present in Court, acting under a special power of attorney annexed to the petition (Annexure P1).

Provisions

Section 63 of the Copyright Act, 1957; Sections 103 and 104 of the Trade Marks Act, 1999

Judgment

The Delhi High Court quashed FIR No. 0896/2022 and the proceedings emanating from it on the basis of the compromise deed dated 27.07.2026, held that the parties were bound by its terms and conditions, and disposed of the petition and the pending application. It held that, although the offences are non-compoundable, they are in substance offences against the rights of the proprietor of the intellectual property, who is the person aggrieved, and the dispute is of a commercial or civil flavour of the kind covered by Gian Singh v. State of Punjab, (2012) 10 SCC 303, so there was no impediment to quashing.

Ratio

Offences under Section 63 of the Copyright Act and Sections 103 and 104 of the Trade Marks Act, though non-compoundable, are in substance offences against the rights of the proprietor of the intellectual property, who is the person aggrieved. A dispute of this commercial or civil flavour falls within the principle in Gian Singh v. State of Punjab, and the High Court may quash the FIR and proceedings, even after a chargesheet has been filed, on the basis of a compromise deed signed by the accused and by the rights-holder’s authorised representatives who are present in Court.

A compromise signed by authorised representatives of the rights-holders under a special power of attorney placed on record is sufficient, and the parties remain bound by its terms.

Issues Framed by the Court

1. Whether FIR No. 0896/2022 and the proceedings arising from it, including a filed chargesheet, could be quashed on the basis of the compromise deed dated 27.07.2026, although the offences are non-compoundable?
2. Whether the compromise, signed by authorised representatives of the complainants under a special power of attorney, was valid for this purpose?

Points to be considered

- The compromise deed was signed by the petitioners and by the authorised representatives of Respondents Nos. 2 and 3, who were present in Court, on the strength of a special power of attorney appended to the petition as Annexure P1.
- Counsel appeared for the petitioners (Mr. Amit Sharma) and for Respondents Nos. 2 and 3 (Mr. Janender Kumar Chumbak, Mr. Julius Masih and Mr. Naqeeb Nawab), and the Investigating Officers (Insp. Yogesh and SI Prabhash) were also present.
- The order does not set out the terms of the compromise or identify the marks or works, and it imposes no costs, in contrast to the Bombay High Court's approach in Olympic Decor.

Trademarks

1. M/S MNKS BUILDERS AND DEVELOPERS vs. THE REGISTRAR OF TRADEMARK[19]

Citation: W.P.(IPD) No. 11 of 2026

Court: Madras High Court

Date of Judgement/ Order: September 15, 2026

Bench: HON'BLE DR. JUSTICE A.D. MARIA CLETE

Keywords: Trademark, Pendency, Writ Mandamus, Direction, Dispose

Facts

The Petitioner, M/s. MNKS Builders and Developers, applied for a trademark. A long time passed, but the application was not disposed of. The Petitioner therefore submitted a representation asking the Registrar of Trade Marks to process the application and pass appropriate orders. As this representation also remained unconsidered, the Petitioner approached the Madras High Court with a writ petition. They asked the Court to order the Registrar to consider their letter and process the application. The Registrar, through the Central Government Counsel, told the Court that the letter would be considered and proper orders would be passed as per law.

Provisions

Article 226 of the Constitution of India, Trade Marks Act 1999.

Judgment

The Madras High Court allowed the writ petition, with no order as to costs. Considering the limited nature of the relief sought, and without expressing any opinion on the merits of the Petitioner's claim for registration, the Registrar was directed to consider the representation and to pass appropriate orders on Trademark Application, on merits and in accordance with law, as expeditiously as possible and preferably within four weeks from the date of receipt of a copy of the order.

Ratio

[19] M/S MNKS BUILDERS AND DEVELOPERS vs. THE REGISTRAR OF TRADEMARK

Where a trademark application has remained pending for a considerable time and the applicant's representation seeking its processing has gone unconsidered, the High Court may, in exercise of its writ jurisdiction under Article 226, direct the Registrar of Trade Marks to consider the representation and decide the application on merits and in accordance with law within a stipulated time, particularly where the Registrar has himself undertaken to consider the representation.

Such a direction is confined to ensuring that the application is taken up and decided. It does not amount to a finding on, or an expression of opinion about, the merits of the applicant's claim to registration, which remains for the Registrar to determine.

Issues Framed by the Court

1. Whether the non-disposal of Trademark Application, and the non-consideration of the Petitioner's representation warranted a writ of mandamus against the Registrar of Trade Marks?

2. Whether the Court, while directing the Registrar to decide the application, could do so without expressing any opinion on the merits of the Petitioner's claim for registration?

Points to be considered

- The Petitioner's grievance was confined to the non-disposal of its application and the non-consideration of its representation; the writ petition did not ask the Court to order registration of the mark or to adjudicate the merits.
- Learned Central Government Counsel for the Registrar stated that the representation would be considered and appropriate orders passed in accordance with law.
- The Court heard both sides, perused the materials placed before it and, in view of the limited relief sought, disposed of the petition by directing the Registrar to decide the application on merits and in accordance with law.
- The four-week period for compliance is expressed as a preferred outer limit ("preferably within a period of four weeks") running from the date of receipt of a copy of the order. The order does not record the reasons for the delay in processing the application.

2. GRAVISS FOODS PRIVATE LIMITED vs. THE REGISTRAR OF TRADE MARKS[20]

[20] GRAVISS FOODS PRIVATE LIMITED vs. THE REGISTRAR OF TRADE MARKS

Citation: Commercial Miscellaneous Petition No. 20 of 2026 | Commercial Miscellaneous Petition (L) No. 10288 of 2026

Court: Bombay High Court

Date of Judgement/ Order: September 16, 2026

Bench: HON'BLE MR. JUSTICE SOMASEKHAR SUNDARESAN

Keywords: Absolute Grounds, Refusal, class 35, Descriptive, Laudatory Marks and Acquired Distinctiveness

Facts

The Petitioner, Graviss Foods Private Limited, describes itself as a licensee of the "Baskin Robbins" ice-cream brand and is stated to operate over 800 parlours across 230 cities. It filed two applications for registration of the word mark ICE CREAM ROCKS, attested to have been in use. The product sold under the mark is a bite-sized, coated ice cream treat with a flavoured ice cream centre in a choco-dip.

By two separate orders, the Registrar refused both applications without advertising them. The first (Class 29) application was refused under Section 9(1)(a) (devoid of distinctive character) and Section 11(1), citing four registrations of ICE CREAM WORKS held by Prince Creamery Private Limited. The second (Class 35) application was refused under Sections 9(1)(a) and 9(1)(b), with no registered mark cited. The Petitioner challenged both orders, contending that they contained conclusions but no reasons and that, at the least, the applications ought to have been advertised. The Court noted that the mark actually used in the market is "BR Ice Cream Rocks", whereas registration was sought only for ICE CREAM ROCKS.

Provisions

Sections 9(1)(a), 9(1)(b), Section 9, Section 11(1) and Section 91 of the Trade Marks Act, 1999.

Judgment

The Bombay High Court disposed of both petitions without interfering with the impugned orders. It observed that the orders were not articulately reasoned and came close to being vulnerable on that count, but held that its jurisdiction under Section 91 is co-extensive with that of the Registrar and that, on the same material, the Registrar was not wrong to refuse registration under Section 9 for want of distinctiveness, whether inherent or acquired.

ICE CREAM ROCKS was held to be hit by both Section 9(1)(a) and Section 9(1)(b), and the provision to Section 9 was held not to apply. As the Section 9 bar was decisive, the Registrar's invocation of Section 11 was treated as academic, and the Class 35 application, being for services relating to the same goods, failed for the same reasons. The Court also asked the Registrar's advocates to place before the Registrar's leadership its concerns on the quality and presentation of the Registrar's orders.

Ratio

In an appeal under Section 91 of the Trade Marks Act, 1999, the Court's jurisdiction is co-extensive with that of the Registrar. Even where the Registrar's order is poorly reasoned, the Court may examine whether the core of the Registrar's reasoning under Section 9 holds good on the same material. If there is no basis to permit registration under Section 9, there is little point in remanding the application with a direction to advertise it.

The prohibition under Section 9 is absolute and has to be adjudicated on the facts of the case. It cannot be overcome by ventilation in opposition proceedings, or even by a complete absence of opposition from anyone. The restrictions under Section 11, by contrast, are relative to earlier registered marks. Where Section 9 bars registration, whether the Registrar correctly invoked Section 11(1) becomes academic.

A mark made up of generic words (here ICE CREAM and ROCKS), taken as a whole, is devoid of distinctive character under Section 9(1)(a) and consists exclusively of indications designating the kind and the quality or other characteristics of the goods under Section 9(1)(b). Generic, descriptive or laudatory terms cannot be monopolised unless secondary meaning is affirmatively shown (Pernod Ricard India Pvt. Ltd. v. Karanveer Singh Chhabra, 2025 INSC 981), and merely because no one else has used an unregistrable coinage, the first user does not become entitled to register it.

An applicant that actually uses a wider mark (BR ICE CREAM ROCKS, with its house mark) cannot rely on that use to claim distinctiveness in a non-distinctive part of it (ICE CREAM ROCKS) that it alone seeks to register. The burden of proving acquired distinctiveness before the date of application under the proviso to Section 9 lies on the applicant; about seven months of use, assertions of reputation, internet search results and an affidavit of user do not show that the public associates the mark exclusively with the applicant.

Registrations of other marks containing the same generic words do not assist an applicant where they carry a distinguishing brand element that the applied-for mark lacks, and the registration of one mark neither creates a precedent nor confers a right to similar treatment.

Issues Framed by the Court

1. Whether the impugned orders, being cryptic and not articulately reasoned, deserved to be set aside and the applications remanded to the Registrar with a direction to advertise them?
2. Whether the mark ICE CREAM ROCKS was devoid of distinctive character under Section 9(1)(a), or consisted exclusively of indications designating the kind, quality or other characteristics of the goods and services under Section 9(1)(b)?
3. Whether the mark had acquired a distinctive character through use before the date of application so as to attract the proviso to Section 9, having regard to use, the Affidavit of User and the claimed "Baskin Robbins" lineage?
4. Whether the Registrar's reliance on Section 11(1), citing the ICE CREAM WORKS registrations, required determination once the mark was held unregistrable under Section 9, and whether the same reasoning governed the Class 35 application?

Points to be considered

The Court found the Registrar's orders poorly reasoned, but it did not remand the applications. It held that its jurisdiction under Section 91 is co-extensive with the Registrar's and that Section 9 is an absolute bar. It then examined the matter itself and upheld the refusal. The Section 11 point on ICE CREAM WORKS was left undecided as academic, and the Class 35 application was held to fail for the same reasons as the Class 29 one, without separate analysis. The Court set no minimum period of use for acquired distinctiveness. It held that about seven months of use, one invoice and use of the wider mark BR ICE CREAM ROCKS were not enough. The remark on the poor format of the Registrar's orders is a request to the Registrar's advocates to pass it on, not a direction. The order does not say whether the Petitioner may apply to register the full mark with the house mark.

3. ADS SPIRITS PVT. LTD. vs. THE REGISTRAR OF TRADE MARKS[21]

Citation: LPA 688/2026 | CM APPL. 59871-59872/2026

Court: Delhi High Court

Date of Judgement/ Order: September 15, 2026

[21] ADS SPIRITS PVT. LTD. vs. THE REGISTRAR OF TRADE MARKS

Bench: HON'BLE MR. JUSTICE AVNEESH JHINGAN and HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

Keywords

Remand, advertisement, intra-court appeal, distinctiveness, class 33

Facts

ADS Spirits Pvt. Ltd. applied for registration of the mark OFFER (Application No. 5514779) in Class 33 for "alcoholic beverages, except beers; alcoholic preparations for making beverages". The Examination Report objected under Section 9(1)(a) of the Trade Marks Act, 1999, on the footing that the mark was a common surname, personal name, geographical name, ornamental or a non-distinctive geometrical figure, and so could not tell one trader's goods from another's. By order dated 30.10.2025, the Senior Examiner of Trade Marks rejected the application.

The Appellant went in appeal under Section 91 of the Act. By decision dated 21.07.2026 in C.A.(COMM.IPD-TM) 8/2026, the learned Single Judge set the rejection aside. The Single Judge found that the examiner had not applied his mind, had used the test of whether the mark is 'unique', which Section 9(1)(a) does not recognise, and had never actually examined whether OFFER is distinctive. The Single Judge also held that 'offer' and 'discount' are not synonyms. The application was sent back to be decided afresh on distinctiveness for alcoholic beverages, within four months.

The Appellant then filed this Letters Patent Appeal. Its grievance was narrow: the Single Judge should have gone further and directed the Registrar to process the application and advertise the mark in the Trade Marks Journal under Section 20 read with Rule 39 of the Trade Marks Rules, 2017, and no reasons had been given for refusing that prayer. It relied on *Nadakerappa v. Pillamma*, AIR 2022 SC 1609, on remand not being ordered as a matter of routine. The Registrar answered that the Court's directions were already being followed and that a hearing had been held on 19.08.2026.

Provisions

Sections 9(1)(a), 20 and 91 of the Trade Marks Act, 1999; Rule 39 of the Trade Marks Rules, 2017.

Judgment

The Division Bench dismissed the appeal. The Court began with Section 20 and pointed to where it sits in the scheme of the Act: advertisement is something that follows acceptance. As the Bench put it, *"the application has not reached the stage of acceptance"*. The Single Judge had set the rejection aside only because the examination was flawed, and a flawed examination being corrected does not mean the mark has been accepted. Directing advertisement at this stage would have skipped the very step that was still pending.

The Court also said that the statutory authorities are "*better equipped*" to deal with applications at the initial stage than a court in appeal, and that a court should not itself venture into deciding acceptance. On *Nadakerappa*, the Bench had no quarrel with the proposition that remand cannot be ordered as a matter of routine. But here the Single Judge had given detailed reasons, the nature of the controversy and the procedure under the Act pointed towards remand, and the matter had been sent back with a time limit.

The Bench also noted that reconsideration was already under way and the parties had been heard. It concluded that *"there is no legal or factual error calling for interference in an intra court appeal"*. Pending applications were disposed of.

Ratio

Advertisement under Section 20 of the Trade Marks Act, 1999 comes after acceptance of the application. Where a rejection has been set aside for faulty examination and the Registrar has been directed to decide afresh, the application has not been accepted, and the Court need not direct processing to registration or advertisement of the mark.

The Registrar is the authority better placed to test a mark for distinctiveness at the first stage. A remand for that purpose, made with reasons and within a time limit, is not the routine remand that *Nadakerappa* warns against, and an intra-court appeal will not be entertained against it absent a legal or factual error.

Issues Framed by the Court

- Whether the Single Judge ought to have directed the Registrar to process the OFFER application to registration and advertise it under Section 20 read with Rule 39, instead of remanding it?
- Whether the remand, in the circumstances and in light of *Nadakerappa*, called for interference in an intra-court appeal?

Points to be considered

The Division Bench said nothing on whether OFFER is in fact distinctive for alcoholic beverages. That question stays with the Registrar, who is to decide it in line with the Single Judge's directions, and the finding that 'offer' and 'discount' are not synonyms was left undisturbed. The judgment reproduces the provision to Section 20(1), which allows advertisement before acceptance in some cases, including marks to which Section 9(1) applies, but does not discuss it. The Court was simply not asked to exercise that power, or did not consider it necessary to do so.

4. ALKEM LABORATORIES LTD. vs. MR. VINEET MAINI & ORS.; MARTIN AND BROWN BIOSCIENCES PVT. LTD. & ORS.[22]

Citation: CS(COMM) 559/2025 | C.O.(COMM.IPD-TM) 114/2025

Court: Delhi High Court

Bench: HON'BLE MR. JUSTICE A. J. BHAMBHANI

Date of Judgement/Order: September 7, 2026

Keywords

Consent decree, mediation settlement, rectification consent, expunging mark, refund court fee,Class 5

Facts

Alkem Laboratories Ltd. had two matters pending before the Court against the other side: a commercial suit, CS(COMM) 559/2025, against Martin and Brown Biosciences Pvt. Ltd. and others, and a rectification petition, C.O.(COMM.IPD-TM) 114/2025, against Mr. Vineet Maini and others, with the Registrar of Trade Marks as Respondent No. 3. The petition was aimed at the mark "SOMI-MB", registered under Application No. 5982177 dated 16.06.2023 in Class 5.

The parties took their dispute to mediation and settled it. A Settlement Agreement dated 27.07.2026 was placed on record. Counsel for both sides appeared on 07.09.2026 and confirmed the settlement. Alkem asked for a consent decree against Defendants Nos. 1 to 3 (as per the amended memo of parties) in terms of clause 20 of the agreement, and, in the rectification petition,

[22] ALKEM LABORATORIES LTD. vs. MARTIN AND BROWN BIOSCIENCES PVT. LTD. & ORS.

filed I.A. 24265/2026 under Section 151 of the Code of Civil Procedure, 1908, asking that the settlement be taken on record and the petition allowed in its terms.

Provisions

Section 151 of the Code of Civil Procedure, 1908; Sections 16 and 16-A of the Court Fees Act, 1870, in light of the Court Fees (Delhi Amendment) Act, 2026.

Judgment

The Court went through the settlement and was satisfied that *"the parties have settled the matter by way of a lawful agreement"*, with nothing standing in the way of a decree. The terms were taken on record and the parties were directed to stay bound by them. The suit was decreed in favour of Alkem, with the terms of settlement forming part of the decree and the Registry told to draw up the decree sheet. Because of the obligations the defendants had taken on, Alkem gave up its claim to damages and costs. The defendants were given two weeks to complete whatever obligations were still pending.

Alkem also sought a refund of its court fee. The Court noted that the Court Fees (Delhi Amendment) Act, 2026, in force from 06.03.2026, has omitted Section 16-A of the Court Fees Act, 1870 as it applied to Delhi, which leaves Section 16 to govern. That section allows refund of *"the entire amount of court fee affixed on the plaintiff"*. Since the matter had been settled through mediation, the oral prayer was allowed and the Registry was directed to issue the certificate for refund of the full court fee within two weeks.

In the rectification petition, Respondents Nos. 1 and 2 appeared through counsel and, given the settlement, did not oppose the prayer. The Court allowed the petition by consent and directed Respondent No. 3, the Registrar, *"to cancel and expunge the impugned trademark"* within four weeks. Both the application and the petition were disposed of, along with all pending applications.

Ratio

Where parties to a trademark suit settle through mediation and the Court is satisfied that the settlement is a lawful agreement, the suit can be decreed in its terms, with the settlement forming part of the decree.

A rectification petition can likewise be allowed by mutual consent, and the Registrar can be directed to cancel and expunge the impugned mark from the register in line with the settlement.

After the Court Fees (Delhi Amendment) Act, 2026 omitted Section 16-A, Section 16 of the Court Fees Act, 1870 applied in Delhi, and a plaintiff who settles through mediation can have the entire court fee refunded.

Issues Framed by the Court

- Whether the suit could be decreed in favour of the plaintiff on the basis of the Settlement Agreement dated 27.07.2026?
- Whether the rectification petition could be allowed by consent and the Registrar directed to remove the mark SOMI-MB from the register?
- Whether the plaintiff was entitled to a refund of the entire court fee following the omission of Section 16-A of the Court Fees Act, 1870 in Delhi?

Points to be considered

The order does not set out the terms of the settlement beyond clause 20 and the cancellation of SOMI-MB, and it makes no finding on infringement or on the merits of the rectification claim. Both matters ended purely on consent. The Delhi amendment on court fees is the part of the order with wider use: for suits settled through mediation in Delhi, a full refund is now available under Section 16. The timelines are also worth noting: two weeks for the defendants' pending obligations and for the refund certificate, and four weeks for the Registrar to expunge the mark.

5. ASHIQUE EXPORTS PVT. LTD. vs. KOYENCO SOAPS AND DETERGENTS PVT. LTD. & ANR.[23]

Citation: C.S. No. 687 of 2017 and (T)OP(TM) No. 340 of 2023

Court: Madras High Court

Bench: HON'BLE MR. JUSTICE K. KUMARESH BABU

Date of Judgement/Order: September 21, 2026

Keywords

[23] ASHIQUE EXPORTS PVT. LTD. vs. KOYENCO SOAPS AND DETERGENTS PVT. LTD. & ANR.

Trade dress, deceptive similarity, generic mark, disclaimer, rectification, prior user

Facts

Ashique Exports Pvt. Ltd., a soap and detergent maker incorporated in 1993, has sold washing soap under the brand Dr.WASH since September 2002. The mark is registered in Class 3 under No. 1130214 (application dated 02.09.2002) and also in the UAE. Koyenco Soaps and Detergents Pvt. Ltd. and Koyenco Consumer Products Pvt. Ltd., two companies of the same group, entered the soap market in June 2016 with a washing soap called Dr.Bright, for which they applied for registration on 29.03.2016.

Ashique sued for a permanent injunction against infringement and passing off, along with surrender of stock, an account of profits and costs. It said Dr.Bright copied its prefix, colour scheme and wrapper, that the defendants had poached its employees to market Dr.Bright as a new version of Dr.WASH, and that the tagline "FORMULATED BY AIIMS DOCTORS" was unsupported. The defendants denied all this. They argued that the registration carried a condition giving no exclusive right over the 'Plus' device or the words 'Dr.Wash' apart from the label as shown, that the plaintiff had hidden this when it sued, and that 'Dr.', 'Wash' and the device are common to the trade. They also pursued rectification under Section 57, originally before the IPAB (ORA/14/2020/TM/CHN) and now transferred to the High Court as (T)OP(TM) No. 340 of 2023. Both matters were heard together and decided by a common judgment.

Provisions

Sections 28, 134 and 135 (infringement and passing off suit), Section 57 (rectification of the Register), and Sections 9 and 11 (the grounds raised against the registration) of the Trade Marks Act, 1999.

Judgment

The Court dismissed both the suit and the rectification petition, with no order as to costs. On prior use, it found for Ashique. The registration certificate and its renewal, invoices from 2002 and advertising spend from 2007 were enough, and since the defendants themselves admitted they began only in 2016, the Court had no hesitation in holding Ashique to be the prior adopter and user. The defendants' point that some invoices were raised to a sister concern did not help them, because the advertising records came from an independent agency.

The suit failed on the comparison of the two wrappers. Looking at the plaintiff's packaging (Ex.P71) and the defendants' (Ex.P72), the Court found Dr.Bright's trade dress, packaging and write-up distinct from those of Dr.WASH, and held that *"the defendants have not usurped the essential and distinct feature"* of the plaintiff's wrapper. On that footing the Court said the plaintiff could not be entitled to any relief, and found it *"wholly unnecessary"* to go into the poaching allegation, the unclean-hand plea, surrender of stock, accounts and costs, since that would be *"an empty formality"*.

On the status of the mark, the Court noted that the label application had been published with a disclaimer against any independent right in the 'Plus' device or the word Dr.WASH, and that 'Dr.' and 'Wash' are commonly used. Following the Supreme Court's treatment of the word 'Pride' as generic in 2025 SCC Online SC 1701, it came to *"an irresistible conclusion that the plaintiff's trademark is generic to the trade"*. Even so, the rectification petition failed. The registration under challenge (Ex.P3) is for the trade name Dr.WASH, granted in 2002 and renewed, whereas the disclaimer papers (Exs.D5 and D6) relate to the label, so the Court found no merit in the plea to remove it.

Ratio

In a trade dress claim, the wrappers have to be compared side by side. Where the defendant's packaging, colour scheme and write-up are found distinct from the plaintiff's, the claim that essential features were usurped fails, and the plaintiff gets no relief even as prior user of a registered mark.

Words that are in common use in the trade, such as 'Dr.' and 'Wash', cannot be monopolised by one proprietor, and the Court treated the mark as generic on that basis, applying the Supreme Court's reasoning on 'Pride'.

A disclaimer attached to the publication of a label application does not by itself take away a separate, earlier registration for the trade name, so rectification of that earlier registration was refused.

Issues Framed by the Court

- Whether the plaintiff is the prior adopter and user of the trade dress, packaging, wrapper and write-up under Dr.Wash as against the defendants?

- Whether the defendants' Dr.Bright packaging and write-up usurps the essential and distinct features of the plaintiff's?
- Whether the plaintiff's trademark is generic to the trade?
- Whether the plaintiff's registration No. 1130214 is valid?
- Whether the plaintiff came to Court with unclean hands by concealing the disclaimer, and whether the defendants engaged in unfair trade practice, including poaching employees?
- Whether the plaintiff is entitled to surrender of stock, an account of profits and costs?

Points to be considered

The judgment holds the mark generically and, in the same breath, leaves its registration on the Register, so the finding on genericity did not work in the rectification petition. The suit was lost on the side-by-side comparison of wrappers, not on any finding against the validity of the mark. Issues on unclean hands, poaching and the monetary and delivery-up reliefs were left undecided. The Court also did not name the Supreme Court decision it relied on for 'Pride' beyond its citation, and its issue numbering in the answers differs from the order in which the issues were first framed, so check the citation and numbering before relying on the report.

6. CONAIR LLC vs. M/S SOJITRA KEVIN BACHUBBHAI AND ANR.[24]

Citation: C.O. (COMM.IPD-TM) 81/2026

Court: Delhi High Court

Date of Judgement/ Order: September 22, 2026

Bench: HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

Keywords: Rectification Petition, Consent Decree, Removal from Register, Undertakings, Liquidated Damages

Facts

The Petitioner, Conair LLC, is the proprietor of the CUISINART / Cuisinart trade marks. It filed the present rectification petition, seeking removal from the Register of Trade Marks of the

[24] CONAIR LLC vs. M/S SOJITRA KEVIN BACHUBBHAI AND ANR.

impugned mark held by Respondent No. 1, M/s Sojitra Kevin Bachubbhai (the order does not identify the impugned mark). During the pendency of the petition, the dispute was amicably resolved with Respondent No. 1, the contesting respondent, and I.A. 26204/2026 was moved for recording the settlement and passing a decree in its terms. Respondent No. 1, through its authorised representative, appeared by video conferencing and confirmed the settlement.

Provisions

Order XXIII Rule 3 of the Code of Civil Procedure, 1908; Trade Marks Act, 1999.

Judgment

The Delhi High Court was satisfied that the settlement had been arrived at following due procedure and met the essentials of Order XXIII Rule 3 CPC, and held the parties bound by it. The petition was decreed in terms of the settlement agreement and the Registry was directed to draw up a decree sheet. I.A. 26204/2026 was disposed of, the rectification petition was disposed of, and the next date of hearing was cancelled.

Ratio

Order XXIII Rule 3 CPC authorises the Court to pass a decree on a compromise between the parties, provided that the compromise is (i) lawful, (ii) reduced to writing and (iii) duly signed by the parties. Where the Court is satisfied that these essentials are met and that the settlement was entered into without fear or coercion and on the parties' own volition, the parties are bound by it and the proceedings may be decreed in its terms.

The Court accepted that a rectification petition seeking removal of a mark from the Register may be disposed of by a consent decree where the respondent consents to removal of the impugned mark (amounting to consent for allowing the rectification petition as prayed) and gives undertakings not to use, apply for or challenge the petitioner's marks.

Issues Framed by the Court

1. Whether the settlement terms placed before the Court in I.A. 26204/2026 satisfied the essentials of Order XXIII Rule 3 CPC, namely that the compromise is lawful, in writing and signed by the parties?
2. Whether the settlement was entered into voluntarily, without fear or coercion?
3. Whether the rectification petition could be decreed in terms of the settlement, including Respondent No. 1's consent to removal of the impugned mark from the Register?

Points to be considered

- Respondent No. 1 acknowledged the statutory and common law rights of the Petitioner in the prior adopted and well-known CUISINART / Cuisinart marks, along with its directors, officers, dealers, agents, distributors and others acting on its behalf, not to manufacture, market, sell, advertise or try to obtain any rights in the impugned mark or any mark identical or deceptively similar to the Petitioner's marks.

- Respondent No. 1 consented to the removal of the impugned mark from the Register of Trade Marks, which amounts to consent for allowing the rectification petition as per prayer clauses XII(a) and (b). It confirmed that it had filed no other application for the impugned mark and undertook not to file any application for an identical or similar mark for any goods or services in future.

- Respondent No. 1 confirmed that no URL, website, social media page, online advertisement or third-party listing under its control or on its behalf carries the impugned mark, and undertook not to create any in future. If the Petitioner finds any such listing, it is to be notified to Respondent No. 1, which will remove it or take reasonable steps for its removal within 72 hours of receipt of notice.

- Respondent No. 1 undertook not to challenge the Petitioner's statutory and common law rights in the CUISINART / Cuisinart marks, directly or indirectly, at any time in future. In consideration, the Petitioner agreed to forego its claim for costs of the legal proceedings.

- Any breach of the settlement terms makes Respondent No. 1 liable for liquidated damages, in addition to all legal fees and costs incurred by the Petitioner in acting against the breach or enforcing the terms. The undertakings extend to Respondent No. 1's partners, directors, officers, legal heirs, agents, franchisees, assigns and any other person or business controlled or managed by it.

- Neither party is to act against or in prejudice to the other's rights, or to publicise the contents of the settlement through any print or electronic means. However, either party may rely on the judgment in the matter in future third-party disputes, court proceedings and internal communications.

- Both parties declared that they entered into the compromise voluntarily and of their own free will and would not dispute it in future. The Court recorded that the settlement was

agreed without fear or coercion, that the parties appeared to have acted on their own volition, and that the parties would be bound by the settlement agreement.

7. M/S. A. HABEEBUR RAHMAN SONS vs. K. RAJENDER TRADING AS K. RAJENDER & SONS & ANR.[25]

Citation: W.P. No. 29862 of 2008

Court: Madras High Court

Date of Judgement/ Order: September 22, 2026

Bench: HON'BLE MR. JUSTICE P. VELMURUGAN, HON'BLE MR. JUSTICE G.K. MUTHUKUMAAR

Keywords: Lapse of Registration, Writ of Certiorarified Mandamus

Facts

The Petitioner, M/s. A. Habeebur Rahman Sons of Gudiyatham, Tamil Nadu, filed this writ petition under Article 226 of the Constitution of India, seeking a writ of Certiorarified mandamus to quash the order passed by the second respondent, the Deputy Registrar, Intellectual Property Appellate Board, Chennai, and consequently to allow that rectification application against the first respondent, Mr. K. Rajender trading as K. Rajender & Sons of Warangal. The rectification sought cancellation of trademark registration registered with the Trade Marks Registry, Chennai.

When the matter was taken up for hearing, the Petitioner's counsel submitted that the impugned registration had not been renewed. He filed a memo, together with the online status report of the registration, which showed that no request for renewal had been filed within the prescribed time limit.

Provisions

Article 226 of the Constitution of India; Trade Marks Act, 1999.

Judgment

[25] M/S. A. HABEEBUR RAHMAN SONS vs. K. RAJENDER TRADING AS K. RAJENDER & SONS & ANR.

The Madras High Court held that the registration had lapsed on account of non-renewal and, to maintain the purity of the Register of Trade Marks, directed the Registrar of Trade Marks, Chennai, to remove the entry from the Register within four weeks from the date of receipt of a copy of the order. Nothing further remaining for consideration, the writ petition was disposed of accordingly, with no order as to costs.

Ratio

A trademark registration that has not been renewed within the prescribed time lapses on account of non-renewal, and the lapse can be established by the online status report of the Trade Marks Registry showing that no renewal request was filed.

A lapsed registration should be removed from the Register of Trade Marks in order to maintain the purity of the Register. Where the registration under challenge in rectification proceedings has lapsed, the High Court may direct the Registrar to remove the entry, and nothing further then remains for consideration in the challenge.

Issues Framed by the Court

1. Whether trademark registration had lapsed on account of non-renewal?
2. Whether, on such lapse, the entry ought to be removed from the Register of Trade Marks in order to maintain the purity of the Register, so that the challenge to the order required no further adjudication?

Points to be considered

- The Court's finding of lapse rested on the Petitioner's memo and the online status report of the registration, which showed that no request for renewal had been filed within the prescribed time limit. On that basis the Court found it "clearly evident" that the registration had lapsed.

- The Court considered it just and necessary, in order to maintain the purity of the Register of Trade Marks, to remove a registration that has lapsed for non-renewal, and directed the Registrar of Trade Marks, Chennai, to remove the entry within four weeks of receipt of a copy of the order.

- The order does not examine the correctness of the order or the grounds on which rectification was sought; the writ petition, pending since 2008, was concluded on the strength of the lapse alone.

- The order records submissions only on behalf of the Petitioner on the question of lapse. Counsel appeared for Respondent No. 1, and there was no appearance for Respondent No. 2. Copies of the order were directed to the Deputy Registrar, Intellectual Property Appellate Board, and the Registrar of Trade Marks, Chennai.

8. METRO BRANDS LIMITED vs. MET BRANDS PRIVATE LIMITED[26]

Citation: Leave Petition (L) No. 12067 of 2025 | Commercial IPR Suit (L) No. 12028 of 2025

Court: Bombay High Court

Date of Judgement/ Order: September 3, 2026

Bench: HON'BLE MS. JUSTICE GAURI GODSE

Keywords

Trademark Infringement, Passing Off, Territorial Jurisdiction, Joinder of Causes of Action

Facts

The Petitioner/Plaintiff, Metro Brands Limited, is a footwear retailer with its registered office in Kurla, Mumbai. It states that, as of December 2024, it operated 895 stores in 203 cities across 31 States and Union Territories, including 18 METRO stores in Kerala, and that it is the registered proprietor of its house mark METRO BRAND and of the mark described in the plaint. The Respondent/Defendant, Met Brands Private Limited, is based in Kannur, Kerala, and designs, manufactures and distributes clothing, headgear and footwear in Kerala under the name METBRANDS / METBRANDS SHOES & BAGS.

The Plaintiff filed Commercial IPR Suit in the Bombay High Court seeking an injunction against infringement of its registered trade mark by the Defendant's identical or deceptively similar mark, along with damages for infringement, passing off and unfair competition. It founded the High Court's jurisdiction on Section 134 of the Trade Marks Act, 1999, as its registered address is in Mumbai. As the alleged passing off took place in Kerala, outside the Court's jurisdiction, it filed Leave Petition under Clause 14 of the Bombay High Court Letters Patent, seeking leave to join the cause of action for passing off with that for infringement. The Defendant opposed the leave,

[26] METRO BRANDS LIMITED vs. MET BRANDS PRIVATE LIMITED

arguing that it would enable forum shopping and cause serious hardship to a small Kerala-based business.

Provisions

Section 134 (including Section 134(2)) of the Trade Marks Act, 1999; Sections 16, 17, 20 and 120 of the Code of Civil Procedure, 1908; Section 62 of the Copyright Act, 1957.

Judgment

The Bombay High Court dismissed the Leave Petition and left the Plaintiff at liberty to take appropriate steps in accordance with law. The Court held that, on the Plaintiff's own pleadings, the cause of action for passing off arose in Kerala, where the Defendant carries on business, and that both the infringement and passing-off claims could be brought together there. As there was therefore no multiplicity of proceedings to avoid, and the balance of convenience and the hardship to a small defendant favoured Kerala, the Plaintiff's chosen forum was not found justifiable for the exercise of the Court's discretion under Clause 14.

Ratio

Leave under Clause 14 of the Letters Patent is not an empty formality. It is a discretionary power, exercised after hearing the defendant, in which the primary consideration is the avoidance of multiplicity of litigation. Where both causes of action (infringement and passing off) can be brought together in the court where the cause of action arose and the defendant carries on business, no multiplicity arises, and leave to join the passing-off claim in another forum may be refused.

Section 134(2) of the Trade Marks Act gives a plaintiff the additional choice of suing where it resides or carries on business, but this choice must be exercised reasonably and be justified. It extends only to infringement claims under Section 134(1)(a) and (b); a passing-off claim remains governed by Section 20 CPC or, for the Bombay High Court's original jurisdiction, Clause 12 of the Letters Patent, which requires that the cause of action arose, or the defendant resides or carries on business, within the Court's jurisdiction.

A plaintiff with multiple offices that relies on its registered office to invoke Section 134(2) must plead that this is its principal place of business, from which it controls its business activities. A registered address alone does not establish this. The registered office and the principal place of business are often, but not always, the same.

Hardship to the defendant is not the sole criterion for refusing leave, but a defendant that is a small entity with no nexus to the forum, sued by a plaintiff that itself trades in the defendant's home State, may be put to hardship that weighs against granting leave.

Issues Framed by the Court

1. Whether leave under Clause 14 of the Letters Patent should be granted to join the cause of action for passing off, which arose in Kerala, with the cause of action for infringement of the registered trade mark, which the Plaintiff sought to bring in Mumbai under Section 134(2) of the Trade Marks Act?
2. Whether the Plaintiff, having pleaded only that its registered address is in Mumbai while operating 895 stores across India, had shown that Mumbai is its principal place of business so as to invoke Section 134(2)?
3. Whether the Court's jurisdiction over the passing-off claim could be sustained under Clause 12 of the Letters Patent, given that the cause of action arose in Kerala and the Defendant carries on business there?
4. Whether avoidance of multiplicity of proceedings, balance of convenience and hardship to the Defendant justified the exercise of discretion under Clause 14 in the Plaintiff's favour?

Points to be considered

This order decides only whether leave under Clause 14 should be granted, and it does not touch the merits of the infringement or passing-off claims. The Court refused leave because, on the Plaintiff's own pleadings, the passing off arose in Kerala, where the Plaintiff has 18 stores and the Defendant carries on business. Both claims could therefore be brought together there. The Plaintiff had pleaded only its registered address in Mumbai, and the Court held that this alone does not show that Mumbai is its principal place of business. The Court also took into account the hardship to a small Kerala-based Defendant. The Plaintiff is left free to take steps in accordance with law, and the order does not direct it to sue in Kerala or say what happens to the suit in Mumbai. The opening paragraph of the order describes the Plaintiff's mark in a muddled way, so the description in this report follows the plaint as summarised later in the order.

9. VIKAS MANDOTH vs. M/S. SHANGHAI HUANQIU LOCK MAKING COMPANY LTD. & ANR.[27]

[27] VIKAS MANDOTH vs. M/S. SHANGHAI HUANQIU LOCK MAKING COMPANY LTD. & ANR.

Citation: A. Nos. 446 & 447 of 2026 in O.A. Nos. 1120 & 1121 of 2025 in C.S.(COMM.DIV.) No. 307 of 2025

Court: Madras High Court

Bench: HON'BLE MR. JUSTICE K. KUMARESH BABU

Date of Judgement/Order: September 07, 2026

Keywords

Vacating ex-parte injunction, passing off, vernacular (Tamil) mark, phonetic and visual similarity, prior user

Facts

Shanghai Huanqiu Lock Making Company Ltd., a Chinese lock manufacturer, and Mr. Valaram of M/s. Prince Impex, Chennai, sued Vikas Mandoth in C.S.(COMM.DIV.) No. 307 of 2025. They claimed rights in the GLOBE brand for padlocks and other hardware in Class 6, registered in China, and said the defendant was using Tamil-script GLOBE marks identical or deceptively similar to theirs. In O.A. No. 1120 of 2025 they sought an interim injunction against passing off, and in O.A. No. 1121 of 2025 an injunction against copyright infringement in their artistic work, trade dress and colour combination. The Court granted both ex-parte on 28.11.2025.

Mandoth applied in A. Nos. 446 and 447 of 2026 to vacate those orders. He said he had chosen his name independently, held a registration of ‘Globe’ in Tamil as a device, and that GLOBE is generic. He also argued that the suit was filed without the pre-institution mediation required by Section 12A of the Commercial Courts Act, that the second plaintiff, a commercial rival, had pushed the first plaintiff to sue, and that the plaintiffs’ invoices were fabricated, since ‘Chennai’ and ‘Madras’ appear interchangeably in them. The plaintiffs relied on their registered mark and its reputation in India and abroad. They pointed out that the defendant’s own trademark application stated that the mark was proposed to be used, which contradicts his claim to be a prior user.

Provisions

Trademark Act 1999.

Judgment

The Court dismissed both applications, made the injunction in O.A. No. 1120 of 2025 absolute, allowed O.A. No. 1121 of 2025, and made no order as to costs. It treated the defendant's objections on maintainability and on fabricated documents as matters that *"could only be decided after the trial of the suit"*. It also noted that summons had been served on 11.12.2025, the defendant's application to reject the plaint had been dismissed on 23.03.2026, and no written statement had been filed within the time the Commercial Courts Act allows.

On the merits, the Court accepted that a registration gives its proprietor a right to use the mark, but said the same statute allows a mark to be rectified or removed, and that opposition and rectification proceedings against the defendant's mark are pending before the Registry. The plaintiffs had placed material showing prior use, whereas the defendant's 2023 application described the mark as proposed to be used. The Court saw no substantial reason to disturb its earlier *"categorical finding"* of infringement, and held prima facie that a phonetically and visually similar mark in a vernacular language *"would not entitle him to infringe the trademark of the plaintiff"*.

Ratio

An ex-parte interim injunction will not be vacated where the defendant's main objections, on maintainability and alleged fabrication of documents, can only be settled at trial, no written statement was filed in time, and the prima facie findings on prior use and similarity stand.

Writing a similar mark in a vernacular script, here Tamil, does not take it outside the plaintiff's rights. A registration gives a right to use but remains open to opposition and rectification, and pending proceedings do not by themselves justify lifting the injunction.

Issues Framed by the Court

- Whether the ex-parte injunction was granted on 28.11.2025 in O.A. Nos. 1120 and 1121 of 2025 should be vacated.
- Whether the defendant's Tamil-script GLOBE registration, his claim of prior use, and his objections on Section 12A, genericness and fabricated documents justified vacating it.

Points to be considered

This is an interim ruling, and the findings are prima facie. The Court left maintainability, the Section 12A point, genericness and fabrication of documents for trial. The plaintiffs' mark is described as registered, and the order speaks of infringement, yet the prayer in O.A. No. 1120 of 2025 is framed as passing off on the basis of a mark registered in China, so the order does not make

clear what the registration in India, if any, is. It also does not describe the marks in words, since they appear as images. The last paragraph says O.A. No. 1121 of 2025 "are allowed" without separate reasoning on the copyright claim.

10. M/S. SABU TRADE PRIVATE LTD vs. RAJKUMAR SABU & ANR.[28]

Citation: CRL RC No. 2080 of 2023 and CRL MP No. 19056 of 2023

Court: Madras High Court

Date of Judgement/ Order: September 10, 2026

Bench: HON'BLE MR. JUSTICE SUNDER MOHAN

Keywords: Unregistered Trade Mark, Limitation

Facts

The Petitioner/Complainant, M/s. Sabu Trade Private Ltd (incorporated as M/s. Sabu Exports Salem Pvt. Ltd., and renamed later), manufactures and sells sabudana, turmeric and starch in Salem. It claims to have launched the brand SACHAMOTI and applied for its registration. Its Managing Director, his wife and his two brothers, the respondents, were originally its directors. The first respondent was appointed distributor/dealer for Madhya Pradesh and resigned from the company, after which he claimed trademark rights in SACHAMOTI and did business individually in Madhya Pradesh. The Complainant alleged that he had obtained title to the mark even while he was a director.

The Complainant filed a complaint before the Judicial Magistrate No. IV, Salem, alleging offences under Section 103 of the Trade Marks Act, 1999 and Section 420 of the Indian Penal Code. After the Complainant's witnesses were examined, the Magistrate, by order discharged the respondents on three grounds: (a) Section 27(2) of the Act barred prosecution because the Complainant's mark was unregistered; (b) the complaint was barred by limitation, as it was not filed within three years of knowledge of the alleged offence; and (c) no offence of cheating was made out, as there was no dishonest representation and the matter was a dispute between family members. The Complainant challenged this order in the High Court through a criminal revision.

Provisions

[28] M/S. SABU TRADE PRIVATE LTD vs. RAJKUMAR SABU & ANR.

Sections 397 read with 401 of the Code of Criminal Procedure, 1973; Sections 27(2), 103 and 118 of the copyrights Act, 1999; Section 420 of the Indian Penal Code; Section 468(3) of the Code of Criminal Procedure, 1973; Sections 78 and 79 of the Trade and Merchandise Marks Act, 1958.

Judgment

The Madras High Court dismissed the criminal revision, holding that the order of the Magistrate could not be faulted, and closed the connected miscellaneous petition. The Court disagreed with the Magistrate on the first ground, holding that Section 27(2) does not bar a prosecution under Section 103 even where the trade mark is unregistered. However, it upheld the discharge on the second ground, as the complaint was barred by limitation under Section 118, since the Complainant admittedly knew of the first respondent's registration in 2011 but filed the complaint only in May 2017. It also upheld the third ground, finding that the complaint did not disclose the ingredients of cheating under Section 420 IPC, so the longer limitation period for the more serious offence could not be relied on.

Ratio

Section 27(2) of the Trade Marks Act, 1999 only preserves the right of action for passing off and bars proceedings to prevent or recover damages for infringement of an unregistered trade mark. It does not bar a criminal prosecution under Section 103. For the purposes of the Act's chapter on offences, a trade mark includes both registered and unregistered marks, following the State of U.P. v. Ram Nath, AIR 1972 SC 232 (on the corresponding provisions of the Trade and Merchandise Marks Act, 1958).

Under Section 118 of the Trade Marks Act, no prosecution may be commenced after three years from the commission of the offence or two years after its discovery by the prosecutor. Where the complainant admittedly knew of the alleged offending act, such as the obtaining of a trade mark registration by the accused, years earlier, delay cannot be justified on the grounds that the parties were family members, were negotiating or hoped to settle the dispute. Nor can the accused's later resignation from the complainant company be treated as the date of the offence so as to restart limitation.

A complaint of cheating under Section 420 IPC must set out the representation made by the accused that deceived the complainant into parting with property. Using the word "cheating" in its everyday sense, without alleging how its ingredients are met, is not enough. A bare reference to Section 420 IPC cannot be used to take advantage of Section 468(3) of the Code of Criminal

Procedure, which fixes the limitation for offences tried together by reference to the more severely punishable offence.

Issues Framed by the Court

1. Whether Section 27(2) of the Trade Marks Act, 1999 bars a prosecution under Section 103 of the Act where the trade mark is unregistered?
2. Whether the complaint, filed on 22.05.2017, was barred by limitation under Section 118 of the Act, the Complainant having known of the first respondent's trade mark registration since 2011?
3. Whether the delay could be excused because the accused and the Complainant's representative were family members, the parties were negotiating, and the first respondent remained a director until 2015?
4. Whether an offence under Section 420 IPC was made out, so that limitation could be determined by reference to that offence under Section 468(3) of the Code of Criminal Procedure, and whether the Magistrate was right to discharge the respondents?

Points to be considered

This is a final ruling on the revision, not an interim one. The Court disagreed with the Magistrate on one point and agreed with the result on another. It held that Section 27(2) of the Trade Marks Act does not bar a prosecution under Section 103 even where the mark is unregistered, so the Magistrate was wrong to reason otherwise. The Court still upheld the discharge on limitation under Section 118. The complainant knew of the registration in 2011 but filed the complaint only on 22.05.2017. The Court held that the family relationship between the parties, the negotiations, and the first accused's resignation in 2015 neither excused the delay nor restarted the limitation period. On the Indian Penal Code offences, no cheating offence under Section 420 was made out because the complaint did not state the representation that induced the complainant. That meant Section 468(3) CrPC could not extend limitation. No misappropriation was shown for Section 409. The revision was dismissed and the connected petition closed. Two points in the order need care when citing it. The company's name-change date is recorded as 09.08.2023, which may be a typographical error and is worth checking against the certified copy. The order was also pronounced after being reserved on 08.09.2026.

11. PRADEEP CHOLAYIL & ANR. vs. KARNATAKA SOAPS AND DETERGENT LTD.[29]

[29] PRADEEP CHOLAYIL & ANR. vs. KARNATAKA SOAPS AND DETERGENT LTD.

Citation: CS No. 225 of 2018

Court: Madras High Court

Date of Judgement/ Order: September 21, 2026

Bench: HON'BLE DR. JUSTICE A.D. MARIA CLETE

Keywords

Trademark Infringement, Passing Off, Deceptive Mark, Memo of Compromise

Facts

The plaintiffs, Mr. Pradeep Cholayil and Cholayil Private Ltd. of Anna Nagar East, Chennai, filed a Civil Suit against the Defendant, Karnataka Soaps and Detergent Ltd. of Bangalore. They sought a permanent injunction restraining the Defendant from manufacturing, selling, stocking, advertising or dealing in soaps under the mark MYSOAP, which they alleged was deceptively and confusingly similar to their registered trademark MYSOP (also referred to in the order as MYSPO), amounting to infringement and passing off.

The Plaintiffs also asked for delivery up of all infringing containers, pouches, dies, blocks, moulds, plates, packaging and advertising material for destruction, damages, and a preliminary decree directing the Defendant to render accounts of the profits made through the use of MYSOAP, with a final decree for the amount found, along with the costs of the suit. When the suit was listed "for memo of compromise", both parties appeared and informed the Court that they had arrived at an amicable settlement, and a joint compromise memo signed by both parties and their counsel, was filed.

Provisions

Order IV Rule 1 of the Original Side Rules; Order VII Rule 1 of the Code of Civil Procedure, 1908; Sections 27, 134 and 135 of the Trade Marks Act, 1999; Proviso 1 to Section 7 of the Commercial Courts, Commercial Divisions and Commercial Appellate Division of High Courts Act, 2015.

Judgment

The Madras High Court recorded the joint compromise memo dated 15.08.2026 and disposed of the suit accordingly. The Court directed that the joint compromise memo shall form part of its order, closed the connected applications, if any, and made no order as to costs. The order does not

reproduce the terms of the compromise or discuss the merits of the infringement and passing-off claims.

Ratio

Where the parties to a trademark infringement and passing-off suit file a joint compromise memo, duly signed by both parties and their counsel, the Court may record the compromise and dispose of the suit in its terms, directing that the memo form part of the order. Connected applications are closed as a consequence.

Disposal of a suit by recording a compromise involves no adjudication of whether the impugned mark infringes the plaintiff's mark or amounts to passing off; the parties' rights and obligations are governed by the terms of the compromise memo.

Issues Framed by the Court

1. Whether the joint compromise memo dated 15.08.2026, signed by both parties and their counsel, could be recorded by the Court so as to dispose of the suit.
2. Whether the compromise memo should form part of the Court's order, and whether the connected applications and the question of costs required any further direction.

Points to be considered

- The suit was listed for "memo of compromise", and both parties appeared before the Court and submitted that they had amicably settled their dispute. The joint compromise memo dated 15.08.2026 bore the signatures of both parties and their respective counsel.
- The Court recorded the compromise and disposed of the suit. The joint compromise memo is part of the order, so its terms, which are not reproduced in the order, are the source of the parties' rights and obligations, and a copy of the memo must be consulted to know what the Defendant agreed to do (for example, as to the use of MYSOAP, the withdrawal of the mark or any payment).
- Connected applications, if any, were closed, and no order as to costs was made.
- The suit carries the year 2018, so it had been pending for about eight years. The Plaintiffs' registered mark is described in the order variously as MYSOP and MYSPO; the latter appears to be a typographical variation. The order contains no finding on infringement, passing off, damages or accounts.

12. M/S. NEW SLS AGRO FOODS & ORS. vs. M/S. SRI LAKSHMI SRINIVASA AGRO FOODS & ORS.[30]

Citation: OP(TM) Nos. 37, 38, 39, 40, 41, and 42 of 2026, and (TM) A. Nos. 36, 37, 38, 39, 40, and 41 of 2026

Court: Madras High Court

Date of Judgement/ Order: September 8, 2026

Bench: HON'BLE DR. JUSTICE A.D. MARIA CLETE

Keywords

Rectification of Register, Court-Referred Mediation, Withdrawal of Petition

Facts

The Petitioners are M/s. New SLS Agro Foods, a partnership based in Tumkur, Karnataka, acting through its partners H. Rachana and B. Radha, together with the two partners in their own names. Between them they filed six Original Petitions in the Madras High Court under Sections 57 and 125 of the Trade Marks Act, 1999, asking for the removal, expunging or rectification of the entries on the Register of Trade Marks relating to six marks registered in Class 30, along with the costs of the proceedings. Each Original Petition was accompanied by an interlocutory application. The Respondents are M/s. Sri Lakshmi Srinivasa Agro Foods (through its managing partner, Mr. Shivakumar Machanoor Konda), M/s. SLS Agro Ventures, two of the partners, M.K. Shivakumar and M.K. Chaitra (all of Nelamangala, Bangalore Rural), and the Registrar of Trade Marks, Chennai. The orders do not state in whose name the six registrations stand or describe the underlying dispute between the parties.

The six petitions challenged the following registrations: OP(TM) No. 37/2026, LAKSHMI SRINIVASA, Registration No. 6598186; OP(TM) No. 38/2026, SLSLAKSHMISRINIVASA, Registration No. 2599228; OP(TM) No. 39/2026, SLS POWER, Registration No. 2810475; OP(TM) No. 40/2026, SLSLAKSMISRINIVASA (as printed in the order), Registration No. 2599234; OP(TM) No. 41/2026, SLS (described as LAKSHMI SRINIVASA SLS), Registration

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No. 6598188; and OP(TM) No. 42/2026, LAKSHMI SRINIVASA, Registration No. 6598187. The connected application in OP(TM) No. 41/2026 sought a stay of the use and operation of the registered mark SLS. The parties settled all the disputes through Court-referred mediation before the Delhi High Court Mediation and Conciliation Centre, and the Petitioners then filed memos seeking withdrawal of the petitions.

Provisions

Sections 57 and 125 of the Trade Marks Act, 1999; Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955; Section 89 of the Code of Civil Procedure, 1908.

Judgment

The Madras High Court dismissed all six Original Petitions as withdrawn in view of the amicable settlement, with no order as to costs, and closed the connected applications. Applying Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955, read with Section 89 CPC and the Supreme Court's decision in High Court of Judicature at Madras v. M.C. Subramaniam, (2021) 3 SCC 560, directed the Registry to refund the full court fee paid by the Petitioners, subject to the usual procedural requirements and deductions, if any.

Ratio

Where parties to rectification proceedings under Sections 57 and 125 of the Trade Marks Act settle their disputes through Court-referred mediation, and the settlement contemplates withdrawal of the pending rectification petitions, the High Court may dismiss the petitions as withdrawn on the petitioners' memo, particularly where, as here, the petitions are only at the stage of pleadings. The connected applications are closed as a consequence and no costs are awarded.

A petitioner who withdraws a petition pursuant to a settlement reached through Court-referred mediation is entitled to a refund of the full court fee paid, under Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955, read with Section 89 CPC and the principle laid down in M.C. Subramaniam, subject to the usual procedural requirements and deductions, if any.

A dismissal as withdrawn on settlement is not an adjudication of the merits of the challenge to the registrations. The orders themselves neither remove nor cancel any of the six registrations, and the settlement terms, which govern the parties' rights, are not reproduced in them.

Issues Framed by the Court

1. Whether the six Original Petitions seeking rectification of the Register of Trade Marks could be dismissed as withdrawn on the memos filed by the Petitioners following a settlement reached through Court-referred mediation at the Delhi High Court Mediation and Conciliation Centre?
2. Whether any order as to costs, or any direction on the connected applications, was called for on such withdrawal?
3. Whether the Petitioners were entitled to a refund of the full court fee paid under Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955, read with Section 89 CPC?

Points to be considered

- The Petitioners filed memos seeking withdrawal of each Original Petition, stating that the dispute had been amicably settled between the parties through Court-referred mediation before the Delhi High Court Mediation and Conciliation Centre. The settlement also contemplates withdrawal of the rectification proceedings pending before the Madras High Court. The orders record that the petitions were at the stage of pleadings.

- OP(TM) No. 42 of 2026, which is the lead matter in the set, was listed in the additional list under the caption "For filing Withdrawal Memo" at the request of the Petitioners' counsel, since the connected matters, which are similar in nature, had already been dismissed as withdrawn. The Petitioners were represented by S.T. Raja (for Sashinyaa Ramesh), and the Registrar of Trade Marks by Sushma, Senior Panel Counsel.

- In each petition the Court dismissed the Original Petition as withdrawn, awarded no costs and closed any connected application. The Court did not examine whether the registrations were liable to be removed.

- The Court directed the Registry to refund the full court fee paid by the Petitioners, subject to the usual procedural requirements and deductions, if any, relying on Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955, Section 89 CPC and M.C. Subramaniam. The order does not state the amount of court fee paid.

- The orders do not reproduce the settlement terms or say what is to happen to the six registrations or to the use of the marks, so the settlement agreement itself must be consulted to know the effect on the marks. The order also does not explain how the dispute came before the Delhi mediation centre.

13. SH. SHASHI BHUSHAN & ORS. vs. STATE OF DELHI & ORS.[31]

Citation: CRL.M.C. 7191/2026 | Crl.M.A. 30072/2026

Court: Delhi High Court

Bench: HON'BLE MR. JUSTICE SACHIN DATTA

Date of Judgement/ Order: September 25, 2026

Keywords: Quashing of FIR, compromise, non-compoundable offences, counterfeiting.

Facts

Ten petitioners, led by Mr. Shashi Bhushan, asked the Court to quash FIR No. 0896/2022 registered at P.S. Sadar Bazar under Section 63 of the Copyright Act, 1957 and Sections 103 and 104 of the Trade Marks Act, 1999. The FIR was lodged on the complaint of Respondents 2 and 3, who own certain trademarks and artistic works, alleging that the petitioners were stocking and selling unlicensed products that were counterfeit and carried infringing marks. A chargesheet was filed on 15.07.2024.

The parties then settled. A compromise deed dated 27.07.2026 was signed by the petitioners and by the authorised representatives of Respondents 2 and 3, who acted under a special power of attorney (Annexure P1) and were present in Court when the matter was heard.

Provisions

Sections 103 and 104 of the Trade Marks Act, 1999.

Judgement

The Court quashed the FIR and all proceedings arising from it. It accepted that the offences are non-compoundable, but said that in substance they are *"offences against the rights of the proprietor of the intellectual property"*, who is the person aggrieved. The dispute, it said, has a *"commercial / civil flavor"* of the kind covered by *Gian Singh v. State of Punjab* ((2012) 10 SCC

[31] SH. SHASHI BHUSHAN & ORS. vs. STATE OF DELHI & ORS.

303). With the rights holders themselves party to the compromise, the Court saw *"no impediment in quashing the FIR"*.

The parties were directed to stay bound by the terms of the compromise deed of 27.07.2026. The petition and the pending application were disposed of.

Ratio

Offences under Section 63 of the Copyright Act and Sections 103 and 104 of the Trade Marks Act are non-compoundable, but they are in substance wrongs against the owner of the intellectual property and are essentially commercial or civil in character. Where the owners settle with the accused, a High Court can quash the FIR and the proceedings that follow, on the principles in *Gian Singh*, even though a chargesheet has already been filed.

Issues Framed by the Court

- Whether an FIR for non-compoundable offences under the Copyright Act and the Trade Marks Act, in which a chargesheet had been filed, could be quashed on the basis of a compromise between the accused and the rights holders?
- Whether the compromise deed, signed on behalf of Respondents 2 and 3 by authorised representatives under a special power of attorney, could be relied on for that purpose?

Points to be considered

The order is short. It does not set out the terms of the compromise deed, name the trademarks or artistic works involved, or say anything on whether the counterfeiting allegations were true. The Court relied on the authorised representatives having been present in Court and having signed under a special power of attorney. It also does not record any stand taken by the State, although police officers were present, and it attaches no costs or conditions to the quashing. The reasoning rests on *Gian Singh* and the commercial nature of the dispute, so the order should not be read as saying that every offence under these Acts can be quashed in every case.

14. RPG ENTERPRISES LIMITED vs. THE REGISTRAR OF TRADEMARKS & ORS.[32]

Citation: (T)OP(TM) No. 482 of 2023

[32] RPG ENTERPRISES LIMITED vs. THE REGISTRAR OF TRADEMARKS & ORS.

Court: Madras High Court

Bench: HON'BLE MR. JUSTICE K. KUMARESH BABU

Date of Judgement/ Order: September 28, 2026

Keywords

Rectification,, acquiescence,, delay, well-known mark

Facts

RPG Enterprises Limited filed a petition under Section 57 of the Trade Marks Act, 1999 to remove the device mark “RPG MARBLE PVT. LTD.”, registered in Class 42 under No. 1474334 (application dated 28.07.2006) in the name of RPG Marble Pvt. Ltd., whose directors are Respondents 3 to 6. RPG Enterprises said it has used RPG since 1979, that the mark is well known (the Registry added it to the list of well-known marks through Trade Marks Journal No. 2106 dated 29.05.2023), and that the impugned mark copies RPG as its dominant part. It also argued that marble and granite belong in Class 19 and not Class 42, and that the registration offended Sections 11(1), 11(2) and 11(10).

RPG Marble answered that it has traded under that corporate name since 2000, with use from 07.04.2000, and that RPG was coined from the initials of its directors. It pointed out that the petitioner’s registrations are only in Classes 5, 9, 12, 16 and 30, that the petitioner’s earliest application (Class 12) was filed on a proposed-to-be-used basis on 08.04.1999, and that well-known status cannot work backwards. Its main defence was Section 33. It said the petitioner had sent a legal notice on 13.02.2002 through Mulla & Mulla and Craigie, Blunt & Caroe, and then waited about fifteen years to act in 2017. The petitioner denied that any such notice was sent and said it learnt of the respondent only in 2017. The Court had framed eight issues on 26.04.2024. The petitioner examined its authorised signatory as PW1 (Exs.P1 to P18), and the respondents marked Exs.R1 to R3 through cross-examination.

Provisions

Sections 57 and 33 of the Trade Marks Act, 1999.

Judgement

The Court dismissed the petition without costs. It took up Issue (v), on waiver, delay, laches and acquiescence, first, since the answer would settle the matter. PW1 had claimed not to know of any 2002 notice or the law firm behind it. But he accepted that Ex.R2, the 2016–17 annual report of the petitioner's subsidiary, names that firm as legal advisor, and when confronted he said only that it *"might be right"*. The Court called this evasive and inconsistent with his earlier evidence, and held that, read with Ex.R2, it supported the respondents' case that the petitioner knew of the impugned mark long before 2017.

Applying the Supreme Court's explanation of acquiescence in *Union of India v. N. Murugesan* ((2022) 2 SCC 25), where acquiescence is passive acceptance that presupposes knowledge, the Court found that the petitioner knew of the use as early as 2002 and moved only in 2017. That prolonged inaction, it held, *"constitutes acquiescence on the part of the Petitioner"*, so that the petition was hit by Section 33 and Issue (v) went against the petitioner. Having reached that finding, the Court said the remaining issues *"need not be deliberated upon in detail"*.

Ratio

A person seeking rectification under Section 57 who knew of the registrant's use of the mark for years and did nothing is taken to have acquiesced, and the petition is barred under Section 33. The Court held that nearly fifteen years of inaction was enough, and it did not go into the merits.

Knowledge can be shown through the petitioner's own documents and cross-examination. An evasive answer from the petitioner's witness, set against its group company's annual report, was accepted as proof of prior knowledge.

Issues Framed by the Court

- Whether RPG Marble's Class 42 registration No. 1474334 is liable to be removed under Section 57 as wrongly remaining on the Register?
- Whether RPG Marble adopted its mark fraudulently and dishonestly, and whether the petitioner's marks were known and prevalent at the time of adoption?
- Whether the petitioner is a 'person aggrieved' under Section 57?
- Whether the petition is hit by waiver, delay, laches and acquiescence?
- Whether the well-known status of the petitioner's mark has retrospective effect on the respondent's mark?

- Whether the petitioner is entitled to the relief sought or any other relief?

Points to be considered

The case was decided on one issue alone. The Court gave no finding on well-known status, the Class 42 classification point, deceptive similarity, dishonest adoption or the 'person aggrieved' question, so none of them should be read as decided either way. The finding on knowledge rests on PW1's answers read with Ex.R2, and the judgment does not mention whether the 2002 notice itself was produced. Nor does it discuss the petitioner's argument that delay does not defeat rights where adoption was dishonest, or the Delhi authorities cited for it. The Bengaluru suit (O.S. No. 805 of 2018), dismissed for non-prosecution with a restoration petition pending, was recorded only as the respondents' submission. The numbering also jumps from paragraph 38 to 40 in the order.

15. SATHISH HONNOHALLI vs. HINDUSTAN UNILEVER LIMITED & ANR.[33]

Citation: O.S.A.(CAD) No. SR 105903 of 2026 and C.M.P. No. 16722 of 2026

Court: Madras High Court

Bench: HON'BLE MR. JUSTICE P. VELMURUGAN and HON'BLE MR. JUSTICE G.K. MUTHUKUMAAR

Date of Judgement/ Order: September 3, 2026

Keywords

Disobedience injunction, attachment and civil prison, condonation of delay,, appeal rejected

Facts

Hindustan Unilever Limited sued Sathish Honnohalli, proprietor of New Hindustan Petro Chemicals, Gadag, in C.S. No. 427 of 2015 for trademark infringement and obtained an interim injunction against him. It later filed A. No. 1861 of 2025 (in O.A. No. 489 of 2020) alleging that the injunction had been disobeyed. By order dated 26.11.2025, the learned Single Judge allowed that application and ordered attachment of property and civil prison for three months. The appellant then applied for a copy and sought a clarification, which the Single Judge gave by order dated 13.03.2026.

[33] SATHISH HONNOHALLI vs. HINDUSTAN UNILEVER LIMITED & ANR.

The appellant filed an Original Side Appeal under Order 36 Rule 9 of the Original Side Rules, read with Clause 15 of the Letters Patent and Section 13(1) of the Commercial Courts Act, against both orders, along with C.M.P. No. 16722 of 2026 to condone a delay of 48 days. His explanation was that he applied again for a copy of the clarification order and could not get it, so the delay was neither wilful nor wanton. Hindustan Unilever argued that the real delay was longer than 48 days if counted from the date the order was uploaded, that the appellant had ignored the injunction from the day it was granted, and that the Single Judge rightly ordered attachment and civil prison. Roopa Industries, the second respondent, did not appear.

Provisions

Section 5 of the Limitation Act; Order 36 Rule 9 of the Madras High Court Original Side Rules, Clause 15 of the Letters Patent and Section 13(1) of the Commercial Courts Act.

Judgement

The Division Bench dismissed the condonation petition and, with it, the appeal. The Court began with the settled position that a party seeking condonation must account for every day of delay, from the day limitation begins to the day of filing, with *"sufficient and acceptable reason"*. The only reason offered here was that the appellant waited for the clarification order.

The Court did not accept that. The attachment and civil imprisonment had been ordered in the main order of 26.11.2025 itself, and the appellant was challenging that order too, not just the clarification. On top of this, he had not filed a certified copy of the order under challenge. The Bench found the reason *"not at all acceptable"* and declined to condone the delay. The appeal was accordingly *"rejected at the SR stage itself"*, with no costs.

Ratio

A litigant seeking condonation of delay under Section 5 must explain the whole period, day by day. Waiting for a clarification order is not sufficient cause when the appeal also challenges the earlier order that already imposed the punishment.

Where delay is not condoned, the appeal fails at the numbering stage itself, without any look at the merits of the order under challenge, here an order of attachment and three months' civil prison for disobeying an injunction in a trademark suit.

Issues Framed by the Court

- Whether the explanation given, that the appellant was waiting for the Single Judge's clarification order and a copy of it, amounted to sufficient cause for the 48-day delay under Section 5 of the Limitation Act?
- Whether, on that footing, the appeal against the order of 26.11.2025 (as clarified on 13.03.2026) could be entertained?

Points to be considered

The ruling turns entirely on delay. The Bench did not look into whether the injunction was in fact disobeyed, and did not test the attachment and civil prison order on its merits. The order does not give the dates behind the 48-day count, and it leaves open the respondent's argument that the delay is longer if counted from the upload of the order. It also does not name the mark in dispute or describe the injunction. The Court noted the missing certified copy as a further defect, but placed the weight on the explanation for the delay. The Court speaks of the clarification order as one that clarified the earlier order, without recording what was clarified. The report therefore says nothing on that.

16. RAMESH MARDIA vs. INTELLECTUAL PROPERTY APPELLATE BOARD & ORS.[34]

Citation: W.P. No. 5886 of 2017 and W.M.P. Nos. 6310 of 2017, 14272 of 2019 & 8213 of 2023

Court: Madras High Court

Bench: HON'BLE MR. JUSTICE P. VELMURUGAN and HON'BLE MR. JUSTICE G.K. MUTHUKUMAAR

Date of Judgement/ Order: September 09, 2026

Keywords

Writ certiorari, rectification, assignment deed, re-assignment deed, forgery dispute, pending civil suits

Facts

Ramesh Mardia, trading as M/s. Mardia Cables, challenged by writ petition under Article 226 of the Constitution the order dated 11.11.2011 passed by the Intellectual Property Appellate Board

[34] RAMESH MARDIA vs. INTELLECTUAL PROPERTY APPELLATE BOARD & ORS.

in ORA/91/2005/TM/CH. That order allowed a rectification application filed by M/s. Koxan India (the third respondent) concerning Trade Mark No. 1161248, Mardia Cables. The Board relied on an Assignment Deed dated 01.03.2002 between the petitioner and Koxan India.

The petitioner's case was that the 2002 Assignment Deed had been superseded by a Re-Assignment Deed dated 13.05.2005, and that the Board decided the matter without considering it. He added that Koxan India had filed C.S.(OS) No. 328 of 2006 claiming proprietorship of Mardia Cables without mentioning the Re-Assignment Deed, and that once he disclosed it, Koxan India called it forged. The petitioner filed his own suit, C.S.(OS) No. 1352 of 2006. Both suits are still pending, and the genuineness of the Re-Assignment Deed is the question in them.

Provisions

Article 226 of the Constitution of India and Trademark Act 1999.

Judgment

The Division Bench dismissed the writ petition. After setting out the Board's reliance on the 2002 Assignment Deed, the petitioner's plea that the 2005 Re-Assignment Deed had replaced it, and the two pending suits on the genuineness of that deed, the Court said briefly that *"we do not find any infirmity in the order passed by the first respondent"*. The connected miscellaneous petition was closed and there was no order as to costs.

The Court did not shut the door on the parties. They were left free to work out their remedy in the manner known to law before the Delhi High Court, where the issue is pending, and were told to argue their rights there *"without influencing any of the observations made by this Court"* in the writ petition.

Ratio

Where the real dispute is whether a Re-Assignment Deed is genuine, and that question is already before a civil court in pending suits between the same parties, a writ court will not interfere under Article 226 with a Board order that rested on the earlier Assignment Deed. The parties are left to pursue the issue in the pending proceedings.

Issues Framed by the Court

- Whether the Board's order of 11.11.2011, passed on the 2002 Assignment Deed without considering the 2005 Re-Assignment Deed, called for interference by writ of certiorari?

- What course should be open to the parties, given that the genuineness of the Re-Assignment Deed is under challenge in pending suits?

Points to be considered

The order is short and gives no finding on whether the Re-Assignment Deed is genuine. That is left entirely to the pending suits. It also does not explain in detail why the Board's reliance on the 2002 deed, without looking at the 2005 one, was not treated as a ground for interference. The Issues above are therefore drawn from the parties' contentions rather than from any formal framing by the Court. The Court expressly kept its own observations from influencing the other proceedings. The petition was filed in 2017 against a 2011 order and was decided on 09.09.2026.

17. BLOSSOM GLOBAL TRUST & ANR. vs. AUGUSTINE EDUCATIONAL AND CHARITABLE TRUST[35]

Citation: A. No. 3544 of 2026

Court: Madras High Court

Date of Judgement/ Order: September 7, 2026

Bench: HON'BLE DR. JUSTICE A.D. MARIA CLETE

Keywords

Trademark Infringement, Passing Off, Territorial Jurisdiction, Purposeful Availment, Forum Conveniens

Facts

The Applicants are Blossom Global Trust, a charitable trust running Preethi College of Nursing, and Preethi Hospitals Private Limited, both based in Madurai and stated to function under common management. The second Applicant claims to have used the mark PREETHI HOSPITALS and to be the registered proprietor of the word mark, covering hospital, healthcare, educational and training services. The Respondent, Augustine Educational and Charitable Trust, runs the S. PREETHI GROUP OF COLLEGES at Arasanoor, Sivagangai District, offering B.Ed., M.Ed. and D.El.Ed. courses, and is said to propose a nursing college under the name S. PREETHI NURSING COLLEGE.

[35] BLOSSOM GLOBAL TRUST & ANR. vs. AUGUSTINE EDUCATIONAL AND CHARITABLE TRUST

The Applicants sought leave under Clause 12 of the Letters Patent to file a commercial suit in the Madras High Court for infringement of the registered mark, passing off and consequential reliefs, including permanent injunctions, accounts, delivery up, removal of material from physical and digital platforms, damages, and costs. As the Respondent is outside the limits of the Court's Ordinary Original Civil Jurisdiction (Chennai), they relied on four circumstances to show that a part of the cause of action arose in Chennai: registration of the marks through the Trade Marks Registry at Chennai, their dealings with regulatory authorities in Chennai, the students, patients and recruitment links they have in Chennai, and the accessibility in Chennai of the Respondent's websites (www.aeact.org and spreethinursingcollege.com), said to invite applications and enquiries.

Provisions

Clause 12 of the Letters Patent (Madras High Court); Sections 28, 29, 134 (including Section 134(2)) of the Trade Marks Act, 1999; Sections 15 to 24 (including Section 20) and Order VII Rule 1(e) of the Code of Civil Procedure, 1908.

Judgment

The Madras High Court dismissed the application for leave, with no order as to costs, and directed the Registry to return the plaint. It held that no part of the cause of action had arisen within the local limits of its Ordinary Original Civil Jurisdiction, so the condition on which the power to grant leave under Clause 12 depends was not satisfied and no question of discretion arose. In the alternative, it held that even if a part of the cause of action had arisen there, it would have declined leave because the balance of convenience lay against Chennai, the natural centre of the dispute being Madurai and Sivagangai.

Ratio

Leave under Clause 12 of the Letters Patent involves two connected but distinct questions: first, whether a part of the cause of action is shown within the Court's local limits, and second, whether leave should be granted on the facts. The power to grant leave arises only if the first condition is met. If no part of the cause of action has arisen within the limits, no question of discretion arises, as discretion follows the jurisdictional fact and is not a substitute for it.

Following Church of Christ Charitable Trust and Educational Charitable Society v. Ponniamman Educational Trust, (2012) 8 SCC 706, the cause of action consists only of the facts the plaintiff must prove to obtain a decree, and it must include some act done by the defendant. A registered

mark gives rights across India, but the right is everywhere while the infringement is somewhere: infringement under Section 29 is use in the course of trade by a person at a place. Registration of the mark through the Chennai Registry goes to the plaintiff's title to sue and not to the defendant's wrong. The plaintiff's own discovery of the infringement is not part of the cause of action. The plea that the cause of action arises de die in diem is a rule about time (limitation), not place.

Mere accessibility of the defendant's website in the forum is not sufficient in every case. Following Banyan Tree Holding (P) Ltd. v. A. Murali Krishna Reddy, there must be material showing that the defendant specifically targeted persons in the forum, or entered into a real transaction, enquiry or admission process with a person there, and that the plaintiff suffered injury there as a result. A plaintiff that pleads that the website is accessible across India cannot treat the same fact as deliberate targeting of one city. Where the plaintiff's own printouts do not bear out its averments about the website, the Court may read them and need not accept a legal conclusion drawn from facts that do not support it.

The tests of minimum contacts, purposeful availment, the Zippo sliding scale and the effects test come from United States decisions under the Due Process Clause. In India they are only aids to reading Section 20 CPC and Clause 12 where the only act of the defendant is an internet act with no ascertainable place. They are not a separate source of jurisdiction, and they operate as a restraint on a court's assuming jurisdiction merely because a website can be opened in its area.

Section 134(2) of the Trade Marks Act and the rule in Wipro Ltd. v. Oushadha Chandrika Ayurvedic India (P) Ltd. (that leave is not needed where the plaintiff resides or carries on business within the Court's jurisdiction) do not help a plaintiff that carries on business wholly elsewhere. Following Sanjay Dalia, the additional forum under Section 134(2) was meant for the plaintiff's convenience and not to allow it to choose a distant forum with no real connection with the dispute.

Forum conveniens is a doctrine borrowed from private international law and does not govern the choice between courts within India, where the Code of Civil Procedure provides the machinery (Sections 15 to 24). It operates only where a court has jurisdiction but declines to exercise it, and a court with no jurisdiction cannot decline a jurisdiction it does not have. Clause 12 separately gives a discretion to refuse leave on the balance of convenience, even without bad faith or abuse of process, where the balance is definitely in favour of the defendant (Madanlal Jalan, as adopted in Sulphur Mills and Reckitt Benckiser).

Issues Framed by the Court

1. Whether a part of the cause of action for infringement and passing off had arisen within the local limits of the Ordinary Original Civil Jurisdiction of the Madras High Court, so as to attract the power to grant leave under Clause 12 of the Letters Patent?
2. Whether registration of the marks at the Trade Marks Registry in Chennai, the Applicants' regulatory, student, patient and recruitment connections with Chennai, and the accessibility of the Respondent's websites in Chennai supplied such a connection?
3. Whether the Applicants, both based in Madurai, could rely on Section 134(2) of the Trade Marks Act and on the principle in Wipro to avoid the need for leave or to found jurisdiction in Chennai?
4. Whether, in the alternative, leave should be granted in the exercise of the Court's discretion on the principles of forum conveniens and balance of convenience?

Points to be considered

This ruling decides only whether the Madras High Court has territorial jurisdiction. The Court did not decide the infringement or passing-off claims. It held that nothing in the plaint, the verification, the affidavit or the printouts of the Respondent's websites linked the Respondent's conduct to Chennai. In paragraph 19, the only act of the Respondent with a place is at Arasanoor, Sivagangai District. The other limbs are the Applicants' own acts at Madurai, and the word "Chennai" does not appear in the paragraph. There was no pleading of any application, enquiry, payment or actual confusion in Chennai. The Applicants' own documents were prepared at Madurai. The Respondent's two websites carry only a general enquiry form, or unfinished placeholder content with a "COMING SOON" notice, and neither mentions Chennai. The Applicants' dealings with Chennai-based authorities, and their students and hospital links, describe what the Applicants do and not any act of the Respondent. The Court held these cannot give a cause of action against the Respondent in Chennai. It distinguished the cases cited on the ground that the facts there showed a real connection with the forum, such as a website with an application form and applications actually received from the forum. It treated Hindustan Unilever Limited v. S. Shanthi (Division Bench) as the closest case, since the plaint there was returned for lack of a real connection with Chennai. The plaintiff's choice of forum is protected only where the court has authority to receive the action. The leave application was heard before notice, so the Respondent did not appear. The Registry was directed to return the plaint so the Applicants can approach the court with jurisdiction, which the Court indicated would be the courts at Madurai or Sivagangai.

18. AMAAN AHMAD vs. SHAKIL AHMAD AND OTHERS[36]

[36] AMAAN AHMAD vs. SHAKIL AHMAD AND OTHERS

Citation: Transfer Application (Civil) No. 176 of 2026

Court: Allahabad High Court;bench LUCKNOW

Bench: HON'BLE SAURABH LAVANIA, J.

Date of Judgement/Order: September 14, 2026

Keywords

Transfer of suit, reasonable apprehension of bias, GLOBE trademark dispute, interim injunction,, forum shopping

Facts

The dispute is a family quarrel over the name GLOBE. According to the Applicant, Amaan Ahmad, his great-grandfather, Late Mr. Ramzan Ali, began with a modest tea and snacks stall opposite Naka Police Station, Lucknow. Around 1968-69 he took a shop on rent at Masjid Chauraha, Ghasiyari Mandi, which was named GLOBE after the well-known Globe Park of the city. Other branches of the family later opened outlets under the same name. The Applicant's father ran a tea and bakery outlet called GLOBE HOTEL at Badshah Nagar Railway Station from about 1999 until 2018, and the Applicant now runs GLOBE CAFE.

Opposite Parties 1 and 2 (cousins of the Applicant's father) and Opposite Party 3 (his brother-in-law) sued the Applicant and others for a permanent injunction under Sections 134 and 135 of the Trade Marks Act, 1999, in Original Suit No. 154 of 2024 before the Commercial Court No. 2, Lucknow. The Applicant says Opposite Party 3 got the mark registered in his own name by hiding facts from the rest of the family, and that he has challenged that registration before the Trade Marks Registry. In the suit, his application under Order VII Rule 11 CPC for rejection of the plaint was still pending, yet the court was hearing the plaintiffs' interim injunction application. He also alleged that the Presiding Officer told the plaintiffs' counsel in open court that he would be granting *"the reliefs which he will be giving while deciding the temporary injunction application"*, which in his view showed a closed mind. On these grounds he asked for the proceedings to be transferred.

Provisions

Sections 134 and 135 of the Trade Marks Act, 1999; Order VII Rule 11 and Sections 24 and 25 of the Code of Civil Procedure, 1908; Sections 406, 407 and 408 of the Code of Criminal Procedure and Article 21 of the Constitution.

Judgment

The Court dismissed the transfer application with no order as to costs. After going through the Supreme Court and High Court decisions on transfer, it held that *"the allegations against the Presiding Officer are vague, bald and without any foundation."*

The Court started from the settled position in *Gurcharan Das Chadha v. State of Rajasthan* (1966): a case may be transferred where a party has a reasonable apprehension that justice will not be done, but the apprehension must also appear reasonable to the Court. Justice must be seen to be done, yet *"a mere allegation that there is apprehension that justice will not be done in a given case does not suffice."* The Court also referred to *Afjal Ali Sha v. State of West Bengal* (2023) and the factors listed in *Nahar Singh Yadav v. Union of India* (2011), and stressed that transfer is an exceptional power, not a matter of routine.

On the alleged remark in open court, the Court said a Judge is not expected to stay silent during a hearing: *"A sphinx like attitude is not expected from a Presiding Officer."* A comment made while trying to clarify issues should not be mistaken for a decision, and a *"judicial order made by a Judge legitimately cannot be made foundation for a transfer of case."* The Court also recalled the Supreme Court's warning in *Chetak Construction v. Om Prakash* (1998) that every attempt at forum-shopping "must be crushed with a heavy hand", and the Allahabad High Court's view in *Rohit Yadav v. State of U.P.* (2016) that transfer applications meant only to cause delay deserve to be turned down. It made no finding that the Applicant was forum-shopping.

Ratio

A party seeking transfer on the ground of bias must place material before the Court showing that the apprehension is bona fide and reasonable. A bare allegation, however sincerely felt, is not enough: *"It cannot be taken as granted that mere allegation would be sufficient to justify transfer."*

An observation made by a Judge during hearing, in the course of discussing the issues, is not to be read as pre-judgment of the case and does not by itself justify transfer.

The power to transfer is to be used cautiously and only in exceptional situations where the apprehension of miscarriage of justice is *"real and substantial"*, not on imagined or conjectural grounds.

Issues Framed by the court

- Whether the alleged remark of the Presiding Officer in open court, and the hearing of the interim injunction application while the Order VII Rule 11 application was pending, gave the Applicant a reasonable apprehension of bias sufficient to transfer the suit?
- Whether the allegations were backed by enough material to meet the test for transfer laid down by the Supreme Court?

Points to be considered

The order does not touch on the merits of the GLOBE dispute: who owns the mark, who used it first, and whether the registration is valid remains for the Commercial Court and the Trade Marks Registry. The dismissal says nothing in favour of the plaintiffs' claim.

With the Court's reasoning, a complaint about the order in which a trial court takes up its applications, such as an Order VII Rule 11 application and an interim injunction application in a Section 134 suit, is a thin basis for transfer. This is an inference from the order, not an express holding. The Court also did not frame issues in so many words; the two issues above are drawn from its reasoning.

The order carries a drafting inconsistency worth noting before it is cited. The prayer as extracted, and paragraph 4, speak of a criminal case (Case No. 3766 of 2025) at Barabanki, and much of the case law discussed is under the Code of Criminal Procedure, whereas the grounds concern the commercial suit at Lucknow. The suit number is also given once as 1504 of 2024. The certified copy should be checked.

19. M/s. HITEK FINE CHEMICALS PRIVATE LIMITED vs. M/S. PANKAJ CHEMIE INDUSTRIES[37]

Citation: Com.O.S. No. 1765/2025

Court: Bengaluru Commercial Court

Bench: SRI JITHENDRANATH

Date of Judgment/Order: September 28, 2026

Keywords

[37] HITEK FINE CHEMICALS PRIVATE LIMITED vs. M/S. PANKAJ CHEMIE INDUSTRIES

Trademark infringement, passing off, WONDER, deceptive similarity, ex parte evidence, rendition of accounts, damages

Facts

Hitek Fine Chemicals Pvt. Ltd., a Bengaluru company set up in 1987, makes chemicals for cleaning, polishing and structural enhancement of natural and synthetic stones, and sells across India through distributors. It holds registrations for WONDER (No. 4355121, valid to 22.11.2029), MARBEL WONDER (No. 1869837, valid to 06.10.2029), and WHITE WONDER and WONDER ENHANCER in word and stylised forms (Nos. 3343875, 3343877, 3343880 and 3343881, shown as valid up to 23.08.2026).

The plaintiff first came across a product sold as "WONDER Epoxy Grout" on an IndiaMART listing by Bansal Hardware Store. Its proprietor, Sri Roshan Lal, swore an affidavit that he was only a retailer who had bought the goods through one Rajat Goyal, who in turn had got them from the defendant, M/s. Pankaj Chemie Industries of Rohtak, Haryana (branch office at Anand, Gujarat). The plaintiff sued on 17.12.2025 for injunctions against infringement and passing off, rendition of accounts and unquantified damages.

The defendant entered appearance, but after one extension under Section 148 CPC it did not file a written statement by the last date, 12.06.2026. The 120-day period had run out, so the Court allowed no more time. The plaintiff led evidence through its Authorised Representative, Sri Ananth Ram Singh (PW1, Ex.P.1 to P.14). The defendant did not cross-examine him or argue.

Provisions

Trade Marks Act, 1999; Section 148 and Order XX Rule 1 of the Code of Civil Procedure, 1908; Section 16 of the Commercial Courts Act, 2015; Section 63(4)(c) of the Bharatiya Sakshya Adhiniyam, 2023.

Judgment

The suit was decreed with costs. The Court accepted the registration certificates (Ex.P.3 to P.8) as proof that Hitek is the registered proprietor of the marks. It treated Roshan Lal's affidavit (Ex.P.9), the GST portal screenshot of the defendant's address (Ex.P.12) and the product printouts (Ex.P.13) as enough to show that Pankaj Chemie is the source of the "WONDER Epoxy Grout" goods. On similarity, the Court said simply that *"the impugned mark adopted by the defendant is identical*

with and deceptively similar to the plaintiff's registered mark." Since the plaintiff owns the word mark WONDER, the defendant had no right to use it or anything close to it.

The silence of the defendant counted against it. The Court noted that PW1's evidence stood unrebutted and reasoned that *"the silence of the defendant gives rise a presumption that the defendant has no defense in the present case"* [sic]. From the defendant's use of the plaintiff's mark, the Court also presumed passing off, which opened both the statutory and the common-law remedy.

The court commissioner's report showed dealings of roughly Rs.80,00,000/-, with invoices and photographs collected from the defendant. The Court accepted that these papers may not capture every sale, but held them *"enough to infer that the defendant is infringing the trademark rights of the plaintiff and also passing off its goods"*. The decree restrains infringement and passing off, orders delivery-up of infringing goods, packaging and promotional material, declares the plaintiff entitled to damages, and directs accounts of profits, after which the plaintiff may start final decree proceedings to quantify damages using the commissioner's report.

Ratio

A registered proprietor who proves its registrations and the defendant's use of an identical mark on its goods is entitled to a decree against infringement. A defendant that has not filed a written statement, and has not cross-examined or contested, leaves that evidence unrebutted and cannot resist the decree.

Use of the registered mark by a defendant on its own goods supports an inference of passing off, so the plaintiff gets relief under the Trade Marks Act and under common law together.

Commissioner's material that does not capture the defendant's whole business can still justify an order for rendition of accounts, with damages to be quantified in final decree proceedings.

Issues Framed by the Court

- Whether the plaintiff proves that it is the registered proprietor of the suit trademarks and that the defendant has infringed them and passed off its products under the plaintiff's mark.
- Whether the plaintiff is entitled to the reliefs sought.
- What order or decree? The first two were answered in the affirmative.

Points to be considered

The ruling rests mainly on the defendant's default. The judgment is short on comparing the marks and the goods side by side (WONDER for stone-care chemicals against "WONDER Epoxy Grout"), so its value as authority on deceptive similarity is limited. Damages are only declared, not quantified; the Rs. 80,00,000/- figure is a measure of dealings seen by the commissioner, not a finding of profit.

Details worth checking against the certified copy before citing: the cause title describes the suit as one for "infringing of copyrights", though it is a trademark suit; the WHITE WONDER and WONDER ENHANCER registrations are shown as valid only up to 23.08.2026, before the date of judgment, and renewal is not discussed; the Board Resolution (Ex.P.1) is dated 08.08.2026, well after the suit was filed on 17.12.2025; and the plaintiff's second mark is spelt MARBEL in the table but MARBLE WONDER in the operative text.

20. M/S KALE KHAN MOH'D HANIF AND ANR. vs. M/S KALE KHAN AND ORS.[38]

Citation: First Appeal No. 115 of 2004

Court: Madhya Pradesh High Court; Bench GWALIOR

Bench: HON'BLE SHRI JUSTICE ASHISH SHROTI

Date of Judgment/Order: September 16, 2026

Keywords

Passing off, unregistered trademark, Section 27(2), deceptive similarity, फोहारा छाप बीड़ी (Fohara Chhap bidi)

Facts

The dispute is between two branches of a partnership that once made bidis together. An earlier firm, M/s Kale Khan Mohd. Hanif, set up in 1966, sold bidis under the name "Fohara Chhap Bidi". The plaintiff firm, made up of every partner of that firm except defendant no. 2, was formed separately and registered with the Registrar of Firms in 1986 (Ex.P/1). Defendant no. 2 carried on with the old name, and customers began to mix the two products up.

[38] M/S KALE KHAN MOH'D HANIF AND ANR. vs. M/S KALE KHAN AND ORS.

To avoid the confusion, the plaintiff changed its design in 1994 and started selling "Special Fohara Chhap Bidi", which did well until 1998. The plaintiff alleged that the defendants then began selling "Special Super Fohara Chhap Bidi" with a name and design deceptively similar to its own, to ride on its goodwill. It sued for a permanent injunction. Defendants 1, 3 and 4 never filed a written statement. Defendant no. 2 filed one denying similarity, then stayed away, so no evidence came from the defence. The plaintiff examined three witnesses (PW-1 Baseem, PW-2 Harinarayan Chaurasiya and PW-3 Ajay Singh).

On 25.02.2004 the District Judge, Vidisha (Civil Suit No. 2-A/2000) decreed the suit: the defendants were restrained from selling their "Special Super Fohara" bidis in packaging, design, colour or name resembling the plaintiff's, were ordered to pay token damages of Rs.100/-, and were made to bear costs. Defendants 1 and 2 appealed.

Provisions

Section 27(1) and (2) of the Trade Marks Act, 1999; Section 27 of the Trade and Merchandise Marks Act, 1958 (repealed by Section 158 of the 1999 Act); Section 51 of the 1958 Act

Judgment

The appeal was dismissed and the trial court's decree upheld. The appellants pressed a single ground: that under Section 27 the plaintiff could not sue over an unregistered trademark, relying on *Himalaya Drug*. The Court agreed with the law but not with its application: *"the suit to prevent infringement of an unregistered trade mark is not maintainable."* The real question, it said, was whether this suit fell under Section 27(1) or Section 27(2).

The Court explained passing off in plain terms: *"a man is not to sell his own goods under the pretense that they are the goods of another man."* It then drew the line between the two sub-sections: *"where Section 27(1) provides a statutory remedy for infringement of registered trade mark, Section 27(2) of the Act provides for a common law remedy for passing off goods."* Reading the plaint, the Court noted that the plaintiff did not say the defendants were using its trademark or trade name. Its case was that the defendants had made their name and design deceptively similar to its own and were selling goods as if they were the plaintiff's. That is passing off, so the suit was covered by Section 27(2) and was maintainable. The respondents did not appear in the appeal.

Ratio

Section 27(1) bars a suit for infringement of an unregistered trademark, but Section 27(2) preserves the common law action for passing off. The bar therefore does not defeat a suit whose pleadings make out.

The nature of the suit is decided from the pleadings. A plaintiff who complains that the defendant has made its name and design deceptively similar, and is selling goods as the plaintiff's, sues for passing off even though the plaint asks only for an injunction.

Passing off protects the goodwill attached to unregistered marks. *Himalaya Drug*, where the plaintiff could not show it was the registered proprietor or a registered user and so could not sue for infringement, does not stand in the way.

Issues Framed by the court

- Whether Section 27 of the Trade Marks Act barred the plaintiff's suit for an injunction because its mark was unregistered?
- Whether the suit was one for infringement under Section 27(1) or for passing off under Section 27(2)?

Points to be considered

Because the appellants raised only the Section 27 objection, the Court did not re-examine the trial court's findings on goodwill or on how similar the two bidi names and designs are. Those findings stand, largely because the defence led no evidence. The Court also did not compare the marks itself.

Two details need checking against the certified copy before citing. The judgment records the suit as filed on 13.06.1986 and says the 1958 Act is therefore "not applicable", which sits oddly with a suit number of 2-A/2000 and with events in 1994 to 1998 described in the plaint; the Court then proceeds on Section 27 of the 1999 Act as being pari materia with the 1958 provision. Also, the Hindi product names have been rendered here in Roman script as "Fohara Chhap Bidi".

21. M/S V.V.V. & SONS EDIBLE OILS LIMITED vs. S. CHELLIAH CHETTIAR FIRM[39]

Citation: O.S.A.(CAD) Nos. 118 and 119 of 2023 with C.M.P. No. 20023 of 2023

Court: Madras High Court

[39] M/S V.V.V. & SONS EDIBLE OILS LIMITED vs. S. CHELLIAH CHETTIAR FIRM

Date of Judgment: September 11, 2026

Bench: HON'BLE MR. JUSTICE P. VELMURUGAN and HON'BLE MR. JUSTICE G.K. MUTHUKUMAAR (judgment delivered by P. Velmurugan J.)

Keywords

Rejection of plaint, IDHAYAM, export goods, suppression of facts, re-litigation, cause of action, restoration of suit

Facts

V.V.V. & Sons makes sesame oil under the brand IDHAYAM and has held a word mark registration in Class 29 since 15.10.1992. It sued S. Chelliah Chettiar Firm in C.S. No. 736 of 2019. It alleged that the defendant, an exporter of sweets and savouries, was affixing IDHAYAM on goods for the USA, infringing its mark even though the goods were for export and in a different class.

The defendant said it was only a contractor making goods for export on purchase orders from Meenakshi Overseas LLC. That company is the registered proprietor of "Idhayam South Indian Delite" in the USA and Canada, and it was not impleaded. The defendant also pointed out that the plaintiff's earlier suit against Meenakshi Overseas (C.S. No. 726 of 2017) was rejected on 01.02.2019, and that its attempt to cancel the US registration had failed.

On the defendant's application, the Single Judge rejected the plaint on 20.07.2021 under Order VII Rule 11 CPC. The Judge held that the plaintiff had suppressed the earlier proceedings, that the suit was re-litigation, and that no cause of action arose in India because the acts were confined to the USA. The plaintiff appealed.

Provisions

Trade Marks Act, 1999; Order VII Rule 11 CPC; Clause 15 of the Letters Patent; Order XXXVI Rule 9 of the Original Side Rules.

Judgment

The Division Bench allowed both appeals and set aside the order rejecting the plaint. It held that the rejection could not stand because, in an identical batch of appeals (O.S.A. No. 63 of 2019 and connected matters), the same Court had already set aside such rejections by order dated

05.06.2026. It had restored those suits for decision on merits, leaving all questions of fact and law open. The present appeals were substantially similar, so the plaintiff got the same benefit. The Court restored C.S. No. 736 of 2019 to file and directed the Single Judge to proceed in accordance with law.

The defendant said it was no longer making or marketing the goods and was willing to give an undertaking. The Court left the parties free to place that settlement or undertaking before the Single Judge. No costs were awarded.

Ratio

Where the Court has set aside plaint rejections in an identical batch of cases and restored the suits for trial, the same relief follows in substantially similar appeals. Suppression, re-litigation and cause of action are then left for the trial court to decide on the merits.

Issues Framed by the Court

No issues were framed. The question was whether the order rejecting the plaint could stand in view of the Court's earlier decision in the identical batch.

Points to be considered

The appeals were not heard with the earlier batch because service was pending. The appellant's argument that an Order VII Rule 11 application is decided only on the plaint averments was recorded but not separately decided.

22. NOVARTIS AG & ANR. vs. NOVOSYS LIFE SCIENCES PRIVATE LIMITED & ANR.[40]

Citation: CS(COMM) 404/2026 with C.O.(COMM.IPD-TM) 128/2026 and C.O.(COMM.IPD-TM) 129/2026

Court: Delhi High Court

Bench: HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

Date of Judgment: September 25, 2026

Keywords

[40] NOVARTIS AG & ANR. vs. NOVOSYS LIFE SCIENCES PRIVATE LIMITED & ANR.

Trademark infringement, passing off, pharmaceutical marks, well-known mark, undertaking on affidavit, decree on admissions, exhaustion of stock, rectification

Facts

Novartis AG and its Indian subsidiary sued Novosys Life Sciences (incorporated 19.02.2019, Chandigarh) for infringement, passing off, dilution and unfair competition. NOVARTIS is registered in Class 05 (No. 700020 dated 28.02.1996 and IRDI-3050272 dated 28.04.2015). It was also notified as a well-known mark in Trade Marks Journal No. 2144 dated 19.02.2024. The defendant sold pharmaceutical products under NOVOSYS and used it as its corporate name and domain name (novosyslifesciences.com). It held registrations 4279942 (Class 05) and 4279944 (Class 35) and applications 6775168 and 6775169. The plaintiffs also filed two rectification petitions against the two registrations.

At the first hearing on 17.04.2026 the defendant said it was willing to give up NOVOSYS and asked for seven to eight months to sell off existing stock. It then filed affidavits dated 25.04.2026 and 10.05.2026. It changed its corporate name to SYSOWN LIFE SCIENCES PRIVATE LIMITED, took down the domain name, and began withdrawing its registrations and applications. The plaintiffs said their main grievance was met and that they would not press damages if the suit was decreed.

Provisions

Trade Marks Act, 1999; Order XXIII Rule 3 CPC; Order XII Rule 6 CPC.

Judgment

The Court decreed the suit in terms of paragraphs 51(i) to 51(v) of the plaint. These cover the injunctions against use of NOVOSYS and similar marks, withdrawal of the applications and cancellation of the registrations, change of the company name, and cancellation of the domain name. The defendant's affidavits form part of the decree and bind it as an injunction would.

The Court allowed the defendant three months from the date of judgment to sell off existing stock, not the eight months it had asked for. It gave this shorter period because the goods are medicines and confusion between medicines carries higher risk. The Registrar of Trade Marks was directed to cancel registrations 4279944, 4279942 and 5760118, and to treat applications 6775168 and 6775169 as withdrawn. No damages or costs were awarded. Both rectification petitions were disposed of as academic, since their relief was already granted in the suit. The plaintiffs were given

liberty to approach online intermediaries directly about third-party listings of NOVOSYS products.

Ratio

- Where a defendant's sworn affidavits give up the mark and meet the plaintiff's substantial claim, the Court can decree the suit under Order XXIII Rule 3 CPC and on clear admissions under Order XII Rule 6 CPC, even without a written compromise.
- An undertaking given on affidavit and accepted by the Court binds the party like an injunction, and a consent decree has the same force as a decree after trial.
- In pharmaceutical cases the Court applies a stricter standard on confusion, which justified a short stock exhaustion period.
- Rectification petitions become academic when the connected suit is decreed with a direction to the Registrar to cancel the same registrations.

Issues Framed by the Court

The questions addressed were whether the suit could be decreed on the defendant's affidavits without a written compromise, what period should be allowed for exhausting stock, and what became of the rectification petitions.

Points to be considered

The Court did not decide whether NOVOSYS was deceptively similar to NOVARTIS, because the defendant had itself given up the mark. The defendant said it was not privy to the third-party listings the plaintiffs produced on 14.05.2026, which is why the plaintiffs were left to approach the intermediaries.

23. ZEE LEARN LIMITED vs. PRAGATI SHIKSHA SHROT TRUST[41]

Citation: Commercial Arbitration Petition (L) No. 21131 of 2026 with Interim Application (L) No. 29674 of 2026

Court: Bombay High Court

Bench: HON'BLE MR. JUSTICE AMIT BORKAR

[41] ZEE LEARN LIMITED vs. PRAGATI SHIKSHA SHROT TRUST

Date of Judgment: September 1, 2026

Keywords

Interim relief, trademark licence, termination, ex-licensee, MOUNT LITERA ZEE SCHOOL, MLZS, juridical seat, unilateral appointment, severability, determinable contract

Facts

Zee Learn runs the "Mount Litera Zee School" network and owns the marks MOUNT LITERA ZEE SCHOOL, MOUNT LITERA and MLZS (Classes 9, 16, 28 and 41), along with the MLZS Program and its study material, "Litera Gear". The respondent Trust runs a school in Dehradun under an Intellectual Property Agreement dated 23.11.2016 (licence of the marks), an Academic Alliance Agreement dated 01.06.2017 and a Settlement Agreement dated 21.08.2024 that revived both. Earlier disputes under the same agreements had gone to arbitration, with Mumbai recorded as the seat (Arbitration Petition (L) No. 16688 of 2022).

After a notice of breach dated 17.03.2026 and the Trust's replies of 23 and 24.03.2026, Zee Learn terminated the agreements on 24.03.2026. It alleged that the Trust kept using the marks and the programme, and filed this petition under Section 9 seeking a restraint on use, discovery, a bank guarantee of Rs.48,39,440.76 or, alternatively, a Court Receiver. The Trust argued that Mumbai had no jurisdiction (the school is at Dehradun), that there was no valid arbitration agreement (the Alliance Agreement was not signed by Zee Learn and allowed it to appoint the sole arbitrator), and that State education directions on textbooks made performance impossible.

Provisions

Section 9 of the Arbitration and Conciliation Act, 1996, read with Sections 2(1)(e)(i) and 20 , Section 7(4) and Section 17; Section 14(1) of the Specific Relief Act, 1963. Clause 7.5 of the IP Agreement and Clause 14.10 of the Academic Agreement. The Trade Marks Act, 1999.

Judgment

The petition was partly allowed. The Court held that it had jurisdiction and that there was a valid arbitration agreement. It found a strong prima facie case that, after termination, the Trust has no right to use the marks or to claim any association with Zee Learn, and left the validity of the termination to the arbitral tribunal.

The Court restrained the Trust from running any school or programme under the name MOUNT LITERA ZEE SCHOOL or MLZS or a similar name, from using the MLZS Program, and from representing any continuing association. It ordered removal of the marks from the website, promotional material and signboards within seven days, preservation of records, and disclosure within four weeks of the number of students enrolled and fees received for 2026-27. It refused the direction to buy Litera Gear and pay alliance fees, the bank guarantee, and the Court Receiver. Zee Learn must begin arbitration within two months, and the directions operate until the Tribunal passes orders under Section 17.

Ratio

- Where parties agree that "the place of arbitration shall be Mumbai" and name no other venue, and their earlier conduct treated Mumbai as the seat, Mumbai is the juridical seat. The location of the school or of the cause of action does not displace it (*Indus Mobile Distribution v. Datawind*; *BGS SGS SOMA JV v. NHPC*).
- An arbitration agreement is established by the shared contractual framework, earlier arbitration under it, its revival by the Settlement Agreement and the Trust's own invocation of arbitration. One unsigned agreement does not defeat it.
- A defective unilateral appointment clause is severable and does not invalidate the agreement to arbitrate.
- Once a licence ends, the ex-licensee cannot keep using the licensor's marks, and disputing the termination gives no right to continue use (*Velcro Industries*, *Viridian Development Managers*, *Morgardshammar India*, *Sorrel Hospitality*).
- A contract terminable at will is determinable. A Section 9 Court will not revive or create a contractual relationship by directing purchases and fees, since the remedy for wrongful termination is compensation (*Rajasthan Breweries v. Stroh Brewery*).
- State directions requiring NCERT, SCERT, ICSE or CBSE textbooks do not prohibit supplementary material, and they pre-dated the agreements, so the impossibility plea failed.

Issues Framed by the Court

The questions identified at paragraph 25 were: (1) territorial jurisdiction of the Court; (2) existence and validity of the arbitration agreement; (3) the objection to unilateral appointment of the arbitrator; (4) the effect of termination; (5) the defence based on Government directions; and (6) the interim reliefs available under Section 9.

Points to be considered

The Court recorded no final finding of mala fides, because the Trust's letters to the Education Department were not fully before it. The bank guarantee was refused because the sum is disputed and partly an estimate for a future year, and a Receiver was refused because it would interfere with the day-to-day running of a functioning school. Disclosure and preservation are confined to records connected with the marks and the MLZS Program after termination, with no blanket inspection of computers. All findings are prima facie, and the Tribunal is to decide every dispute without being influenced by them.

24. M/s SAI SILKS (KALAMANDIR) LIMITED v. SKP B GOPINATH PRIVATE LIMITED & 2 OTHERS[42]

Citation: CMA No. 441 of 2025
Court: Telangana High Court, Bench HYDERABAD
Date of Judgment: September 8, 2026
Bench: Justice Moushumi Bhattacharya and Justice Renuka Yara

Keywords: Composite marks, descriptive and common words, geographical indication, deceptive similarity, temporary injunction

Facts:

- The appellant uses "Kancheepuram Vara Mahalakshmi Silks" and "Vara Mahalakshmi". The respondents use "Kanchipuram Varahi Lakshmi Silks".
- Respondent 2 had earlier managed the appellant's Chennai outlet under an MoU.
- The City Civil Court, Hyderabad, dismissed I.A. 2449 and 2450 of 2024 in O.S. 296 of 2024 by its common order of 24.07.2025. The appellant appealed.

Provisions: Sections 17, 29 Trade Marks Act, 1999; Copyright Act, 1957 Section 55; Order XXXIX Rules 1 and 2 CPC

Judgment:

- The appeal is dismissed and the Trial Court order is upheld. No costs.

[42] M/s SAI SILKS (KALAMANDIR) LIMITED v. SKP B GOPINATH PRIVATE LIMITED & 2 OTHERS

- The marks are composite labels. "Kancheepuram" is a geographical indication and common to the trade. "Vara Mahalakshmi" is the name of a goddess, and "Silks" is generic.
- Section 17(2)(b) gives the appellant no exclusivity over these parts, and the marks have no dominant feature.
- Taken as a whole, the differences outweigh the phonetic similarity.
- The Court said the "average intelligence and imperfect recollection" test should move towards a "perceptive consumer with informed associations". Saree purchases are planned and tactile, and shops are chosen consciously, so confusion is unlikely.

Ratio

Words that are geographical, devotional or generic cannot ground exclusivity in a composite mark. Similarity is judged on the mark as a whole, and for considered purchases such as sarees the consumer is taken to be perceptive.

Issues Framed by the Court

Whether the appellant made out a prima facie case of infringement and passing off by the respondents' mark, so as to warrant a temporary injunction?

Points to be considered:

- The Court proposes a revised consumer standard for confusion.
- The earlier MoU between the appellant and Respondent 2 did not change the outcome.

25. M/s VAIDEHI AGRO OILS PRIVATE LIMITED & ANOTHER v. M/s SRI TULASI INDUSTRIES & ANOTHER[43]

Citation: CMA No. 161 of 2026
Court: Telangana High Court, Bench HYDERABAD
Date of Judgment: September 16, 2026
Bench: Justice Gadi Praveen Kumar

Keywords

[43] M/s VAIDEHI AGRO OILS PRIVATE LIMITED & ANOTHER v. M/s SRI TULASI INDUSTRIES & ANOTHER

Tasty Gold, Tasty Nutts, prior use, dominant part, secondary meaning, interim injunction

Facts:

- Sri Tulasi Industries has used "Tasty Gold" for edible oils since 2000. It holds Class 29 registrations and copyright registrations, and its annual turnover is about Rs 500 crore.
- The defendants use "Tasty Nutts" and "Namaskar Tasty Nutts". They filed their trade mark application on 03.03.2025.
- On 15.04.2026 the Principal District Judge, Kamareddy, granted a temporary injunction in I.A. 226 of 2025 in O.S. 3 of 2025. The defendants appealed.

Provisions

Sections 124, 134, 142 Trade Marks Act, 1999 ; Order XXXIX Rules 1 and 2 CPC

Judgment:

- The appeal is dismissed and the temporary injunction is upheld. No costs.
- The Trial Court's findings were neither perverse nor arbitrary. They covered the plaintiff's prior use, "Tasty" as the dominant first syllable, the similar red trade dress, the consumers (many of them illiterate or semi-literate), and secondary meaning built over 25 years.
- The stay of the suit under Section 124 does not bar interim relief, because Section 124(5) preserves the Court's power to grant it.
- The plea of third-party use of "Super Tasty" was rejected. The plaintiff had earlier succeeded against Sapthagiri Industries (CMA 496 of 2020, 09.06.2021).
- The interim suspension of 05.05.2026 is vacated on the plaintiff's I.A. No. 3 of 2026.

Ratio

An appellate court will not disturb a temporary injunction unless it is perverse or arbitrary. Prior use, a shared dominant word and similar trade dress support interim protection. A Section 124 stay does not take away interim jurisdiction.

Issues Framed by the Court:

Whether the Trial Court was right to grant a temporary injunction restraining the defendants from using "Tasty Nutts" and "Namaskar Tasty Nutts"?

Points to be considered:

- The Court applies the dominant-part test to "Tasty" and relies on how the average rural consumer remembers a mark.
- The suit is stayed while rectification proceedings are pending, but interim relief still continues.

26. TERVINDER SINGH JHANS & ORS v. PANKAJ RAI & ORS[44]

Citation: Appeal Against Order No. 42 of 2026
Court: Bombay High Court
Date of Judgment: September 1, 2026
Bench: Justice Y.G. Khobragade

Keywords: Phonetic similarity, temporary injunction

Facts:

- The appellants have run a restaurant called "Barbecue" at Sadar, Nagpur since 1994. They hold device and label registrations in Classes 42 and 43 and a copyright registration.
- The respondents run a cloud kitchen, "Barbeque Gokulpeth", on Zomato and Swiggy.
- By order of 04.08.2026 in Trade Mark Suit No. 02 of 2026, the District Judge-15, Nagpur, refused a temporary injunction. The reasons were the different locations and the non-exclusive association of the word. The appellants appealed.

Provisions: Sections 2(1)(zb), 29Trade Marks Act, 1999; Order XXXIX Rules 1 and 2 CPC; Order XLIII Rule 1(r) CPC

Judgment:

The High Court allowed the appeal, quashed the Trial Court's order and granted the temporary injunction. It held that "Barbecue" and "Barbeque" are phonetically similar, and that the respondents use the word for the same kind of business, supplying food. Relying on Renaissance Hotel Holdings, it held that use of a phonetically and visually similar mark, particularly with a

[44] TERVINDER SINGH JHANS & ORS v. PANKAJ RAI & ORS

similar representation, may amount to infringement under Section 29. The respondents had also never applied for registration of the name. The Court held that the respondents have prima facie infringed the appellants' device mark and artistic work. It found that continued use would cause irreparable loss to the appellants' goodwill and that the balance of convenience favours the appellants.

The Trial Court's view that the businesses are in different places and the word is not exclusively associated with the appellants was held perverse and unsustainable in law. It had not considered the law on infringement and passing off.

The respondents, through their partners, assigns, licensees, agents and anyone claiming under them, are restrained from using, selling, advertising, circulating, displaying, marketing or dealing with "BARBECUE/BARBEQUE" or any deceptively similar mark to the appellants' label, device, trade mark and artistic work, during the pendency of the suit. There is no order as to costs.

Ratio:

- Phonetic and visual similarity of a name used for the same kind of business can be prima facie infringement under Section 29, even where the other party has not registered the word alone.
- Different physical locations do not rule out confusion where the respondents sell through online platforms.
- A Trial Court order that ignores the law on infringement and passing off can be set aside as perverse.

Issues Framed by the Court: Whether the respondents are infringing the appellants' name, label, copyright and trade mark by using a deceptively similar name and brand (para 18). The Court then asked whether the three requirements for a temporary injunction were met.

Points to be considered:

- The Court treated the case as one of infringement of the device mark and artistic work, and also referred to passing off.
- The respondents relied on Haveli Restaurant (common word, anti-dissection rule). The Court recorded the argument but concluded the opposite on the facts.
- The injunction lasts only until the suit is decided.

27. PRAVIN KUMAR v. ITC LIMITED & ORS[45]

Citation: TEMPAPO-IPD No. 6 of 2025 with IA GA-COM 2 of 2026 and OCOT No. 7 of 2025
Court: Calcutta High Court
Date of Judgment: September 18, 2026
Bench: Justice Sabyasachi Bhattacharyya and Justice Supratim Bhattacharya

Keywords
Gold Flake, IJM Gold Stag, passing off, infringement, territorial jurisdiction, permitted user, secondary meaning, trade dress

Facts:

- ITC sued over "IJM Gold Stag" and its trade dress as infringing and passing off "Gold Flake".
- By order of 06.02.2025, the Single Judge granted an injunction mainly on passing off and refused it on infringement. The defendant appealed.
- ITC filed a cross-objection. The Supreme Court (23.01.2026) had asked for disposal within six months.

Provisions

Trade Marks Act, 1999 (Sections 28, 29, 30(2)(e), 48, 49, 124, 134(2)); Copyright Act, 1957 Section 62(2); Letters Patent Clauses 12 and 14

Judgment:

The Calcutta High Court dismissed the appeal and upheld the Single Judge's order of 06.02.2025. ITC's cross-objection was also dismissed. There is no order as to costs. The Court held that it had jurisdiction. Leave under Clause 12 had been granted. The defendant ignored the Clause 14 show-cause, so he gave up that objection. ITC's registered office is in Kolkata, which gives the Court jurisdiction under Section 134(2) of the Trade Marks Act and Section 62(2) of the Copyright Act. The Court held that ITC can sue. Sections 28(3) and 30(2)(e) only stop one registered owner from suing another on the basis of registration. A passing off action is always allowed, and Section 124(5) allows interim protection. The defendant's claim that he used the mark with the registered owner's permission under Sections 48 and 49 was rejected. The agreement was signed on

[45] PRAVIN KUMAR v. ITC LIMITED & ORS

29.07.2022 but claimed to cover a period from 2021, and the vouchers were unsigned and unstamped. The Court found that ITC has, at this stage, built up a special association with the word "Gold" through long use. The disclaimer on "Gold" appears on only one registration and is under a rectification application. The 85 per cent health warning on the pack is part of the overall look and makes confusion more likely. The Single Judge's view was a reasonable one, so the Court did not interfere. The defendant's points on expired copyright and the Designs Act were not raised before the Single Judge and were not considered.

Ratio:

Passing off is always maintainable. The bar in Sections 28(3) and 30(2)(e) applies only to infringement claims between registered proprietors, and Section 124(5) allows interim protection. A defendant who ignores the Clause 14 show-cause waives the jurisdiction objection. Section 134(2) and Section 62(2) allow suit at the plaintiff's registered office. A permitted user claim under Sections 48 and 49 needs reliable documents. A disclaimer on "Gold" does not stop the proprietor from showing secondary meaning through long use. An appellate court will not interfere with a plausible interim order of the Single Judge.

Issues Framed by the Court:

- Whether the Court had territorial jurisdiction?
- Whether an infringement suit lies against a registered proprietor or user?
- Whether the defendant had a right of use under a registered proprietor?
- Whether ITC can assert rights over "Gold"?
- Whether a prima facie case was made out?

Points to be considered:

- The decision reinforces that passing off survives where the infringement bar applies.
- It also recognises prima facie secondary meaning in a disclaimed word.

28. HINDUSTAN UNILEVER LIMITED v. KWICK LIVING (I) PRIVATE LIMITED[46]

Citation: CS(COMM) 904/2026 (I.A. 22515/2026)

[46] HINDUSTAN UNILEVER LIMITED v. KWICK LIVING (I) PRIVATE LIMITED

Court: High Court of Delhi

Date of Judgment: September 10, 2026

Bench: Justice A.J. Bhambhani

Keywords

Commercial disparagement, comparative advertising, truth defence, overall message test, interim injunction, VIM, SURF EXCEL, BECO

Facts:
Hindustan Unilever Limited (HUL) sought an interim injunction against Kwick Living's advertising campaign "War on What's Hidden", launched on 14.08.2026 on social media, YouTube, hoardings and the defendant's website. The campaign stated that Benzisothiazolinone (BIT) and Linear Alkylbenzene Sulfonate (LAS), present in HUL's VIM and SURF EXCEL, can cause skin irritation and allergic reaction. It showed HUL's products and marks and ended with "Switch to BECO", the defendant's competing brand. HUL said the campaign falsely portrays its products as unsafe. It also alleged trade mark and trade dress infringement, copyright infringement, passing off and unfair competition. Kwick Living said every statement was true, that comparative advertising is protected commercial speech under Article 19(1)(a), and that at most only the offending parts could be restrained. On territorial jurisdiction, the Division Bench held the suit prima facie maintainable in Delhi on 02.09.2026 and sent the application back for decision. The reference to a Larger Bench stays open.

Provisions

Trade Marks Act, 1999; Order XXXIX Rules 1 and 2 CPC; Article 19(1)(a) of the Constitution

Judgment:
The Court allowed the application and restrained the campaign. It held that disparagement is actionable only when a statement is false, misleading or deceptive and harms the competitor's goods or reputation. An unflattering comparison alone is not enough. It also held that the rule against interim injunctions where truth is pleaded applies to defamation, not to commercial disparagement. In disparagement, the defendant must show a credible basis for its truth defence.

The Court did not decide the competing lab reports, which need expert evidence at trial. It accepted that BIT and LAS can cause irritation in some users and that HUL's products contain them. But the campaign did not use these statements on their own. It placed them together with pictures of

HUL's products and the line "years of trust built on what you never knew until now". The overall message to an average consumer is that using these products will cause skin irritation, redness, itching or even eczema. Consumers will not analyse the science, and the campaign was likely to shake their confidence in HUL's products. It also quoted chemical names and percentages to look scientific, and claimed BECO is "hypoallergenic", "baby safe" and "pet safe". The Court said this showed a commercial motive and went beyond permissible comparative advertising.

HUL made out a prima facie case, balance of convenience and irreparable harm. The defendant failed to show that the campaign is prima facie true or not misleading. The defendant was directed to pull down, remove and recall all advertisements in the campaign with the offending statements, in any medium, within one week. It must file an affidavit of compliance within one week after that. The order covers only this campaign, and the defendant remains free to run other lawful comparative advertising against HUL's products.

Ratio:

Disparagement needs falsity, misrepresentation or deception causing injury. A derogatory comparison alone is not actionable. The Bonnard rule applies to defamation, not to commercial disparagement. In disparagement, the defendant must show a tenable basis for the truth defence to resist an interim injunction. Truth is judged on the whole advertisement and the message it gives an average consumer, not on isolated statements.

Issues Framed by the Court:

Whether the “War on What’s Hidden” campaign amounts to commercial disparagement of VIM and SURF EXCEL?

- Whether the truth defence can defeat an interim injunction in a disparagement case, as it can in defamation?
- Whether HUL has made out a prima facie case, balance of convenience and irreparable harm?

Points to be considered:

- The Court separates disparagement from defamation on the truth defence.
- Accurate individual facts do not protect a campaign whose overall message is misleading.
- The restraint is limited to this campaign and does not bar other comparative advertising.

29. PUNAM CHAND KEDIA v. THE REGISTRAR OF TRADE MARKS[47]

Citation: W.P.(C)-IPD 44/2025

Court: High Court of Delhi

Date of Judgment: September 23, 2026

Bench: Justice Vikas Mahajan

Keywords

Renewal of registration, removal from register, Form O-3 notice, Form TM-R, proof of dispatch, restoration

Facts:

The petitioner applied for the mark "HMP" in Class 9 (application no. 833146) on 21.12.1998. It was registered on 14.08.2003 from the date of application and renewed once, until 21.12.2015. The petitioner says he learned on 04.06.2025 that the mark was likely to be removed because no renewal had been filed. He filed Form TM-R with the fee, but the Registry rejected it on 09.06.2025. The Registry said it had served an O-3 notice on 17.09.2015 on the earlier attorney and that the time for renewal had run out. The petitioner said he never received the notice that the law requires before removal. He asked the Court to restore or renew the registration for 2015 to 2025 and 2025 to 2035, and to set aside the Registry's communication.

Provisions

Section 25(3)Trade Marks Act, 1999 ;Rule 64(1) Trade Marks Rules, 2002

Judgment:

The Registry relied on a Form O-3 notice dated 17.09.2015. On 04.02.2026 the Court gave it two weeks to produce proof that the notice was dispatched to and received by the petitioner. The Registry produced only a print-out of dispatch details for the application. The Court found nothing in it to show that the O-3 notice was ever dispatched to the petitioner. Without reliable evidence of dispatch, the Court could not accept that the notice was sent as Section 25(3) and Rule 64(1) require.

[47] PUNAM CHAND KEDIA v. THE REGISTRAR OF TRADE MARKS

The writ petition was allowed. The petitioner may file a fresh Form TM-R for his registered mark, with the prescribed fee, within two weeks. The Registry must accept it and process it in accordance with the Rules.

Ratio:

Section 25(3) and Rule 64(1) require the Registry to send the registered proprietor a notice (Form O-3) before the registration expires. The Registry must be able to prove that it sent the notice. A bare statement that it was served, without dispatch proof, is not enough to remove a mark. Where dispatch is not shown, the proprietor cannot be left without a remedy, and the Court can allow a fresh Form TM-R.

Issues Framed by the Court:

- Whether the notice sent to the earlier attorney would have been valid? The Court did not decide this.
- Whether the Registry had to accept the fresh Form TM-R? Yes, if filed with the fee within two weeks.

Points to be considered:

- The Court did not decide whether the notice sent to the earlier attorney would have been valid.
- Relief was given by allowing a fresh Form TM-R within two weeks.

30. MR. RAJESH KUMAR DARYANI (SOLE PROPRIETOR OF M/S RD TEA COMPANY) & OTHERS v. MR. SANDEEP KHATRI[48]

Citation: Misc. Appeal No. 3513 of 2026

Court: Madhya Pradesh High Court, Bench INDORE

Date of Judgment: September 28, 2026

Bench: Justice Subodh Abhyankar and Justice Jai Kumar Pillai

Keywords

[48] MR. RAJESH KUMAR DARYANI (SOLE PROPRIETOR OF M/S RD TEA COMPANY) & OTHERS v. MR. SANDEEP KHATRI

Honey Gold, HoneyRaj, deceptive similarity, tea, wrapper and colour combination, temporary injunction

Facts:

The respondent, Sandeep Khatri, is the registered owner of the mark "Honey Gold" for tea since 2006. He later added "Pevand's" to make "Pevand's Honey Gold". He sued before the Commercial Court, Indore, in Commercial Case No. 06/2026. The appellants sell competing tea as "HoneyRaj" and "HoneyRaj Gold Tea". He sought a permanent injunction, delivery up, accounts of profits and removal of the impugned marks from websites. By order of 13.04.2026 the Commercial Court granted a temporary injunction under Order XXXIX Rules 1 and 2 CPC. The defendants appealed.

The appellants relied on Pernod Ricard India v. Karanveer Singh Chhabra, saying the marks must be viewed as a whole. The respondent relied on Renaissance Hotel Holdings v. B. Vijaya Sai. He also said the appellants had not come with clean hands, because they presented themselves as registered owners when their application was still pending.

Provisions: Trade Marks Act, 1999; Order XXXIX Rules 1 and 2 CPC

Judgment:

The High Court dismissed the appeal and upheld the temporary injunction. When the two wrappers are seen together, there is a distinct similarity in colour combination and in how the appellants have designed the wrapper. The Court held that Pernod Ricard does not help the appellants. That case concerned expensive liquor brands, whose buyers cannot be misled by colour or name. This case concerns tea, sold under almost identical names with minor changes and with the same kind of wrappers. The Trial Court therefore did not err in granting the injunction.

Ratio:

Similarity is judged by viewing the marks and wrappers together, including colour combination and get-up. The nature of the product and its buyers matters. Pernod Ricard, on costly liquor brands, was distinguished for an everyday product like tea. Almost identical names with minor changes, together with similar wrappers, support an interim injunction.

Issues Framed by the Court:

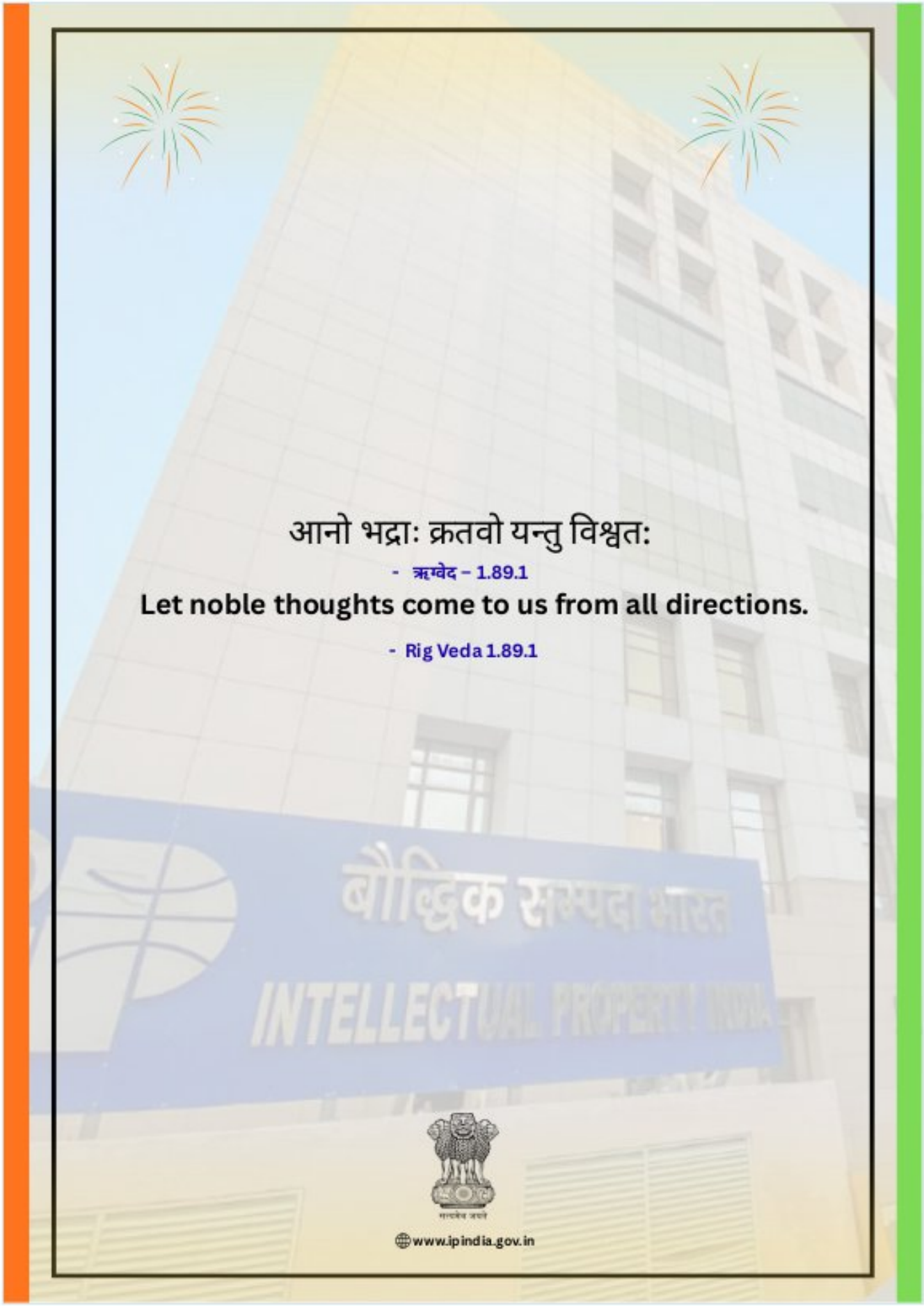
- Whether the clean-hands objection (the appellants presenting themselves as registered owners while their application was pending) was decided? No.
- Whether the Trial Court erred in granting the injunction? No. The appeal was dismissed.

Points to be considered:

- The Court did not rule on the clean-hands objection about the pending registration.
- Pernod Ricard is distinguished by the type of goods and buyers.

Prepared by :

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