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INTELLECTUAL PROPERTY LAW

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I INTRODUCTION

THE YEAR 2024 has been a transformative period for intellectual property (IP) jurisprudence in India. The establishment of new IP divisions across multiple high courts, coupled with a marked rise in registrations and heightened institutional and public engagement with IP issues, has signalled a maturing and increasingly dynamic IP ecosystem. The year also witnessed a wave of developments at the intersection of artificial intelligence (AI) and IP, underscoring the judiciary's growing engagement with the legal and ethical complexities of emerging technologies. Collectively, the judicial decisions of 2024 have advanced the frontiers of Indian IP law. They reflect enhanced standards of protection, a nuanced recognition of copyright challenges in the digital era, evolving judicial approaches to technological innovation, renewed emphasis on consumer trust and a calibrated understanding of the limits of trademark exclusivity. This survey presents a thematic overview of significant rulings delivered by the Supreme Court, various high courts, and the Competition Commission of India. It examines their reasoning, outcomes, and broader implications for diverse stakeholders, including creators and innovators, as well as industry and regulators. The selected decisions exemplify jurisprudential rigour, legal lucidity and the expanding doctrinal depth of Indian IP law across patents, trademarks, copyrights, plant variety protection and related domains.

II COPYRIGHT

Generative AI and copyright

In *Asian News International (ANI) v. OpenAI*,¹ the High Court of Delhi addressed a landmark dispute at the intersection of artificial intelligence and copyright law. ANI sued OpenAI, alleging that its copyrighted news content had been used without authorisation to train AI models such as ChatGPT. ANI claimed that ChatGPT generated outputs that were either verbatim reproductions or substantially similar to ANI's original reports, and that the AI system had even

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1 CS(COMM) 1028/2024.

attributed fabricated statements and interviews to the agency, thereby harming its credibility and reputation. OpenAI defended its actions by invoking the doctrine of fair use. The court, however, determined in favour of ANI, holding that the use of ANI's content without permission constituted copyright infringement. It granted an interim injunction restraining OpenAI from further using ANI's material and directed the company to implement safeguards against future unauthorized use. This decision, along with the ongoing proceedings before the High Court of Delhi, marks a significant step in India's evolving jurisprudence on artificial intelligence and copyright. It underscores the growing need for a clearer and more nuanced legal framework that balances technological innovation with the protection of creative, literary, and journalistic works.

***Locus standi* of entities to issue copyright licenses**

In *Novex Communications Pvt. Ltd. v. Trade Wings Hotels Ltd.*,² the High Court of Bombay addressed a significant issue concerning the *locus standi* of entities such as Novex Communications and Phonographic Performance Limited (PPL) to issue licenses, despite not being registered as copyright societies under Section 33(1) of the Copyright Act, 1957. The court held that entities such as Novex Communications and PPL, which have been assigned rights in sound recordings, are legally entitled to grant music licenses and collect royalties without registering as copyright societies. While interpreting section 33(1), the court clarified that the provision does not prohibit individual copyright owners or assignees from issuing licenses; rather, it regulates the collective *business of issuing licenses*. Further, the court observed that the proviso to section 33(1), which mandates that licenses may only be issued through copyright societies, does not extend to sound recordings. This interpretation aligns with the legislative intent, as the proviso is designed to restrict the licensing of underlying works incorporated within a sound recording (such as musical or literary works), not the sound recording itself.

The court's reasoning (i) aligns with the High Court of Delhi interpretation in *Novex Communications Pvt. Ltd. v. Lemon Tree Hotels Ltd.*,³ where it was held that the restriction applies only to musical works embodied in a sound recording, and not to the licensing of the sound recording per se; and (ii) diverges from the High Court of Madras view in *Novex Communications Pvt. Ltd. v. DXC Technology Pvt. Ltd.*,⁴ which had concluded that only registered copyright societies can license rights in sound recordings.⁵ This decision of the High Court of Bombay marks a significant development in India's music licensing landscape, potentially reshaping the operational framework for entities engaged in the licensing and royalty collection of sound recordings.

2 2024:BHC-OS:1428

3 MANU/DE/0124/2019.

4 [2021] SCC Online MHC 6266.

5 The court ruled that the second proviso to s. 33 (1) applied to sound recordings, and therefore, even owners could not issue licenses for sound recordings except by routing it through copyright societies.

Dynamic+ injunctions to protect broadcast right

In a significant step toward adapting legal frameworks to address digital piracy with more immediate and flexible remedies, the High Court of Delhi in *Star India Pvt. Ltd. v. Magicwin, Games*⁶ granted a dynamic+ injunction against websites,⁷ including Magicwin. Games that were illegally streaming the ICC Men's T20 World Cup 2024. The 'dynamic' injunction empowered Star India to prevent the real-time unauthorised dissemination of its content, while also allowing the reporting and blocking of new pirate sites as they emerged during the tournament. This ruling not only restrained the infringing websites but also reinforced the judiciary's recognition of the need for agile and effective enforcement mechanisms in the digital age. It underscores the courts' proactive role in protecting broadcasting rights and intellectual property, ensuring that rights holders can safeguard their content against evolving forms of online infringement. The decision is likely to serve as a catalyst for legislative action, guiding future regulation of online broadcasting and content distribution in India and potentially influencing international frameworks.

Right of authors to receive mandatory royalty

In a landmark judgment reinforcing creators' rights under the Copyright Act, 1957, and influencing both the music and telecommunications industries, the High Court of Calcutta in *Vodafone Idea Ltd. v. Saregama India Ltd.*, held that Vodafone must obtain separate licenses from the IPRS before commercially exploiting musical and literary works incorporated in sound recordings as part of its value-added services (VAS), such as caller ring-back tones. The court ruled that despite holding a license from Saregama for the sound recordings, Vodafone was still legally obligated to pay royalties to the authors of the underlying musical and literary works. This affirmed the independent rights of authors and composers, distinct from those of producers or sound recording owners.

Rejecting Vodafone's reliance on *IPRS v. Aditya Pandey*,⁸ the court observed that the decision did not apply to the post-2012 legal framework. Adopting a purposive interpretation, the court analyzed the 2012 Amendments to the Copyright Act, especially sections 17, 18, 19, 30, 30A, 33, and 34, which collectively ensure that authors' rights to royalties cannot be waived or assigned away by contract. The legislative intent behind these amendments was to guarantee that authors and composers continue to receive fair remuneration whenever their works are commercially exploited, regardless of ownership of the sound recording. The court further held that no agreement between Vodafone and Saregama could license out rights belonging to IPRS members without payment of royalties. Drawing on *IPRS*

6 CS(COMM) 490/2024.

7 Last year's Survey captured in detail the concept of dynamic+ injunction in *Universal City Studios LLC v. Dotmovies.baby*, 2023: DHC:5842.

8 2012 SCC OnLine Del 2645.

v. Eastern Indian Motion Pictures Association,⁹ the court emphasised that copyright extends an author's creative personality, protecting both moral and economic rights. The decision thus strengthens the statutory framework for royalty collection and enforces stricter licensing compliance, marking a decisive shift for industries that commercially use musical works, particularly in digital and telecommunication services.

Executive overreach

In *Phonographic Performance Ltd. v. State of Goa*,¹⁰ the High Court of Bombay struck down a Goa government circular issued in January 2024 that exempted musical performances at religious ceremonies, including weddings, from copyright licensing requirements. The circular effectively sought to exclude such performances from the ambit of copyright protection under the Copyright Act, 1957. Phonographic Performance Ltd., a registered copyright society, contended that the circular unlawfully expanded the scope of section 52(1)(za), which governs fair dealing exceptions, thereby limiting their ability to enforce copyright and pursue infringement actions. The court held that the circular constituted an overreach of executive authority, encroaching upon the judiciary's exclusive function of interpreting the law. It emphasised that determining the scope of *bona fide* religious ceremonies and related exceptions to copyright should be addressed through judicial review on a case-by-case basis, rather than through broad administrative directives. The judgment reinforces the judiciary's central role in shaping copyright jurisprudence and safeguards the rights of copyright holders against unauthorized use. It further underscores that broad exemptions for cultural or religious activities require careful judicial scrutiny and not an executive directive to maintain a balance between copyright protection and other public interests.

Matters of fact and laws of nature

In *Addala Sitamahalakshmi v. State of Andhra Pradesh*,¹¹ the High Court of Andhra Pradesh held that mathematical equations and scientific subjects constitute matters of fact and laws of nature, and therefore cannot be protected under copyright law. The court clarified that copyright subsists only in the expression of ideas, not in the ideas or facts themselves, and that the use of such material for educational purposes falls within the fair use doctrine. The judgment sought to promote educational equity by facilitating access to learning materials for students from underprivileged backgrounds. However, the ruling stands in contrast to decisions such as *Syndicate of the Press of the University of Cambridge v. B.D. Bhandari*¹² recognised that even in scientific or academic works, the expressive manner in which information is presented can attract copyright protection.

9 AIR 1977 SC 1443.

10 2024: BHC-GOA:1357-DB.

11 2011 DLT 346.

12 W.P. No. 13251 of 2011 and CrI. P. No. 4032 of 2011.

Other notable decisions

The High Court of Delhi in the *Bhaktivedanta Book Trust India v. Www. Friendwithbooks.Co*,¹³ held that ISKCON Founder-Acharya Srila Prabhupada's assignment of copyright to the Bhaktivedanta Book Trust was valid, ruling that his renunciation as a *sanyasi* did not extinguish his ownership rights in the copyrighted works.

In *Phonographic Performance Ltd. v. Al-Hamd Tradenation*¹⁴ and *Al-Hamd Tradenation v. Phonographic Performance Ltd.*,¹⁵ the Delhi High Court clarified that a pending application for compulsory license is not a defence to engage in allegedly infringing activities.

High Court of Orissa in *Binaya Kumar Naik v. Sanjay Kumar Naik*,¹⁶ while allowing an application under Section 11(6) of the Arbitration and Conciliation Act, 1996, for the appointment of an arbitrator to adjudicate the dispute between the parties, held that disputes pertaining to copyright infringement allegations against one person are arbitrable.

III PATENTS

Split verdict

*Gene Campaign v. Union of India*¹⁷ represents a landmark development in India's environmental jurisprudence, particularly concerning the regulation of genetically modified organisms (GMOs). In a detailed judgment delivered on July 23, 2024, a two-judge bench of the Supreme Court delivered a split verdict in a petition challenging the conditional approval granted for the environmental release of genetically modified (GM) mustard (DMH-11). B.V. Nagarathna J. invalidated the approval issued by the Genetic Engineering Appraisal Committee (GEAC – a statutory body responsible for clearing GM crop releases), citing procedural irregularities and broader public-interest concerns. She noted that the GEAC had unduly relied on foreign studies while failing to consider indigenous research on the environmental impact of GM mustard. In contrast, Sanjay Karol J., upheld the approval, observing that the decision had been taken by an expert body acting within its statutory mandate and did not exhibit arbitrariness.

Owing to this divergence, the matter was referred to a larger bench for final adjudication, with the Union Government undertaking not to proceed with the release of GM mustard until the issue is conclusively resolved. Notably, both judges concurred that the GEAC's decisions are amenable to judicial review. The judgment underscores the urgent need for a comprehensive national policy on GM crops and for enhanced transparency within India's biotechnology regulatory framework. Its implications extend beyond the immediate controversy, shaping

13 CS (COMM) No. 88 of 2021 and I.A. No. 78 of 2023.

14 CS (COMM) No. 564 of 2024.

15 C.O. (COMM.IPD-CR) No. 8 of 2024.

16 ARBP No. 9 of 2024 .

17 2024 INSC 545.

debates on scientific research, food security, environmental protection, and governmental accountability. It is anticipated that this decision will serve as a catalyst for reform, charting a roadmap for overhauling India's biotechnology governance and establishing more rigorous standards for the introduction of new agricultural technologies.

A combination of known elements does not confer inventiveness

Patent applications must demonstrate a clear, non-obvious innovation that goes beyond mere combinations of prior art. The High Court of Madras, in *Rhodia Operations v. Assistant Controller of Patents and Designs* and *Galatea Ltd. v. Controller of Patents*, provided significant guidance on conducting an inventive step analysis. In *Rhodia*,¹⁸ the court emphasised a two-tiered approach. The first step is to assess whether the invention constitutes a technical advance or has economic significance. The second step examines the question of non-obviousness. To determine non-obviousness, the court highlighted the importance of identifying the person skilled in the art (PSITA), a hypothetical construct in patent law used to evaluate whether an invention would be obvious. By drawing upon foreign statutes and jurisprudence, the court distinguished section 2(1)(ja) from section 64(1)(h), noting that, unlike the latter, section 2(1)(ja) does not qualify 'skilled' with the term 'average.' Accordingly, the PSITA for non-obviousness analysis is envisioned as someone possessing above-average technical ability, but not extraordinary imaginative capacity. Once the PSITA is identified, the court proceeds to evaluate whether the invention would have been obvious to such a person. The court applied the *Windsurfing/Pozzoli* test for this analysis:

- i. Identify the person skilled in the art.
- ii. Determine their common general knowledge.
- iii. Identify the inventive concept of the claim.
- iv. Note differences between the prior art and the claim.
- v. Assess whether these differences would be obvious to the skilled person.

Applying this framework, the court concluded that the proposed invention merely combined elements from prior art to enhance fluid barrier properties, without generating a new or non-obvious solution. The decision underscores the necessity for patent applicants to demonstrate genuine technical advancement and non-obvious innovation. Inventors and legal practitioners must therefore focus on clearly articulating how their inventions contribute meaningfully to the state of the art.

In *Galatea*,¹⁹ taking this analysis forward, stated that PSITA would have complete knowledge of the prior arts. For the purpose of determining obviousness, the court envisaged a broader and more nuanced profile. Such a person may be located anywhere in the world, is presumed to have access to all prior art in the field, and possesses a good or above-average level of technical competence and

¹⁸ 2024 MHC 6024.

¹⁹ 2024 Latest Caselaw 12492 Mad.

professional proficiency, though not inventive capability. This hypothetical individual is expected to mirror a real practitioner in the field as closely as possible, without possessing an unreal or extraordinary ability to combine disparate elements of prior art unless there exist clear pointers suggesting such a combination. The court further elaborated that the knowledge imputed to a PSITA must be confined to the relevant field of endeavour, making the identification of that field pivotal to the analysis of obviousness. In cases involving inventions that span multiple technical domains, a team of persons skilled in the respective arts may be envisaged. However, the composition of such a team must not be inferred from the solution offered by the invention itself, but rather from the closest prior art, to avoid hindsight bias. Where an invention bridges unrelated disciplines without prior indication of such a merger, the evaluation of obviousness must be conducted independently from the perspective of specialists in each discipline, rather than as a collaborative synthesis. The closest prior art must be examined to determine whether the relevant perspective for assessing non-obviousness is that of an individual expert or a team of skilled persons. Together, these two judgments underscore the importance of conducting a thorough and substantive - rather than superficial evaluation of the inventive step standard.

Public morality *versus* patentability of e-cigarette

In *Phillip Morris Products S.A. v. Assistant Controller of Patents*,²⁰ the High Court of Delhi admitted an appeal against the rejection of a patent for an e-cigarette invention, reviving debate on e-cigarette patentability in India. The controller had denied the patent under Section 3(b) of the Patents Act, citing public order and morality, while the Prohibition of Electronic Cigarettes Act, 2019, bans their production and sale. Phillip Morris argued the invention aimed to reduce smoking-related harm rather than promote it. By admitting the appeal, the court allows continued examination of the morality clause and the scope of patent protection for e-cigarettes.

Pre-grant opposition, post-grant opposition and writ

In *Rich Products Corporation v. The Controller of Patents*,²¹ the High Court of Delhi clarified the scope of extraordinary writ jurisdiction under Article 226 of the Constitution in the context of patent proceedings. The court held that a high court may intervene against the controller's decisions only in cases of jurisdictional or manifest error. It emphasized that challenging the controller's findings in a pre-grant opposition *via* a writ petition is generally inappropriate, as effective statutory remedies, such as post-grant opposition under Section 25(2) or revocation under Section 64 of the Indian Patents Act, are available. Writ jurisdiction is not a standard recourse where alternative remedies exist, and these statutory provisions provide robust mechanisms for contesting patent validity. The court further observed that a pre-grant opposition forms part of the examination process, designed to assist

²⁰ Available at: <https://indiankanoon.org/doc/9164060/> (last visited on Aug. 10, 2024).

²¹ LPA No. 257 of 2024 and CM No. 19528 of 2024 (High Court of Delhi, decided on May 1, 2024).

the patent office, whereas post-grant opposition or revocation is the proper forum for challenging the validity of an already granted patent. This ruling reinforces the principle that writ petitions should not be used to circumvent the statutory framework, ensuring that patent disputes proceed through the remedies envisioned by the Patents Act.

Damages based on lost profits

In *Communication Components Antenna Inc. v. Mobi Antenna Technologies (Shenzhen) Co. Ltd.*,²² the High Court of Delhi awarded INR 217 crores in damages to Communication Components Antenna (CCA) for Mobi Antenna's infringement of its patent. The damages were calculated based on CCA's *lost profits*, taking into account the average manufacturing and retail prices of the relevant products in Canada and the United States. This approach marked a deviation from the principle adopted in *Strix Ltd. v. Maharaja Appliances Ltd.*,²³ where damages were computed on a reasonable or fair basis rather than on lost profits. The judgment is significant for two principal reasons: (i) it represents one of the largest awards of lost-profit damages in Indian patent litigation, thereby serving as a deterrent for infringers, and (ii) it addresses the enforcement challenges posed by defendants located in non-reciprocating territories, invoking the court's inherent powers under Section 151 of the CPC to ensure effective relief. This landmark decision contributes significantly to the evolving jurisprudence on the quantification of damages in India. It also reiterates that a defendant's abandonment of proceedings cannot operate to their benefit, affirming that inactivity confers no procedural advantage.

Examination versus opposition

In *Novartis v. Natco Pharma*,²⁴ the High Court of Delhi delivered a significant judgment clarifying that the patent examination and pre-grant opposition processes are distinct and independent, even if they run in parallel. The court emphasized that an opponent has no right to intervene in the substantive examination, which is a mandatory statutory procedure. The pre-grant opposition merely serves as a representation to assist the controller in conducting a holistic assessment of the patent application. The division bench overturned the single bench's interlocutory injunction, which had restrained Natco from using Eltrombopag Olamine. The judgment underscored that the examination and opposition processes do not merge, stressing the importance of maintaining their separation to prevent abuse of the pre-grant opposition mechanism and to ensure timely patent examination. By doing so, the ruling safeguards the interests of both.

Algorithms and section 3(k)

In August, the High Court of Delhi decided two significant cases involving Blackberry patents. In *Blackberry Limited v. Controller of Patents and Designs*²⁵

22 CS (COMM) No. 146 of 2017 (High Court of Delhi, decided on May 16, 2024).

23 2023 SCC OnLine Del 7128.

24 2024: DHC:3198-DB.

25 Available at: <https://indiankanoon.org/doc/24328013/> (last visited on Aug. 10, 2024).

the court held that the claims were directed solely toward a set of instructions and constituted pure algorithms, which are not patentable under Section 3(k) of the Patents Act. In the second *Blackberry* case,²⁶ the court found that certain claims included a software implementation, rendering the invention patentable. While the distinction between an algorithm and a computer programme is inherently nuanced, the court clarified the difference between an invention that merely embodies an algorithm and one that incorporates it to achieve a technical effect. Purely algorithmic inventions remain non-patentable; however, inventions that disclose a technical effect, such as enhancing device functionality or improving system or hardware performance, qualify for patent protection. This reasoning reinforces the principle that software-related inventions must demonstrate a tangible technical contribution beyond abstract computational methods to be considered patentable under Indian law.

Product-by-process patent

In *Vifor International Ltd. v. Corona Remedies Pvt. Ltd.*,²⁷ the division bench of the High Court of Delhi overturned a previous ruling that had confined patent protection solely to products derived from the specific process described in the patent specification. The earlier decision by a single judge held that the scope of protection extended only to products directly resulting from the disclosed manufacturing process. The division bench clarified, however, that patent protection under such claims extends to the novel and inventive product itself, regardless of the process employed to produce it. In doing so, the court reaffirmed the doctrinal validity of product-by-process claims, describing them as a rule of necessity, applicable where a patentee is unable to fully describe a new product by reference to its structure and must therefore rely on a description of its method of manufacture. The court also drew a clear distinction between Sections 48(a) and 48(b) of the Patents Act, rejecting the *Abbott* rule,²⁸ which had previously limited protection to the process element of such claims. By affirming that product-by-process claims must be evaluated based on the novelty and inventiveness of the product itself, the court concluded that such claims fall within the ambit of section 48(a), which protects products *per se*. This decision provides doctrinal clarity on the scope of product-by-process patents in India, particularly in the pharmaceutical industry. It reinforces the need for substantive assessment of product novelty rather than formalistic reliance on process-based limitations.

Penalty for non-disclosure

In *Google LLC v. Controller of Patents*,²⁹ the High Court of Delhi imposed a penalty of 1 lakh on Google for misrepresentation and failure to disclose the rejections of its corresponding European patent applications. The case arose during the hearing of an appeal against the refusal to grant a patent on grounds of

26 Available at: <https://indiankanoon.org/doc/50904559/>(last visited on Aug. 10, 2024).

27 CS(COMM) 448/2022.

28 *Abbott Laboratories v. Sandoz, Inc.*, (2009).

29 Available at : <https://indiankanoon.org/doc/118125876/>(last visited on May 20, 2024).

lack of inventive step, lack of novelty, and absence of technical effect under section 3(k) of the Act. Google had filed two patent applications before the European Patent Office (EPO), both of which were rejected for lack of inventive step. Under Section 8(1) of the Patents Act, a patent applicant is obligated to furnish particulars of corresponding applications filed outside India that relate to the same or substantially similar invention to the controller. The court's penalty underscores the importance of full disclosure and transparency in patent prosecution. Notably, the Patents (Amendment) Rules, 2024, now require applicants to provide details of corresponding foreign applications only upon the issuance of a statement of objections by the Patent Office, rather than at the initial filing stage. The judgment highlights the legal and ethical responsibility of applicants to disclose relevant information, reinforcing the principle that misrepresentation or omission can attract significant penalties even while procedural rules evolve.

Patent writs

In *University Health Network v. Adiuvo Diagnostics Private Limited*,³⁰ the Madras High Court addressed the scope of its extraordinary writ jurisdiction under Article 226 of the Constitution over orders passed by the Indian Patent Office. The court considered whether a writ challenging a patent office order must be filed exclusively in the high court with jurisdiction over the appropriate patent office - in this case, Delhi, or whether other factors, such as the location of the parties or the initial stages of opposition proceedings, could establish jurisdiction elsewhere. The court held that the location of the patent office is not the sole determinant of writ jurisdiction. Since parts of the cause of action arose in Chennai, where the respondent is based and the initial patent opposition proceedings were conducted, the Madras High Court of Madras could exercise jurisdiction. The ruling underscores the 'dynamic effect' of a patent grant, highlighting that patents have nationwide implications and that jurisdiction for challenging patent office orders may be flexibly determined based on the facts of the case. This decision provides clarity on procedural aspects of patent litigation, emphasising that writ jurisdiction is not rigidly confined to the location of the patent office but considers the broader context of the cause of action.

Other notable decisions

The High Court of Madras in *Vandana Parvez v. The Controller of Patents* held that the patent office cannot rely on withdrawn patent applications as prior art to reject a fresh application. Once a patent application is withdrawn, it ceases to be publicly available and cannot therefore be treated under patent law as prior art.

The High Court of Madras, in *Kyorin Pharmaceutical Co. v. Assistant Controller of Patents*,³¹ expressed concern over the rejection of a product patent on the ground of lack of inventive step when a patent has already been granted for

30 Available at : https://www.livelaw.in/pdf_upload/university-health-network-v-adiuvo-diagnostics-private-limited-514135.pdf(last visited on May 20, 2024).

31 Available at : <https://indiankanoon.org/doc/176291084/>(last visited on May 20, 2024).

the process used to produce that product. The court further observed that the controller's reasoning was based on hindsight reconstruction and that the cited prior art, in fact, taught away from the claimed invention.

*Star Scientific LTD. v. The Controller of Patents and Design*³² held that non-appearance of an applicant at a scheduled hearing does not automatically lead to the abandonment of a patent application. The controller is required to consider the evidence and material already on record, unless there is a clear and explicit indication from the applicant's conduct that the application has been abandoned. Mere absence at the hearing, the court emphasised, cannot by itself be construed as abandonment.

IV IPR AND COMPETITION ACT

In a decision addressing the balance between transparency and the protection of personal information under the Right to Information Act, the Central Information Commission in *Dipak Ranjan Mukherjee v. Ministry of Commerce and Industry*³³ held that the requested information primarily comprised personal data relating to IPRS and its members, which is protected under the RTI Act. The Commission emphasized that the appellant had failed to demonstrate any overriding public interest that would justify disclosure of such confidential information. Additionally, the CIC refused access to the Y.P.C. Dangey Commission Report, established to investigate the re-registration of IPRS, noting that since the report had not been tabled before parliament or any legislature, it did not constitute a public document and was therefore exempt from disclosure.

V PERSONALITY RIGHTS

Copyright and personality rights – copyright subsists only in 'works' and not in life events or facts

The Punjab and Haryana High Court in *T-Series v. Dreamline Reality Movies*³⁴ dealt with the adaptation of the biography of the late Jaswinder Kaur, a Canadian citizen and victim of an alleged honour killing that attracted significant media attention in the 2000s, into a cinematographic film. The case *prima facie* involved the interplay between copyright and personality rights. The court explicitly held that personality or publicity rights can only be claimed by individuals who have attained celebrity status. Referring to *Justice K.S. Puttaswamy v. Union of India*,³⁵ which delineated the contours of the right to privacy, the court clarified that the *Puttaswamy* judgment does not confer an absolute right to privacy, nor does it lay down any law concerning copyright. The central issue was whether T-Series was required to obtain a license or permission from Jaswinder Kaur's husband, given that her life story would inevitably include aspects of his life. The court held that no such permission was necessary and that T-Series had not

32 2024:DHC:5643.

33 File No. CIC/MOCMI/A/2023/633735 (Central Information Commission, decided on October 30, 2024).

34 2024: PHHC: 025132.

35 (2017) 10 SCC 1.

infringed any copyright, since copyright subsists only in original *works*, not in life events, facts, or incidents. The court further noted that Jaswinder Kaur's life story formed part of public records in Canada and in extradition proceedings, as well as judicial proceedings in India, where members of her family were tried for her murder. These events had also been extensively covered in print, electronic and social media.³⁶ The copyright statute also excludes public-domain material from the restrictions of the Copyright Act. Given that T-Series' film was based on a biography authored by Fabian Dawson and on publicly available records concerning Ms Kaur's death, the court found no copyright infringement. It also reiterated that the right of publicity, or celebrity right, may be invoked only by a person who has acquired a distinct public persona or celebrity status capable of commercial exploitation.³⁷

In *Jackie Shroff v. The Peppy Store*,³⁸ the High Court of Delhi issued an *ad-interim* injunction restraining several defendants from infringing actor Jackie Shroff's personality rights. The plaintiff alleged that the defendants were commercially exploiting or misappropriating his name, voice, images, and other identifiable attributes, as well as his registered trademarks. Interestingly, unlike the blanket injunction granted in the *Anil Kapoor* case, the court adopted a nuanced approach—granting interim injunctions against certain defendants while refusing to issue an *ex parte* injunction against one defendant who had created a meme or spoof video based on Shroff's earlier interviews. The court held that, in this particular instance, it was necessary to balance Shroff's personality rights with the defendant's legitimate interest in artistic and economic expression. Consequently, it issued a notice instead of directly passing an *ex parte* injunction, observing that “it could set a precedent that stifles freedom of expression, potentially deterring the public from exercising their right to free speech due to fear of legal repercussions.”³⁹ The court significantly acknowledged the *cultural currency* that certain public figures acquire - how they become part of the collective imagination, and how such personas are often invoked in memes, parodies, and spoofs. The court's endorsements on the nature of personality rights are noteworthy: “The plaintiff's commercial endorsements leverage his personality, name, voice, image, likeness, mannerisms, gestures, and other uniquely identifiable characteristics associated with him. The plaintiff, being a person of celebrity status, possesses personality/publicity rights over all facets of his persona. These attributes, over which the plaintiff exercises exclusive control, constitute his personality and publicity rights.” The unauthorised use of these characteristics for commercial purposes not only infringes these rights but also dilutes the plaintiff's painstakingly built brand equity.

The court further noted that the interests of famous personalities are protectable under the Copyright Act, particularly as an extension of *moral rights*

36 *Id.*, para 13.

37 *Id.*, para 19.

38 2024:DHC: 4046.

39 *Id.*, para 21.

under sections 38, 38A, and 38B, which grant performers the right of attribution (to be credited and acknowledged as the author of their performance) and the right of integrity (to restrain others from distorting or mutilating their performances in ways that could harm their reputation). Thus, the plaintiff enjoys moral rights to prevent any distortion, modification, or misuse of his performances that could tarnish or malign his reputation.

The High Court of Delhi, in two subsequent instances: (i) *Independent News Services Pvt. Ltd. v. Ravindra Kumar Choudhary*⁴⁰ and (ii) *Vishnu Manchu v. AreBumDum*,⁴¹ issued broad and sweeping injunctions against parody artists, online memers and trollers. In the first case, which was primarily a trademark infringement case, the court granted an interim injunction in favour of journalist Rajat Sharma and his news channel *Aap Ki Adalat* against a political satirist who had used the deceptively similar mark *Baap Ki Adalat* and incorporated Sharma's name, photograph, and video clips in his content. In the second case, the court issued a John Doe order in favour of Telugu actor and producer Vishnu Manchu, granting an interim injunction restraining various YouTube channels and other parties from the unauthorised use of his name, voice, image, and likeness, thereby protecting his personality rights.

In *Neela Film Productions Pvt. Ltd. v. Taarak Mehta Ka Ooltah Chashmah.com*,⁴² the High Court of Delhi granted an interim injunction restraining the unauthorised use of the popular television show 'Taarak Mehta Ka Ooltah Chashmah', including its title, characters, and associated elements. The decision underscores the increasing importance of strong judicial enforcement against digital piracy and intellectual property infringement in the entertainment industry. The ruling reaffirms judicial recognition of protection for fictional characters through evolving interpretations and precedents. It also empowers creators to safeguard their creative assets and brand identity, thereby facilitating future commercial expansion into areas such as merchandising, animation, and other derivative markets.

VI TRADEMARK

Infringement and rectification cannot proceed concurrently

In *Amrisha Aggarwal Trading as Mahalaxmi Product v. Venus Home Appliances Pvt. Ltd.*,⁴³ a division bench of the High Court of Delhi clarified that the court is mandatorily required to stay an infringement suit if either party files a rectification petition subsequent to raising a plea of invalidity.⁴⁴ Clarifying the scheme under section 124 after the abolition of the IPAB, the court held that once the trial court is *prima facie* satisfied with the defendant's plea for rectification of

40 2024 SCC OnLine Del 4380.

41 CS(COMM) 828/2024, decided on 01-10-2024.

42 CS (COMM) No. 690 of 2024 and I.A. Nos. 36509–36514 of 2024 (Delhi High Court, decided on August 14, 2024).

43 2024:DHC:3911-DB.

44 Also see, *Patel Field Marshal Agencies v. PM Diesels*, AIR 2017 SCC 1388 and *Puma Stationer P. Ltd. v. Hindustan Pencil Ltd.*, (2010) 43 PTC 479.

the plaintiff's mark, the infringement proceedings must be stayed and cannot proceed concurrently. This ruling overturns the view of a single judge bench, which had earlier held that, following the abolition of the IPAB, infringement proceedings and rectification petitions could proceed simultaneously.

Mirror images

The 23-year-long legal dispute concluded with the Delhi High Court's ruling in *Lacoste v. Crocodile International Pvt. Ltd.*,⁴⁵ which upheld Lacoste's trademark rights in its iconic crocodile logo. The court permanently enjoined Crocodile International (Singapore) from using a similar crocodile logo that faced left, while Lacoste's logo faced right. Additionally, the court ordered an accounting of profits dating back to 1998, while dismissing Lacoste's separate claims for passing off and copyright infringement. The case underscores the critical importance of maintaining a distinct brand identity to prevent consumer confusion and potential legal disputes. It further demonstrates that courts can grant injunctions against infringing marks even if they are merely mirror images of the original. The discussion on transborder presence, coupled with Lacoste's strong domestic reputation and consumer goodwill, underscores the need for global fashion brands to rigorously protect their distinctive marks, thereby safeguarding their brand identity and consumer trust across jurisdictions.

Stricter safeguards in the pharmaceutical trade marks

The 19-year-long dispute between *Viagra* and *Vigoura* was finally resolved in 2024, when the Delhi High Court, in *Pfizer Products, Inc. v. Renovision Exports Pvt. Ltd.*,⁴⁶ held that Pfizer was the prior user and registered proprietor of the mark. The court permanently enjoined Renovision from using the *Vigoura* mark or any other confusingly similar mark, finding that Renovision had adopted the mark with knowledge of Pfizer's established *Viagra* mark. Unlike non-medicinal trademarks, medicinal marks demand stricter safeguards against consumer confusion, as observed in *Cadila Healthcare Ltd. v. Cadila Pharmaceuticals*.⁴⁷ In the present case, the marks exhibited high degrees of both phonetic and visual similarity. Moreover, since both drugs were intended for similar medical treatments, the potential for consumer confusion carried serious public health implications, as consumers could be misled into believing that the defendant's product was a variant of, or otherwise associated with, the plaintiff's established mark.

Prior use versus later registration

In *P.M. Diesels v. Thukral Mechanical Works*,⁴⁸ the High Court of Delhi resolved a four-decade-long dispute over the trademark *FIELD MARSHAL*. The court held that P.M. Diesels was the prior user of the mark and accordingly directed the cancellation of the impugned registration held by Thukral Mechanical Works. It found that the plaintiff had established a superior proprietary right through

45 2024: DHC: 6150.

46 2024 SCC OnLine Del 3140.

47 (2001 (2) PTC 541 SC).

48 2024 SCC OnLine Del 2432.

continuous and bona fide use of the mark since 1963, a claim that outweighed Thukral's subsequent registration. Rejecting the defendant's arguments of acquiescence, delay, and laches, the court not only cancelled the defendant's registration but also directed that P.M. Diesels' pending applications for the mark *FIELD MARSHAL* in various languages be processed for registration. The case holds significance for affirming the statutory intent underlying the concepts of *bona fide adoption*, *priority of use*, and the status of a *true and lawful proprietor*.

Analysis of initial interest confusion among consumers

In *Under Armour Inc. v. Anish Agarwal*,⁴⁹ the High Court of Delhi granted an interim injunction in favour of Under Armour, restraining the defendants from using the marks *AERO ARMOUR* and *ARMR*, which were found to be deceptively similar, both phonetically and visually, to the registered word mark *UNDER ARMOUR*. The court observed that the impugned marks were adopted for similar goods and operated through overlapping trade channels, thereby constituting *prima facie* infringement and lacking bona fides. The finding of infringement was grounded in the principle of 'initial interest confusion,' which recognises consumer confusion arising at the preliminary stage of brand association, even if corrected later. Applying the 'dominant part' test, the court examined whether 'Armour' constituted the essential feature of the plaintiff's mark. Relying on previous decisions (*South India Beverages Pvt. Ltd. v. General Mills Marketing Inc.*⁵⁰ and *Aditya Birla Fashion & Retail Ltd. v. World of Fashion*),⁵¹ the court held that 'Armour' was not the dominant or exclusive part of "Under Armour." Trade mark registration does not confer exclusive rights over a part of a composite mark. The ruling thus reinforces the principle that deceptive similarity and likelihood of confusion must be assessed holistically, considering the overall impression created by the marks rather than isolating individual components.

Well known trademarks

In *Haldiram India Pvt. Ltd. v. Berachah Sales Corporation*,⁵² the High Court of Delhi delivered an *ex parte* judgment recognising a well-known trademark. The court reiterated that the distinctiveness of a well-known trademark transcends geographical boundaries. It was observed that the trademark *Haldiram* enjoys an extensive reputation and distinctiveness even in West Bengal, where the plaintiff previously did not exercise exclusive rights. Furthermore, the court clarified that any territorial division of rights among certain family members would not affect the mark's declaration as well-known, as such recognition is based on the mark's overall reputation and goodwill across products, services, and regions.

The High Court of Delhi, further, in *Vans Inc. USA v. FCB Garment Tex*,⁵³ held that a well-known mark will not give the proprietor unbridled and absolute

49 2024: DHC: 4738

50 (2015) 214 DLT 123.

51 2023:DHC:2711.

52 CS (COMM) No. 495 of 2019 and I.A. Nos. 12513 of 2019, 14284 of 2019, 2650 of 2021 and 14468 of 2022 (High Court of Delhi, decided on April 2, 2024).

53 2024:DHC: 3789.

rights to seek rectification of pre-existing allegedly similar marks. While the recognition of a well-known mark extends beyond geographical boundaries, such status does not entitle the proprietor to unfettered protection against prior registered marks. “Declaration of a well-known trademark cannot give an automatic, unabridged, and unmitigated right to a proprietor to apply for rectification of all the marks which have subsisted on the Register for years prior and in different classes.”⁵⁴

Smart copying

In *Allied Blenders and Distillers (P) Ltd. v. Hermes Distillery (P) Ltd.*,⁵⁵ the High Court of Delhi granted an interim injunction against Hermes Distilleries, finding that its ‘Peace Maker’ label was a *prima facie* imitation or smart copy of the plaintiff’s ‘Officer’s Choice’ label. The court observed that the similarities between the two were ‘too significant to ignore,’ but the overall impression was more important than minor differences, creating a likelihood of consumer confusion. The court emphasised that the overall commercial impression of the labels outweighed minor differences. In assessing consumer confusion, it also considered market realities, particularly the differing strata of consumers and the likelihood of confusion, which is reasonably likely to mislead consumers, when products are displayed adjacent to one another in dimly lit bars or retail environments.

Deceptive similarity

In *Fab India v. Fab India Emporium*,⁵⁶ the High Court of Delhi ruled in favour of Fabindia, holding that the defendant’s use of the mark *Fab India Emporium* was deceptively similar to the plaintiff’s well-known trademark *FABINDIA*. The court observed that such use was likely to cause consumer confusion, dilute the brand’s distinctiveness, and unfairly exploit Fabindia’s established goodwill. Accordingly, a permanent injunction was granted, restraining the defendant from using *Fab India Emporium* or any other mark deceptively similar to *FABINDIA*. This decision reinforces the judiciary’s consistent protection of established brand identity and highlights the importance of preventing deceptive similarity that could mislead consumers or undermine brand reputation in the marketplace.

Design trademarks

In *Adidas v. Jai Prakash*,⁵⁷ the court granted a permanent injunction restraining the defendants from the unauthorised use of Adidas’s iconic three-stripe mark. The court found that the defendants had wilfully infringed Adidas’s registered trademarks, including the three-stripe and performance logos, and held that the use of similar stripes was likely to cause consumer confusion and amounted to trademark infringement. Accepting Adidas’s contention, the court observed

54 *Id.* at para 13.20.

55 CS (COMM) No. 274 of 2021 and I.A. Nos. 7301 of 2021 & 4441 of 2023 (High Court of Delhi, decided on Jan. 15, 2024).

56 2024 SCC OnLine Del 4379.

57 TM No. 1282/22 decided by Tis Hazari District Court (Delhi) decided on Sep 7, 2024.

that such imitation diluted the distinctiveness of its well-known mark and harmed its brand identity. The court further directed the destruction of all infringing products to prevent continued misuse. The defendants failed to produce any credible evidence supporting their claim of prior use of the mark since 1987, reinforcing the finding of deliberate infringement.

Pharmaceutical trademarks

In *Glenmark Pharmaceuticals Ltd. v. Gleck Pharma*,⁵⁸ the High Court of Bombay held that the mark *XIGAMET* was phonetically, visually, and structurally deceptively similar to Glenmark's registered trademark *ZITA-MET*, used for its diabetes medication. Recognizing the potential for confusion in the pharmaceutical market, the court granted an interim injunction restraining Gleck Pharma from using the impugned mark in relation to its medicinal products. The court underscored that even a minimal likelihood of confusion in the case of medicinal products could have grave consequences for public health and safety, and therefore demanded stricter judicial vigilance. This decision reaffirms the judiciary's commitment to heightened scrutiny in pharmaceutical trademark disputes, where consumer protection and public welfare are of paramount importance.

Other notable decisions

In *Pidilite Industries Ltd. v. Sanjay Jain*,⁵⁹ the High Court of Delhi, while adjudicating a rectification petition, clarified the limits of trademark exclusivity. The court refused to remove or cancel the respondent's trademark *Kwikheal*, despite the plea filed by the proprietor of *Fevikwik*, holding that the petitioner could not claim a monopoly over the element *Kwik* or all its phonetic or structural variations. This decision underscores the judiciary's recognition that trademark protection does not extend to common or descriptive elements, and that exclusivity must be balanced against fair competition and public interest.

The High Court of Delhi in *Hershey's Co v. Atul Jalan*⁶⁰ clarified that the defence of the first sale doctrine will not operate in cases where the reseller has altered the quality of the product or changed expiry dates, as it will lead to confusion about the source and quality of the goods.

VII INDUSTRIAL DESIGNS AND TRADE DRESS

Prior foreign registration and publication

The case *Paresh Ajitkumar Kapoor v. Controller of Patents and Designs*,⁶¹ addressed the question of whether registration of a design in a foreign country, by itself, constitutes publication and can therefore serve as a ground for cancellation of a design registered in India. The court held that registration in a foreign country alone is not a ground for cancellation of a design in India, allowed the appeal, and

58 [2024] SCC OnLine Bom 1660.

59 2023:DHC:2369.

60 CS (COMM) No. 780 of 2023 and I.A. Nos. 21399 of 2023, 21401 of 2023 & 24575 of 2023 (Delhi High Court, decided on April 15, 2024).

61 2024 SCC OnLine Cal 5391.

remanded the cancellation petition back to the controller for reconsideration. The court clarified several key aspects relevant to design invalidation proceedings. The Designs Act does not define publication and differentiates between prior registration in India and abroad. Section 19(1)(a) establishes that prior registration in India may constitute a ground for cancellation, but registration in a foreign country does not. Publication must involve making the design available to the public in India, and registration of a foreign design does not automatically indicate that such publication has occurred. A mere photograph or graphic model included in a patent certificate cannot be considered as a publication unless it demonstrates the design applied to the article in a manner that a person with ordinary knowledge of the subject can understand and apply. Prior publication, even in the form of photographs, must provide sufficient clarity regarding dimensions, shapes, and patterns; unclear images do not destroy a design's novelty.

The court noted that the controller erred in treating the Chinese design registration as sufficient for publication without verifying the authenticity of the documents or considering their admissibility. Showing designs on an unverified foreign website does not constitute prior publication, and sufficient evidence must establish that the designs were made available to the public. The court also observed that previous orders relating to the same Chinese design and similar issues should have been taken into account in the impugned order.

This case underscores the critical distinction between registration and publication. Prior registration outside India, by itself, does not render a design liable to cancellation. Publication must be assessed on the evidence presented in each case and must be in tangible form applied to the same article. To constitute prior publication, the design must be made available in a manner that allows a person of ordinary knowledge to understand and apply it. The judgment also reinforces the necessity of submitting verified, corroborated, and legally admissible evidence in design invalidation proceedings, highlighting the judiciary's careful approach in protecting the novelty and rights of registered designs in India.

Infringement of diverse IPRs

Bulgari S.P.A. v. Prerna Rajpal, 1, addressed copyright infringement in the luxury jewellery sector, encompassing issues of copyright, trademarks, trade dress, and designs. The court found that the defendant's product, the *Shield-It Necklace*, was visually and structurally similar to the plaintiff's *Serpenti Ocean Treasure Necklace*, with comparable colour combinations and ornamentation placements. The court considered the applicability of Section 15(2) of the Copyright Act and determined that it was not applicable in the present case, as the plaintiff had not produced any item with the design more than fifty times, nor had the product been manufactured through an industrial process.

The High Court of Delhi granted an *ad-interim* injunction in favour of *Bulgari*, restraining the defendant from manufacturing, marketing, or selling the *Shield-It Necklace* or any product resembling the *Serpenti Ocean Treasure Necklace*. The court emphasised that the designs were substantially similar in appearance and

structure, reflecting the judiciary's strong commitment to protecting unique and original designs. Additionally, the court held that the defendant's use of the *SERPENTI* trademark constituted trademark infringement, reinforcing the protection of established brand identifiers in the luxury goods sector.

VIII CONFIDENTIAL INFORMATION

In *UTI Infrastructure Technology and Services Ltd. v. Extra Tech World*,⁶² UTI Infrastructure Technology and Services Limited (UTIITSL), an authorised PAN service provider since 2003, filed a suit against multiple defendants, including Extra Tech World, alleging the unauthorised use of its proprietary marks and labels on counterfeit websites offering fake PAN card services. The plaintiff contended that this conduct not only infringed its trademarks and constituted passing off, but also posed a significant risk to public interest and national security by potentially compromising confidential data. The High Court of Bombay ruled in favour of UTIITSL, holding that the defendants' actions amounted to trademark infringement and misrepresentation, and that they misled users by impersonating legitimate PAN services. Recognising the critical nature of PAN-related services, the court granted an *ex parte ad interim* injunction restraining the defendants from using the impugned marks and ordered the suspension of domain names associated with the fraudulent websites. The court further mandated the removal of the offending websites and empowered domain registrars to act against unauthorised use of the plaintiff's marks.

This decision underscores the judiciary's proactive approach to protecting nationally significant intellectual property rights, highlighting the intersection of IPR enforcement, public trust, and digital security. It reinforces the principle that trademark protection extends beyond commercial interests to safeguard public data and prevent fraud in critical government-authorised services.

IX PLANT VARIETY PROTECTION AND FARMERS RIGHTS

In *PepsiCo India Holdings Pvt. Ltd. v. Kavitha Kuruganti*,⁶³ the High Court of Delhi held that procedural irregularities that do not affect the core validity of a plant variety registration cannot serve as grounds for revocation under section 34. While setting aside the single judge's order that had affirmed the revocation of PepsiCo's registration by the Plant Variety Authority, the division bench observed that, although PepsiCo had provided incorrect information regarding the date of commercialization at the time of filing, this did not compromise the validity of the registration. The court thus clarified that section 34 cannot be invoked to challenge registrations based on clerical or other non-material errors, emphasizing that only substantive defects affecting the fundamental validity of the registration can justify revocation.

⁶² Interim Application (L) No. 564 of 2024.

⁶³ LPA No. 590 of 2023 and LPA No. 644 of 2023 with CM Appl. Nos. 42282 of 2023 and 48893 of 2023 (High Court of Delhi, decided on Jan. 9, 2024).

Section 24(5)

Section 24(5) of the Protection of Plant Varieties and Farmers' Rights Act, 2001, empowers the Registrar to issue directions safeguarding a breeder's interests against third-party abusive acts that may occur between the filing of an application and its registration. The provision has undergone significant judicial scrutiny. In *Prabhat Agri Biotech Ltd. v. Registrar of Plant Varieties* (2017), the Delhi High Court declared section 24(5) unconstitutional on the ground that it vested excessive interim powers in the registrar during the pendency of an application. However, the Supreme Court subsequently stayed this ruling in *Pioneer Overseas Corporation v. Kaveri Seed Co. Ltd.* (2019), effectively reinstating the provision's operation. In *UPL Limited v. Registrar & Anr.*,⁶⁴ the Delhi High Court affirmed that applications under section 24(5) are maintainable even prior to the formal registration of a plant variety. The judgment reinforces the interim protective mechanism envisaged by the statute, recognising the need to preserve breeders' commercial and proprietary interests during the often lengthy registration process. This verdict underscores the evolving judicial interpretation of section 24(5) as a critical safeguard for innovators in the plant breeding sector.

X MISCELLANEOUS

Negative covenants

In *Saga Musica Private Limited v. Roger David*,⁶⁵ the Delhi High Court enforced a negative covenant contained in a contract between the music label Saga Music and rapper-singer Bohemia. The court restrained the artist from collaborating with third parties to produce music videos, songs, or sound recordings, or from undertaking public performances, without the prior written consent of Saga Music. While courts generally refrain from granting specific performance of personal service contracts, the judgment reaffirmed that negative covenants, prohibiting an individual from performing certain acts, are legally enforceable through injunctive relief.

Pre-institution mediation

In *Novenco Building & Industry A/S v. Xero Energy Engineering Solutions Pvt. Ltd.*,⁶⁶ the Himachal Pradesh High Court reaffirmed the mandatory nature of pre-institution mediation under Section 12A of the Commercial Courts Act, 2015 (CCA). The court dismissed a patent and design infringement suit for the plaintiff's failure to comply with this statutory prerequisite, emphasising that the plea of urgency must be examined with due care and cannot be used as a device to bypass the mediation process. The judgment provides important procedural clarity on how courts should assess claims of urgency before exempting parties from pre-litigation mediation. Relying on the Supreme Court's rulings in *Patil Automation Pvt. Ltd. v. Rakheja Engineers Pvt. Ltd.*⁶⁷ and *Yamini Manohar v. T.K.D. Keerthi*,⁶⁸

64 2024 SCC OnLine Del 368.

65 CS(COMM) 44/2024.

66 2024:HHC:7518.

67 2022 SCC OnLine SC 1028.

68 (2024) 5 SCC 815.

the court underscored that it is a judicial duty to carefully scrutinize both the nature of the dispute and the relief sought before dispensing with the statutory requirement. The decision aligns with a growing judicial consensus emphasizing mediation as an essential step in commercial dispute resolution rather than a mere procedural formality.

The Himachal Pradesh High Court's reasoning was consistent with precedents such as *Pankaj Rastogi v. Mohd. Sazid*.⁶⁹ decided by the Allahabad High Court and *Odisha Slurry Pipeline India Ltd. v. Gangavaram Port Ltd.*,⁷⁰ where the Calcutta High Court held that, in the absence of a genuine prayer for *Odisha* where the Calcutta High Court held that, in the absence of a genuine prayer for urgent interim relief, a suit cannot be validly instituted without first undergoing pre-institution mediation. Furthermore, the court clarified that merely including a request for urgent relief in pleadings is insufficient to establish urgency; the plaintiff must substantively demonstrate imminent and irreparable harm that justifies exemption. This decision reinforces the statutory policy of encouraging early, consensual resolution of commercial disputes and discourages premature litigation that undermines the efficiency and spirit of the commercial courts framework.

Ph.D. thesis not automatically exempted under RTI Act

The CIC had previously denied access to a Ph.D. thesis titled "*Studies on Some Nitrogen-Fixing Genes of Azotobacter vinelandii*" submitted to Jamia Millia Islamia University (JMIU), citing commercially sensitive content and invoking the exemption under section 8(1)(d) of the RTI Act. The Delhi High Court, in *Rajeev Kumar v. Central Information Commission*⁷¹ overturning both JMIU's and the CIC's stance, held that a Ph.D. thesis constitutes "information" under the RTI Act. While such a thesis enjoys copyright protection, copyright alone does not automatically justify exemption under section 8(1)(d). The court emphasized that a thesis maintained by a publicly funded university falls within the ambit of section 2(f) of the Act. The judgment underscored the principles of transparency and accessibility as essential to promoting academic discourse and enabling further research. While copyright law may restrict reproduction, it is not intended to limit access to knowledge. Restricted access may be warranted only where sensitive or proprietary information could cause material harm, which the university failed to demonstrate in this case. The court highlighted that the fundamental purpose of a Ph.D. thesis lies in contributing to scholarly advancement, necessitating public dissemination. The ruling rejected the CIC's over-reliance on intellectual property and alleged commercial confidentiality without supporting evidence, emphasizing that RTI exemptions must be applied judiciously. By balancing public and private interests, the judgment sets a crucial precedent ensuring that the objectives of the RTI Act are effectively upheld without being misapplied.

69 2024:AHC:15223.

70 (Calcutta High Court, 2023) ibclaw.in 156 HC.

71 W.P.(C) 10118/2021, decided on 10-12-2024.

The Telangana High Court, in *Kohinoor Seed Fields India Pvt. Ltd. v. Veda Seed Sciences Pvt. Ltd.*,⁷² held that allegations of trademark misuse involving the marks *SADANAND*, *TADAAKHA*, and *BASANT* demonstrated sufficient urgency to warrant judicial intervention. Observing that Kohinoor's adoption of the impugned marks appeared *prima facie* dishonest, the court ruled that it was appropriate to dispense with the requirement of pre-institution mediation under Section 12A of the Commercial Courts Act, 2015. The decision highlights the judiciary's flexible approach to balancing procedural requirements with the need for urgent relief in intellectual property disputes, especially where bad-faith adoption and potential market confusion are evident.

The trademark dispute in *M.M.I. Tobacco Pvt. Ltd. v. Iftikar Alam*⁷³ underscores the importance of reasoned judicial orders in interlocutory proceedings. The Allahabad High Court held that when a trial court grants a temporary injunction without adequately recording its reasoning on the three essential factors: *prima facie* case, balance of convenience, and irreparable harm, the appellate court is justified in remanding the matter for reconsideration. The court clarified that such a remand is not intended to decide the dispute on merits but to ensure that judicial orders adhere to the standards of reasoned adjudication. This ruling reinforces the principle that even interim orders must transparently demonstrate the court's assessment of the necessary elements to maintain fairness and accountability in judicial proceedings, particularly in intellectual property disputes.

XI CONCLUSION

Indian courts delivered a series of landmark decisions in the survey year that reflected the growing depth and adaptability of IP jurisprudence. Addressing a broad spectrum of issues, from traditional infringement disputes to emerging concerns such as copyright in AI training, unauthorized adaptations, and digital piracy, the courts demonstrated a keen awareness of the evolving technological and commercial landscape. These rulings not only clarified the contours of existing IP laws but also reinforced the judiciary's proactive stance in safeguarding consumer trust, brand integrity, and market fairness. By balancing innovation with copyright enforcement and deploying dynamic injunctions to combat online piracy and counterfeit activities, the courts reaffirmed their commitment to maintaining the equilibrium between creators' rights and public interest. Collectively, these decisions underscore a forward-looking and responsive judiciary that continues to shape the future of IP protection in India amidst rapid technological transformation.

⁷² CRP/2297/2024, 09-09-2024.

⁷³ MANU/UP/1283/2024: 2024:AHC:73463.