# ITS IP TIME

~ Where IP Law Makes Sense

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### WHAT'S IN THIS MAGAZINE?

• **Total High Court Orders/Judgements included:** 41 Decisions

**Madras HC:** 19 Orders
**Delhi HC:** 14 Orders
**Bombay HC:** 7 Orders
**Calcutta HC:** 1 Order

• **Subject Wise:** Trademarks: 23 • Patents: 6 • Copyright & Related: 6 • Personality Rights & Ors: 6

## QUICK CATCHUP (TOP 5 ORDERS)

### Post-Grant Opposition Survives 20-Yr Term

Madras HC holds Sec. 25(2) opposition survives patent expiry because revocation operates retrospectively ab initio, leaving past infringement claims exposed.

[Madras HC • Sec 25(2) Patents]

### 38-Yr-Old 'LE SHARK' Mark Restored

Bombay HC sets aside cancellation of 1987 registration; strict non-use onus and *Toyota* territoriality protect 38-year-old mark.

[Bombay HC DB • Sec 47 & 57]

### Plaint Rejected Over 8-Month Delay

Madras HC rejects plaint under Order VII Rule 11; unprosecuted urgency cannot bypass Sec. 12A mediation or create Sanjay Dalia forum nexus.

[Madras HC • Order VII R 11]

### Omega Gemstone Setting Patent Granted

Madras HC overturns obviousness refusal; combining non-analogous jewelry prior art violates anti-mosaicing rules for amorphous alloy bezel settings.

[Madras HC • Sec 2(1)(ja)]

### Bangladesh DC Has Standing in Tangail GI

Madras HC holds foreign sovereign district authority has locus standi under Sec. 27 as 'person aggrieved', aligning domestic law with TRIPS Art. 22.

[Madras HC • Sec 27 GI Act]

### MAGAZINE INDEX


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**P. 08:** Rulings & Reference


JURISDICTION - SECTION 20 CPC & SECTION 134(2)

## Delhi High Court Dismantles Manufactured Forum Convenience Across 10-Suit Batch

*Single online trap orders and nominal branch offices cannot give territorial jurisdiction; dynamic effect theory firmly rejected.*

In an authoritative series of commercial rulings led by *Sotkon SP SLU v. Western Imaginary* and *ABD Maestro v. Great Galleon Ventures*, Justice Purushaindra Kumar Kaurav strictly circumscribed the territorial reach of Delhi commercial courts. The Court held that an isolated online trap purchase orchestrated by a plaintiff's agent into the National Capital Territory does not show purposeful commercial targeting under Section 20 CPC.

Simultaneously, the Court rejected the 'dynamic effect' doctrine in *Dabur India v. Anchor Consumer Products*, holding that plaintiffs cannot piggyback common law passing off claims onto statutory infringement suits without independent territorial nexus, ordering the return of plaints under Order VII Rule 10 CPC.

[Delhi High Court in CS(COMM) Batch Orders - Hon'ble Justice Purushaindra Kumar Kaurav]

### THE AI PERSONA FRONTIER: COURTS HARMONIZE ARTICLE 21 PRIVACY & PERFORMERS' RIGHTS

*Bombay & Delhi High Courts deploy constitutional dignity to enjoin synthetic voice cloning, deepfake videos, and unauthorized digital twins.*

In twin landmark rulings, *Ananya Panday v. Fankaar Live* and *Amitabh Bachchan v. Rajat Nagi*, commercial benches granted omnibus dynamic injunctions restraining unauthorized AI avatars, voice synthesizers, and chatbots.

Harmonizing constitutional privacy under Article 21 with performers' moral rights under Section 38B, the courts held that digital identity is an inalienable personal right, directing platforms to scrub synthetic clones in real time.

> **TIP:** Anchor personality rights in Article 21 privacy alongside Section 38B moral rights to secure dynamic real-time takedown orders.

[Bombay & Delhi High Courts • Art 21 & Sec 38B]

**FLOWCHART: JURISDICTIONAL GATEKEEPER THRESHOLD**

Step 1: Sec. 134(2) Infringement Forum

↓

+ Passing Off Bundled? Requires Sec. 20 Nexus

↓

Order VII Rule 10: Plaint Returned

### Ambika Appalam Brand Belongs to Firm, Not Heirs

In *Velayutham v. Vijayaraghavan*, Madras High Court firmly rejected partition claims brought by legal heirs of a deceased partner seeking individual proprietary shares in the registered trademark 'Ambika Appalam'.

The Court held under Section 14 of the Partnership Act that marks registered in the firm's name constitute collective commercial property. Heirs cannot slice or assert personal ownership over firm goodwill without formal partnership accounts winding up.

[Madras HC on Sec 14 Partnership Act & Sec 28 TM Act]

### Speculative Trademark Classes Trimmed: Madras HC

In *Bunge India v. Hatsun Agro*, Dr. Justice Maria Clete delivered a pivotal ruling on register purity under Section 47(1)(a) & (b). The Madras High Court ordered dairy specifications expunged from an edible oil registration for GOMATHI in Class 29.

The Bench established that retaining broad specifications across uncommercialized goods for five consecutive years constitutes defensive squatting, justifying mandatory rectifications.

[Madras HC - Sec 47 & 57 Rectification]

COMMERCIAL COURTS ACT - PRE-INSTITUTION MEDIATION

# Section 12A Mediation is an Inviolable Statutory Gatekeeper, Not a Procedural Option: Madras HC

*Order VII Rule 11 Plaint Rejection: Non-Compliance with Section 12A Mediation Bar Cannot Be Cured Post-Filing.*

**Madras High Court rejects trademark plaint in Toxmo v. Aquapump:** eight-month delay after cease-and-desist letter negates contemplated urgency, and newly leased branch office fails Sanjay Dalia nexus.

In *Toxmo Electric Motors Private Limited v. Aquapump Industries*, Hon'ble Justice P.B. Balaji of the Madras High Court allowed the defendant's application under Order VII Rule 11 CPC and rejected a trademark infringement and passing off plaint concerning electric motor marks TEXMO and TOXMO. The plaintiffs had invoked Chennai jurisdiction under Section 134(2) based on a newly leased branch office while bypassing mandatory pre-institution mediation under Section 12A of the Commercial Courts Act, 2015.

The Court delivered that an informal attorney notice inviting amicable settlement talks does not satisfy the statutory mediation mandate of Section 12A. And, sending a cease-and-desist letter eight months prior without initiating suit or mediation destroys any claim of contemplated urgent interim relief. Applying *Sanjay Dalia*, the Bench also ruled that establishing a subordinate branch office in Chennai without a material local cause of action constitutes an impermissible attempt to drag outstation defendants away from their principal places of business.

[Madras High Court - A. 668/2025 in C.S.(COMM DIV) 246/2024 (2026:MHC:4691)]

## Voltas Summary Decree: Damages Quantified on Net Profit, Not Gross Invoices

In *Voltas Limited v. M/s. Shiv Shakti Enterprises*, the Delhi High Court granted summary judgment under Order XIII-A CPC read with Rule 20 of the Delhi High Court IPD Rules against former authorized service operators who continued using registered Class 11 mark VOLTAS on quotations and assemblies post-termination.

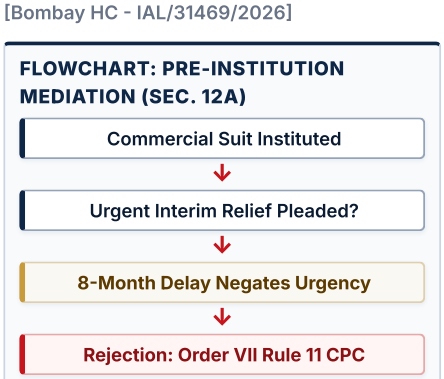
Justice Tejas Karia established a critical precedent for commercial damages: gross sales turnover shown in seized business invoices cannot be automatically equated to net profit without deducting procurement overheads and operational costs. The Court awarded Rs. 5,00,000 in compensatory damages and Rs. 5,07,500 in actual legal costs, while rejecting punitive exemplary damages because secondary electronics reconditioning carries distinct public risk profiles compared to counterfeit pharmaceuticals.

[Delhi HC - CS(COMM) 632/2019]

## Facebook Account Suspension Upheld Under Section 79 IT Act

Bombay HC in *Blink Digital India v. Facebook India*, refused an urgent mandatory injunction to compel Facebook to restore suspended corporate ad accounts. The Court held intermediaries face statutory due diligence duties under Rule 3(1)(b) of the IT Rules upon receiving IP notices, overriding private account restoration requests.

[Bombay HC - IAL/31469/2026]




## Pending Rectification Does Not Stay Injunction

The Division Bench of Calcutta HC in *Malhotra International v. Rohan Malhotra* held defensive cancellation petitions filed before the Registrar cannot neutralize Section 28 rights or paralyze interim injunctions.

[Calcutta HC DB - Sec 28 & 124]

## Hostinger Domain-Blocking Undertaking

In *Galaxy Health Insurance v. Hostinger*, Madras HC decreed suit on registrar's technical undertaking to automate keyword blocking of deceptive domain registrations targeting financial services.

[Madras HC - Registrar Undertaking]

## Independent Distributors Do Not Strip Sec. 134(2) Forum

In *Jindal Composite Tubes v. Baldev Krishan*, Delhi HC confirmed principal-to-principal distributor networks outside Delhi do not constitute subordinate offices stripping plaintiffs of their registered office forum.

[Delhi HC • Sec 134(2)]

TERRITORIALITY PROTECTS 38-YEAR REGISTRATION

# 38-Year-Old Trademark Restored: Territoriality Governs Rectification: Bombay HC

*The Division Bench of the Bombay High Court allows Anil Shah's appeal and sets aside cancellation of LE SHARK, holding foreign use without Indian spillover cannot displace a 1987 registration.*

In *Anil Shah (t/a Le Shark India) v. Le Shark Apparel Limited*, the Division Bench of the Bombay High Court allowed Commercial Appeal (L) No. 40525 of 2025, quashed the Single Judge's order dated October 14, 2025, and dismissed Le Shark Apparel's rectification petition against Class 25 Registration No. 466002 under Sections 47 and 57 of the Trade Marks Act, 1999. Justices Bharati Dangre and Ashish S. Chavan held that the burden of proving non-use under Section 47 lies strictly on the applicant and was not discharged, that the territoriality principle laid down in *Toyota* applies equally to rectification proceedings, and that bad faith cannot be inferred merely from similarity absent pre-1987 Indian spillover goodwill.

Mere foreign registration or global sales without spillover reputation in India confer no rights to expunge a 38-year-old domestic registration on a prima facie finding. [Bombay High Court - COMAPL 40525 OF 2025]

## Dunar Foods 'NAWAJISH': Sec. 34 Overrides Sec. 28 Registration

In *Dunar Foods Limited v. Ankit Vats (AVJK Foods)*, the Delhi High Court ordered the expunction of a junior 2017 basmati rice registration. Justice Purushaindra Kumar Kaurav held that Section 34 common law priority is absolute against Section 28 paper title and that Enforcement Directorate attachments or IBC insolvency proceedings do not extinguish corporate title or standing to protect the Register.

[Delhi HC - C.O. (COMM.IPD-TM) 158/2024]

## 'SMARTCLASS' Anti-Dissection: Educomp v. Samsung

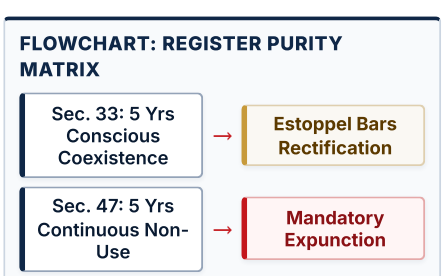
In *Educomp Solutions v. B.D. Park*, the Delhi High Court held under Section 17 that composite registrations confer no monopoly over descriptive expressions like smartclass. Pairing it with a prominent house mark like SAMSUNG eliminated consumer confusion.

[Delhi HC - Sec 17 Anti-Dissection]

## Seematti Silks: 5 Years' Open Knowledge Triggers Sec. 33 Acquiescence

The Madras High Court in *M/s. Seematti Silks v. Ms. T. Beena*, dismissed a rectification petition under Section 33 of the Trade Marks Act. The Court held that acquiescing in the continuous use of a registered mark for well over five years with explicit notice since 1994 estops subsequent cancellation claims.

[Madras High Court - OP(TM) 529/2023 - Sec 33]




## Trade Dress Injunction Granted: Greater Than Gin

In *Nao Spirits v. Mohan Meakin*, the Delhi High Court allowed an interim injunction protecting 'GREATER THAN' gin bottle get-up, holding design non-registration is no bar to passing off while granting 30 days to exhaust stock and freeing 'iQ' in a distinct dress.

[Delhi HC - CS(COMM) 670/2024]

## 'GRAND SANGEETHA' Restrained: Laudatory Prefixes Fail Cadila Test

In *Sangeetha Caterers v. Grand Sangeetha Pure Veg*, the Madras High Court decreed an infringement suit awarding Rs. 10 Lakhs damages. The Court held adding laudatory adjectives such as 'GRAND' before a registered restaurant mark does not cure consumer confusion under Section 29, especially when cursive font styling and menus mimic the senior mark.

[Madras HC - C.S.(COMM DIV) 180/2024]

## 'CORTIL' Upheld on 20-Yr Billing: Corona v. Micro Labs

In *Corona Remedies v. Micro Labs*, Madras HC dismissed non-use rectification against CORTIL, ruling unbroken sales invoices spanning 2005 to 2025 defeated speculative non-use claims across Class 5.

[Madras HC - OP(TM) 66/2024]

PATENTS ACT - SECTION 25(2) OPPOSITION

# Post-Grant Patent Oppositions Survive 20-Year Term Expiry, Rules Madras High Court

*E.R. Squibb & Ono Pharmaceutical appeal dismissed: Patent Controller retains full statutory jurisdiction to decide post-grant opposition on merits even after 20-year term expires.*

In *E.R. Squibb and Sons LLC & Ono Pharmaceutical v. The Controller of Patents & Zydus Healthcare*, the Madras High Court settled an essential principle of patent jurisdiction: a timely post-grant opposition filed under Section 25(2) does not become infructuous upon the expiry of a patent's 20-year statutory term under Section 53.

Addressing the oncology antibody Nivolumab (Opdivo, IN 340060), Justice P.B. Balaji distinguished pre-grant oppositions from post-grant proceedings. The Court held that while pre-grant oppositions expire if a patent lapses before grant, post-grant revocation operates retrospectively from the date of grant. Because invalidation extinguishes accrued commercial liabilities and eliminates past infringement damages exposure, the Controller is not *functus officio*.

**KEY HOLDING:** Patent revocation under Section 25(2) has retroactive effect *ab initio*. Competitors retain the statutory right to adjudicate validity to eliminate historical patent infringement damage claims. [Madras High Court - CMA(PT) 37 OF 2026 (2026:MHC:4693)]

## Omega Gemstone Setting Patent Granted: Hindsight Barred

In *Omega SA v. Controller*, Madras HC set aside an obviousness refusal for timepiece gemstone setting via amorphous alloy layers. The Court held combining bulk amorphous casting with mechanical claws was impermissible hindsight mosaicing under Section 2(1)(ja).

[Madras HC - CMA(PT) 40 OF 2023]

## NEW LANDMARK: Executive App Bans Do Not Extinguish Brand Equity (TikTok Ltd. v. Sandeep Singh)

In *TikTok Ltd. v. Sandeep Singh*, the Delhi High Court declined an Order XXXIX interim injunction over suppression of the Section 69A ban, yet invoked Section 151 CPC to restrain Respondent No. 1's use of Copyright Registration No. A-154060/2024 and its search clearance certificate to preserve Register purity. Hon'ble Mr. Justice Purushaindra Kumar Kaurav held that sovereign access blocks under Section 69A of the IT Act restrict public data routing, not proprietary ownership.

The Bench established that involuntary non-user caused by executive bans constitutes a protected 'special circumstance' under Section 47(3) of the Trade Marks Act, preserving residual goodwill and locus standi under Section 50 of the Copyright Act to challenge improper registrations.

[Delhi High Court - Justice Purushaindra Kumar Kaurav - Sec. 50 Copyright Act & Sec. 151 CPC]

## TVS Biometric Sensor Fuel Tank Barred Under Sec. 3(f)

In *TVS Motor v. Deputy Controller*, Madras HC upheld patent refusal, holding mounting a known biometric unit on a vehicle fuel tank is a routine workshop modification lacking functional synergy under Section 3(f).

[Madras HC - CMA(PT) 61 OF 2024]

### WIPO WORLD INTELLECTUAL PROPERTY INDICATORS 2026: GLOBAL PATENT SURGE (RECORD 3.9M FILINGS)

- **CNIPA (China):** 1,720,000 Filings (44.1% of global volume)
- **India Patent Surge:** 72,000 Filings (+15.7% YoY growth, fastest growing major economy)
- **USPTO (US):** 510,000 Filings • **JPO (Japan):** 410,000 Filings • **KIPO (Korea):** 245,000 Filings • **EPO:** 199,000 Filings

**Cross-Border IP Strategy:** Between CGPDTM's aggressive cease-and-desist enforcement against unauthorized server scraping in India and US federal copyright litigation targeting generative audio synthesis, commercial enterprises must recognize that scraping public records or creative catalogs without contractual licenses carries severe civil infringement and cyber-regulatory exposure across international jurisdictions.

## Round Baler Combination Patent Upheld: Bull Agro

In *Bull Agro v. Ashlyn Antony*, Madras HC dismissed a revocation petition against IN 458805 for agricultural round baler twine mechanisms, ruling combination patents cannot be dissected piecemeal and non-working is not a Section 64 ground.

The Bench emphasized that where known mechanical components demonstrate functional interdependence producing an unexpected synergistic efficiency, Section 3(f) does not bar patentability.

[Madras HC - OP(PT) 4/2024]

**FORM 27 WORKING CLARIFICATION:** The Court clarified that under amended Patent Rule 131, commercial working statements are triennial; revocation petitioners cannot plead non-working before the statutory filing window lapses.

## Hardware Data Diode: Non-Speaking Orders Quashed

In *Mohan Kumar Jindal v. Assistant Commissioner*, Madras HC remitted a data diode security patent refusal, ruling Controllers violate natural justice when passing passive template orders that ignore applicant claim amendments and technical replies under Section 15.

[Madras HC - CMA(PT) 28/2026]

### FLOWCHART: PATENT LIFECYCLE (SEC. 25(2))

20-Yr Patent Term Lapses
↓
Sec. 25(2) Opposition Continues
↓
Ab Initio Revocation Extinguishes Past Damages

GI & CROSS-BORDER SOVEREIGN LOCUS STANDI

## Tangail Saree GI Dispute: Bangladesh Sovereign Locus Standi Upheld

In *Deputy Commissioner of Tangail, Bangladesh v. West Bengal State Handloom Weavers Co-operative Society Ltd.*, the Madras High Court addressed an unprecedented cross-border conflict over the iconic Tangail Saree (GI No. 702).

Justice P.B. Balaji held that Section 27 of the GI Act, 1999 confers broad locus standi on any 'person aggrieved'. A foreign administrative custodian representing indigenous weavers within the authentic geographic terroir possesses direct statutory standing to challenge a domestic registration granted without establishing exclusive regional origin. The ruling aligns Indian practice with Article 22 of TRIPS, confirming that geographical indications are public heritage trusts that cannot be severed from historical terroir by administrative borders.

[Madras High Court - Section 27 GI Rectification]

EMERGING TECHNOLOGY & AI PERSONA

## AI Deepfakes & Article 21 Persona Protection: The Indian Legal Shield

The rapid proliferation of algorithmic voice synthesizers, diffusion avatar engines, and generative video tools has triggered an urgent judicial response across Indian commercial benches. In landmark November 2026 rulings, the Bombay and Delhi High Courts erected a multi-layered legal bastion protecting celebrity personas from unauthorized AI commercialization.

In *Ananya Panday v. Fankaar Live Experiences* and *Rupali Ganguly v. Huts and Looms*, the Bombay High Court affirmed that persona rights are rooted in Article 21 of the Constitution as an indivisible facet of privacy, bodily autonomy, and personal dignity. Coupled with performers' moral rights under Section 38B of the Copyright Act and the common law tort of passing off, courts now issue dynamic ex-parte injunctions compelling AI hosts and social platforms to scrub synthetic clones in real time.

[Bombay & Delhi High Courts - Article 21 & Section 38B]

### Dynamic Piracy Blocking: Universal Studios & Ramayana Pre-Release Shields

In *Universal City Studios LLC v. Dembed2.com*, Delhi HC granted summary judgment under Order XIII-A CPC against 87 rogue mirror websites, directing MeitY and DoT to enforce dynamic DNS-level blocking. Simultaneously, in *Godpower Media v. John Does*, Bombay HC issued preemptive blocking orders protecting mega-budget film *Ramayana* from illicit leaks, holding ISPs must neutralize newly surfaced pirate mirrors within 24 hours of notification without fresh plaints.

[Order XIII-A CPC • Real-Time Dynamic Injunctions]

**THE ANTI-PIRACY PLAYBOOK:**

**1. Ashok Kumar Preemption:** Secure ex-parte John Doe orders against rogue mirror sites 48 hours prior to theatrical or streaming release (*Godpower Media*).
**2. Dynamic Domain Inclusion:** Provide periodic affidavits to Joint Registrar listing newly redirected mirror alphanumeric domains without instituting fresh plaints.
**3. MeitY & DoT Mandates:** Direct telecom service providers and DNS resolvers to implement port-level and DNS-level blocking under Rule 3(1)(b) of the Information Technology Rules, 2021.

**EDITORIAL AXIOM:**

*In an era of algorithmic voice cloning and diffusion avatars, persona is no longer a mere commercial endorsement asset - it is an indivisible facet of human dignity and personal autonomy protected under Article 21 of the Constitution.*

**FLOWCHART: THE PERSONALITY RIGHTS PROTECTION HIERARCHY**




### NEW LANDMARK: Delhi HC Rejects Omnibus Personality Rights (Abhishek Sharma v. Ashok Kumar)

In *Abhishek Sharma v. Ashok Kumar*, the Delhi High Court delivered a landmark ruling holding that personality rights do not constitute a single monolithic cause of action. Justice Purushaindra Kumar Kaurav held that claims must be pleaded under distinct legal heads-commercial publicity, passing off, Article 21 privacy/dignity, and defamation-with specific evidentiary standards for each.

**SAFE HARBOR HOLDING:** Platforms retain Section 79 IT Act protections unless furnished with specific, identifiable URLs rather than omnibus takedown demands.

[Delhi High Court - CS(COMM) Final Decree - Hon'ble Justice Kaurav]

**Did You Know Milestones:**

• First Celebrity Injunction: *D.M. Entertainment v. Baby Gift House* (2003, Daler Mehndi dolls).
• Voice as Property: 2012 Copyright Amendment codified Sec. 38A & 38B.
• Dynamic Injunction Genesis: *UTV Software* (2019) automated domain blocking.

## CGPDTM Issues Cease-and-Desist Against Unauthorized Scraping of IP Portals

**Commercial search portals and automated bots harvesting public records face server bans and IT Act prosecution.**

The Office of the Controller General of Patents, Designs and Trade Marks (CGPDTM) has issued an official Public Cease-and-Desist Notice warning commercial IP analytics providers, legal tech startups, and bot operators to halt unauthorized automated scraping of Registry servers.

The Controller General noted that excessive automated crawling degrades server responsiveness for bona fide practitioners. The notice explicitly cites Section 43 and Section 66 of the IT Act, reserving the right to block offending IP ranges and initiate cyber-crime complaints while directing commercial users to utilize official, rate-limited API integration pathways.

[New Delhi - CGPDTM Public Notice]

## Registry 'Swachhata Abhiyan' Clears 23,282 Pending Oppositions Dating to 1944

**Special hearing benches and summary abandonment drive eliminate historical backlog across Mumbai, Delhi, and Chennai.**

In a historic administrative purge under the national Special Campaign for Disposal of Pending Matters, the Trade Marks Registry successfully disposed of 23,282 contested opposition proceedings. Incredibly, the cleared docket included legacy matters instituted under the pre-Independence Trade Marks Act, 1940, with the oldest dating back to 1944.

Deploying virtual hearing drives, strict adherence to Rule 50 limitation timelines, and summary abandonment orders where opponents failed to file evidentiary affidavits, the Registry has dramatically unclogged trademark prosecution pipelines nationwide.

### Suno AI Music Showdown: Elvis Estate & Eminem Target Vocal Mimicry

RIAA expanded its federal copyright infringement battle against generative music engines Suno AI and Udio. Formal interventions by the Elvis Presley Estate and Eminem test the newly enacted Tennessee ELVIS Act alongside 17 U.S.C. § 107 fair use defense thresholds.

The litigation tests the transformative boundary of AI training on copyrighted master recordings. Rights holders argue soundalike synthesis directly cannibalizes commercial music licensing.

[US Federal Court - AI Music Training]

**Jammu & Kashmir Udhampur 6 GIs:**
NABARD filed comprehensive GI dossiers for six traditional agro-crafts, including indigenous Kalari cheese, insulating Himalayan artisan terroir from commercial dilution.

[Regional GI Spotlight]

### New York Times Demands Brave Halt 'Leo' AI Paywall Summaries

NYT issued a formal cease-and-desist to Brave Software regarding its 'Leo' browser assistant, alleging unauthorized real-time scraping and conversational synthesis of subscription articles violates proprietary copyright under the guise of fair use.

The Times contends delivering comprehensive summaries directly bypasses paywalls, siphoning subscriber traffic while appropriating investigative journalism.

[US Copyright - Synthetic Search Scraping]

**ASEAN AI Publisher Copyright Pact:**
Indonesia enacted binding guidelines requiring Meta, TikTok, and Google to negotiate content remuneration agreements with registered news publishers.

[Indonesian IP Gazette]

### The Hague Appeal Court Blocks BYD Leopard 5 Over JLR Defender Design

The Hague Court of Appeal affirmed a cross-border preliminary injunction barring BYD from marketing its Fangchengbao Leopard 5 SUV in key European jurisdictions. The appellate bench held the vehicle's angular proportions, floating roofline, and front grille produced an overall visual impression deceptively identical to Jaguar Land Rover's registered Community Designs for Defender 110.

[The Hague Court of Appeal - Design Infringement]

**Goa Crochet & Nagaland 24 Crafts:**
Goan lace cooperatives and Nagaland handloom federations filed 24 comprehensive GI applications, safeguarding tribal weaving against machine imitation.

[Indigenous Heritage Drive]

**CROSS-BORDER IP STRATEGY & COMPARATIVE REGISTRY BENCHMARKS:** Between CGPDTM's aggressive cease-and-desist enforcement against unauthorized server scraping in India, EU AI Act compliance rules, and US federal copyright litigation targeting generative audio synthesis, commercial enterprises face heightened cyber-regulatory scrutiny. Registry automation and AI scraper containment now define multinational portfolio protection across major patent and trademark offices.

## MCQ CHALLENGE - NOVEMBER 2026 (SCORE: / 6)

**Q1. Commercial Courts Act (Toxmo v. Aquapump)**
What is the procedural consequence of failing to exhaust Section 12A mediation when no urgent relief is contemplated?
A) Stay of proceedings | B) Rejection under Order VII R 11 | C) Imposition of nominal costs | D) Automatic leave to amend

**Q2. Patents Act (E.R. Squibb v. Controller)**
Does a pending Section 25(2) post-grant opposition survive the expiry of the patent's statutory 20-year term?
A) Yes, survives term expiry | B) No, abates automatically | C) Only with Central Govt leave | D) Converts into civil infringement suit

**Q3. Trade Marks Act (Seematti Silks v. T. Beena)**
Under Section 33, what period of continuous acquiescence bars a proprietor from challenging a registered mark?
A) 3 continuous years | B) 5 continuous years | C) 7 continuous years | D) 10 continuous years

**Q4. Patent Non-Patentability (TVS Motor & Bull Agro)**
Which provision bars patenting of known components functioning independently without functional synergy?
A) Section 3(d) | B) Section 3(f) | C) Section 3(k) | D) Section 3(m)

**Q5. Constitutional IP & AI (Ananya Panday & Abhishek Sharma)**
Celebrity personality protection against deepfakes is judicially anchored in which constitutional provision?
A) Article 19(1)(a) | B) Article 21 Privacy & Dignity | C) Article 14 Equality | D) Article 300A Property

**Q6. Territorial Jurisdiction (ABD Maestro & Sotkon)**
An isolated online trap purchase orchestrated solely by a plaintiff's investigator into the forum:
A) Automatically establishes Sec. 20 | B) Fails to confer jurisdiction | C) Converts defendant into resident | D) Requires immediate summary decree

### SPOT THE INFRINGEMENT - CLASS 43

**Scenario:** Plaintiff operates established South Indian vegetarian restaurant chain 'Sangeetha'. Defendant opens eatery branded 'Grand Sangeetha Pure Veg' in Chennai, arguing 'Grand' and 'Pure Veg' eliminate all consumer confusion.

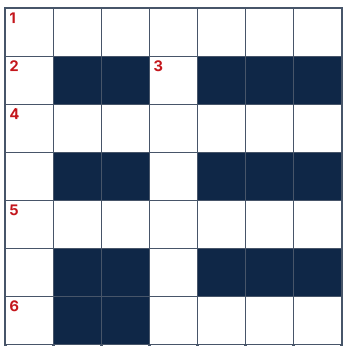
**Ruling (Madras HC):** Infringement upheld. Adding descriptive or laudatory prefixes cannot neutralize the dominant distinctive core of a registered trademark (*Sangeetha Caterers v. Grand Sangeetha Pure Veg*).

### ANSWER KEY

| Q1: B | Q2: A | Q3: B | Q4: B | Q5: B | Q6: B |
|---|---|---|---|---|---|

**Crossword:** 1A: TANGAIL • 2D: TRAPORDER • 3D: SUNOAI • 4A: ACQUIES • 5A: OPPOSED • 6A: SYNE

## THE DOCKET MINI-CROSSWORD #11



**CLUES:**
**Across:**
1. Iconic saree GI contested by Bangladesh authorities (7)
4. Section 33 defense based on conscious coexistence (7, truncated)
5. Contested proceeding under Section 25(2) surviving term expiry (7)
6. Prefix for mechanical cooperative efficacy overcoming Section 3(f) (4)

**Down:**
2. Contrived purchase arranged solely to create forum nexus (9)
3. Generative audio platform sued by music publishers for vocal cloning (6)

### PATENT CLAIM DRAFTING CORNER - OVERCOMING SECTION 3(F)

Element A: Mechanical Baler + Element B: Twine Tying Unit → Cooperative Interdependence → PATENTABLE SYNERGY

**Benchmark:** Independent function = Sec. 3(f) Barred (TVS Motor) • Functional Interdependence = Patentable (Bull Agro).

### THE TRADEMARK DISTINCTIVENESS SPECTRUM (ABERCROMBIE SCALE)

1. **Generic** [No Sec. 9 Protection, e.g. Aspirin, Appalam]
2. **Descriptive** [Requires Sec. 32 Secondary Meaning Proof, e.g. Pure Veg, Cold]
3. **Suggestive** [Mental Leap Required, e.g. Airbus, Netflix]
4. **Arbitrary** [Common Word Applied to Unrelated Goods, e.g. Apple, Camel]
5. **Fanciful** [Coined Word, Highest Protection, e.g. Kodak, Xerox]

Low Protection (Sec. 9(1) Absolute Grounds) → Inherent Trademark Monopoly Shield

# Master Index of November 2026 Judgments Cited (41 Orders)

*High Court Commercial IP Divisions (Madras, Delhi, Bombay, Calcutta) & Specialized Benches*

## MADRAS HIGH COURT (IPD) PART I

**1. Ramesh Bishnoi v. Registrar TMR** [Sec. 11 & 12] - Prior senior adoption necessitates Section 12 evaluation.

**2. Galaxy Health v. Hostinger UAB** [Sec. 29] - Registrar undertaking to block cyber-squatted domains decreed.

**3. Velayutham v. Vijayaraghavan** [Sec. 14 Partnership] - Ambika Appalam marks belong to firm, not individual heirs.

**4. Sangeetha Caterers v. Grand Sangeetha** [Sec. 29] - Descriptive prefixes cannot cure core trade mark identity.

**5. Corona Remedies v. Micro Labs** [Sec. 47] - Non-use rectification dismissed; 20-year unbroken billing invoices defeat speculative Class 5 non-use challenge.

**6. V. Ramakrishnan v. Registrar TMR** [Sec. 91] - Premature examination refusal remanded for evidence.

**7. Seematti Silks v. T. Beena** [Sec. 33] - Conscious coexistence for 5 years creates statutory acquiescence.

**8. N.C. Arya Snuff v. Nico Quality** [Passing Off] - Traditional snuff trade dress protected against mimicry.

**9. Bunge India v. Hatsun Agro** [Sec. 47] - Speculative specifications trimmed where non-use is established.

**10. Toxmo Electric v. Aquapump** [Order VII R 11] - Plaint rejected for bypassing Section 12A CCA mediation.

**11. Arun Suradhan v. MPF Studios** [Copyright] - Authorship dispute in cinematograph screenplay adjudicated.

**12. Rajkumar Theatres v. Wide Angle** [Copyright] - Theatrical distribution and synchronization rights upheld.

**13. Kobelco Compressors v. Controller** [Sec. 2(1)(ja)] - Unreasoned novelty rejection set aside; inventive step restored.

## MADRAS IPD (PART II) & DELHI HIGH COURT

**14. TVS Motor v. Controller** [Sec. 3(f)] - Biometric fuel tank unit refused as mere arrangement.

**15. Bull Agro v. Ashlyn Antony** [Sec. 3(f)] - Mechanical synergy validates agricultural baler patent.

**16. Omega SA v. Controller** [Inventive Step] - Luxury watch gemstone bezel inventive step upheld.

**17. Mohan Kumar Jindal v. Controller** [Natural Justice] - Non-speaking patent rejection quashed and remanded.

**18. E.R. Squibb v. Controller** [Sec. 25(2)] - Post-grant opposition survives 20-year patent term expiry.

**19. Tangail DC v. West Bengal Co-op** [Sec. 27 GI] - Bangladesh sovereign authority has standing in Tangail saree GI.

**20. ABD Maestro v. Great Galleon** [Sec. 20 CPC] - Contrived trap purchase fails to confer territorial jurisdiction.

**21. Jindal Composite v. Baldev Krishan** [Trade Dress] - Industrial composite pipe color stripe protected.

**22. Voltas Limited v. Shiv Shakti** [Order XIII-A] - Counterfeit damages computed on net profit margin.

**23. Educomp Solutions v. B.D. Park** [Sec. 17] - Descriptive composite mark confers no monopoly under Sec. 17; house mark SAMSUNG eliminates confusion.

**24. Global Opportunities v. Ashwinee** [Trade Secrets] - Ex-employee student counseling database protected.

**25. Hero Investcorp v. VM Lubricant** [Sec. 29] - HERO trademark protected against lookalike engine oils.

**26. Dunar Foods v. Ankit Vats** [Sec. 34] - Prior adoption of NAWAJISH rice insulated from attachment.

## DELHI, BOMBAY & CALCUTTA HIGH COURTS

**27. Sotkon SP SLU v. Western Imaginary** [Sec. 20 CPC] - Nominal branch office cannot manufacture forum jurisdiction.

**28. Dabur India v. Anchor Consumer** [Sec. 20 CPC] - Common law claims cannot bundle with infringement without nexus.

**29. Nao Spirits v. Mohan Meakin** [Sec. 27(2) Trade Dress] - Interim injunction granted protecting 'GREATER THAN' gin get-up; 30 days to exhaust stock; 'iQ' permitted in distinct dress.

**30. Universal City Studios v. Dembed2.com** [Order XIII-A] - 87 rogue piracy mirrors subjected to dynamic blocking.

**31. Amitabh Bachchan v. Rajat Nagi** [Art. 21 Persona] - Voice and likeness protected against unauthorized deepfakes.

**32. Malhotra International v. Rohan Malhotra** [Family IP] - Calcutta HC protects tire brand priority in partition.

**33. Varun Atulya Mafatlal v. Chandak** [Sec. 27] - Family textile trade name dispute arbitrated.

**34. Anil Shah v. Le Shark Apparel** [Sec. 47 & 57] - Appeal allowed; 38-year-old LE SHARK registration restored on territoriality and onus.

**35. Novex Communications v. Campbell Resto** [Sec. 51] - Commercial venue copyright sound recording fees enforced.

**36. Godpower Media v. John Does** [Dynamic Injunction] - Pre-release anti-piracy shield granted for Ramayana.

**37. Rupali Ganguly v. Huts and Looms** [Art. 21 & Sec. 38B] - Ad-interim relief against AI deepfakes and John Does; no relief granted against D-1 boutique pending reply.

**38. Ananya Panday v. Fankaar Live** [Art. 21 & Sec. 38B] - Dynamic ex-parte injunction against AI persona cloning.

**39. Blink Digital v. Facebook India** [Sec. 79 IT Act] - Intermediary safe harbor conditional on prompt takedowns.

**40. TikTok Ltd. v. Sandeep Singh** [Sec. 50 Copyright & Sec. 151 CPC] - Interim injunction declined for unclean hands, yet Respondent restrained under Sec. 151 CPC for Register purity; Sec. 69A ban preserves goodwill.

**41. Abhishek Sharma v. Ashok Kumar** [Personality Rights & Sec. 79 IT Act] - Rejects monolithic omnibus claims; requires granular pleading across publicity, privacy & specific URLs.

**QUICK RECAP:**

**1. Section 12A Mediation:** Mandatory prior to suit; non-compliance requires Order VII Rule 11 rejection unless urgent interim orders are genuinely pursued without delay (*Toxmo*).
**2. Section 20 CPC Territorial Bar:** Single online trap purchases and nominal branch offices cannot manufacture forum jurisdiction (*Sotkon, ABD Maestro, Dabur India*).
**3. Section 33 Acquiescence:** Five continuous years of conscious coexistence estops subsequent rectification actions (*Seematti Silks*).
**4. Section 25(2) Patent Revocation:** Survives patent expiry; operates ab initio to void past infringement liability (*E.R. Squibb*).
**5. Section 47(3) Special Circumstances:** Executive bans (Sec. 69A IT Act) do not extinguish residual goodwill or copyright standing (*TikTok Ltd. v. Sandeep Singh*).
**6. Granular Personality Pleadings:** Monolithic omnibus claims rejected; require distinct causes of action under publicity, passing off, Art. 21 privacy, and specific URLs for Sec. 79 safe harbor (*Abhishek Sharma*).

**COMING IN DECEMBER 2026:** An exhaustive analysis of the 100 most consequential Indian IP judgments of 2026.

Editorial Director: Koushik Chittella (LinkedIn) • Published on Its IP Time • Citation: **ITS IP TIME MAGAZINE Vol. 1, (Nov 2026)**