

# #IPR Judgments April 2025



<p><b>Are Engineering Blueprints Art or Design?</b></p> <p>Cryogas Equipment Private Limited vs. Inox India Limited and Ors.</p> <p>(MANU/SC/0487/2025)</p>	<p>The Supreme Court of India addressed a dispute between Cryogas Equipment Private Limited and Inox India Limited concerning alleged copyright infringement of engineering drawings used in cryogenic storage tanks. The core issue was whether these drawings qualified as 'artistic works' under the Copyright Act or as 'designs' under the Designs Act, which would affect their protection. The Court upheld the High Court's decision to reject the application under Order VII Rule 11 of the Code of Civil Procedure, emphasizing that the matter required a full trial to determine the nature of the drawings. The Commercial Court was directed to decide on the interim injunction within two months and to conduct a trial within a year, applying a specific test to ascertain the true nature of the drawings.</p>
<p><b>Free Speech vs. Brand Image: Influencers Win This Round</b></p> <p>San Nutrition Private Limited vs. Arpit Mangal and Ors</p> <p>(MANU/DE/2962/2025)</p>	<p>The High Court of Delhi addressed a dispute between San Nutrition Private Limited and social media influencers, including Arpit Mangal, over alleged defamation and trademark infringement. San Nutrition sought an injunction against the influencers for videos criticizing its product, claiming defamation and trademark infringement. The court found that the influencers' statements were backed by laboratory reports and constituted fair comment, thus protected under free speech. The court dismissed the application for an interim injunction, emphasizing the importance of free speech and the public's right to information, and found no prima facie case for trademark infringement. The case was scheduled for further proceedings.</p>
<p><b>A.R. Rahman in Copyright Trouble Over 'Veera Raja Veera'</b></p> <p>Ustad Faiyaz Wasifuddin Dagar vs. A.R. Rahman and Ors.</p> <p>(MANU/DE/2901/2025)</p>	<p>The High Court of Delhi addressed the dispute between Ustad Faiyaz Wasifuddin Dagar and A.R. Rahman regarding the alleged copyright infringement of the musical composition "Shiva Stuti" by the song "Veera Raja Veera" in the film "Ponniyin Selvan-2." The court found that the suit composition, an original work by the Junior Dagar Brothers, was used without authorization, infringing the plaintiff's copyright. The court directed the defendants to acknowledge the original authors in the film credits and ordered a deposit of Rs. 2 crores, pending the suit's outcome, with costs awarded to the plaintiff.</p>

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## Can Numbers Be Trademarks? Delhi HC Says Yes to '2929'

Vineet Kapur vs. Registrar of Trade Marks and Ors.

(MANU/DE/2894/2025)

The High Court of Delhi addressed the appeal by Vineet Kapur against the Registrar of Trade Marks, challenging the rejection of his application to register the mark '2929' for cosmetics and skincare products. The court found that numerals can be registered as trademarks if they are inherently distinctive, as '2929' was deemed to be. The court set aside the Registrar's decision, allowing the application to proceed for advertisement, with the condition that no exclusive rights over the numerals '2' and '9' are claimed. The Registrar was directed to advertise the mark, and the appeal was allowed.

## 'MARDEM' Cancelled for Sounding Too Much Like 'MODERN'

Modern Snacks Private Limited vs. Kamran Ghani and Ors.

(MANU/DE/2895/2025)

The High Court of Delhi addressed the issue of whether the trademark 'MARDEM' registered by Kamran Ghani was deceptively similar to 'MODERN', owned by Modern Snacks Private Limited, in Class 30. The court found that 'MARDEM' was phonetically and deceptively similar to 'MODERN', likely to cause confusion among consumers, especially given the shared market area and product class. The court relied on precedents like Amritdhara Pharmacy v. Satya Deo Gupta and Ruston & Hornsby Ltd. v. Zamindara Engineering Co. to assess deceptive similarity. The court ordered the cancellation of the 'MARDEM' trademark registration and directed rectification in the Register of Trade Marks. The petition was allowed, with instructions for compliance by the Trade Marks Registry.

## Trademark Suit Under ₹1 Crore? Still a Commercial Suit, Says HC

Kranti Soap Pvt. Ltd. and Ors. vs. Deep Chand Arya Industries

(MANU/DE/2898/2025)

The High Court of Delhi addressed the issue of whether the suit filed by Deep Chand Arya Industries against Kranti Soap Pvt. Ltd. for trademark infringement was maintainable as a 'commercial suit' under the Commercial Courts Act, 2015. The petitioners argued that the suit did not meet the 'specified value' requirement, but the court found that the suit's valuation at Rs. 95,03,500/- satisfied the statutory threshold. The court emphasized that the valuation should be based on the reliefs claimed and upheld the trial court's decision, dismissing the petition under Article 227 of the Constitution of India, citing limited scope for interference.

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## Patent Rejected Over Power of Attorney? Calcutta HC Steps In

Huawei Techonologies Co. Ltd. vs. The Controller General of Patents Designs and Trademark and Ors.

(MANU/WB/O904/2025)

The High Court of Calcutta addressed an appeal by Huawei Technologies Co. Ltd. against the rejection of their patent application by the Controller General of Patents, Designs, and Trademarks, based on the alleged invalidity of a General Power of Attorney (GPA). The court found the rejection to be procedurally flawed, as the GPA issue was raised belatedly and did not justify the application's dismissal under the relevant legal provisions. The court set aside the impugned order, remanding the matter to a different Hearing Officer for reconsideration within four months, without adjudicating the merits of the patent application.



## Procedural Flaw Costs Controller in Huawei Patent Battle

Huawei Techonologies Co. Ltd. vs. The Controller General of Patents Designs and Trademark and Ors.

(MANU/WB/O904/2025)

The High Court of Calcutta addressed an appeal by Huawei Technologies Co. Ltd. against the rejection of their patent application by the Controller General of Patents, Designs, and Trademarks, based on the alleged invalidity of a General Power of Attorney (GPA). The court found the rejection to be procedurally flawed, as the GPA issue was raised belatedly and did not justify the application's dismissal under the relevant legal provisions. The court set aside the impugned order, remanding the matter to a different Hearing Officer for reconsideration within four months, without adjudicating the merits of the patent application.

## Coca-Cola's Patent Thirst Quenched by Delhi HC

The Coca-Cola Company vs. The Controller of Patents and Ors.

(MANU/DE/2940/2025)

The High Court of Delhi addressed the appeal by The Coca-Cola Company against the Controller of Patents' decision refusing their patent application for a beverage dispenser, citing a lack of inventive step. The court found that the Controller's order failed to adequately consider Coca-Cola's arguments distinguishing their invention from prior art, lacking the necessary reasoning and analysis required by law. Citing precedents like Agriboard International LLC v. Deputy Controller of Patents and Designs, the court emphasized the need for a reasoned decision. Consequently, the court set aside the impugned order and remanded the matter for fresh consideration, instructing the Patent Office to provide a reasoned order after a new hearing.



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<p><b>Who Owns 'Seven Hills'? Trademark Dispute Fizzles in Court</b></p> <p>Jitendra Das Maganti vs. MGM Healthcare Pvt. Ltd.</p> <p>(MANU/TN/1708/2025)</p>	<p>The High Court of Madras addressed a dispute between Jitendra Das Maganti and MGM Healthcare Pvt. Ltd. regarding the ownership and use of the "Seven Hills" trademarks following a corporate insolvency resolution process. The court examined whether the defendant, MGM Healthcare, could use the trademarks despite them being registered in the plaintiff's name. The court found that the resolution plan, sanctioned by the NCLT, allowed MGM Healthcare to operate the hospital under the name "MGM Seven Hills," and the plaintiff did not contest this at the time. Consequently, the court denied the plaintiff's request for interim relief, dismissing the applications without costs.</p>
<p><b>Pharma Patent Rejection Overturned for Lack of Reasoning</b></p> <p>Vifor (International) AG (Sr No 48/2015/PT/KOL) vs. Controller of Patents</p> <p>(MANU/WB/0905/2025)</p>	<p>The High Court of Calcutta addressed the appeal by Vifor (International) AG against the Controller of Patents, challenging the rejection of their patent application for a pharmaceutical composition due to alleged lack of novelty and inventive steps. The court found that the Assistant Controller's order lacked proper consideration of the appellant's evidence and arguments, including the technical advancements and unexpected properties of the invention. The court noted that the prior art cited was irrelevant and that the impugned order failed to substantiate its findings under sections 3(d) and 3(e) of the Patents Act. Consequently, the court set aside the order and remanded the matter to a different Hearing Officer for re-evaluation within four months, ensuring all issues remain open for decision.</p>
<p><b>13 Years of Inactivity Costs Formula One Its 'F1' Mark</b></p> <p>Epifi Technologies Private Limited vs. Formula One Licensing BV and Ors.</p> <p>(MANU/DE/2869/2025)</p>	<p>The High Court of Delhi addressed a petition by Epifi Technologies Private Limited seeking the cancellation of the trademark 'F1' registered by Formula One Licensing BV, citing non-use under Sections 47 and 57 of the Trade Marks Act, 1999. The court found that Formula One Licensing BV had not used the 'F1' mark for financial services in class 36 for over 13 years and failed to provide evidence of use or intent to use, thus violating Section 47(1)(a) and (b) of the Act. Consequently, the court ordered the removal of the 'F1' trademark from the Register of Trade Marks, directing compliance by the Trade Marks Registry.</p>

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<p><b>'GOPAL 65' Imitates 'GOPAL 60'? Injunction Granted</b></p> <p>Hari Chand Shri Gopal vs. Chaurasia Tobacco Products</p> <p>(MANU/DE/2875/2025)</p>	<p>The High Court of Delhi addressed a dispute between Hari Chand Shri Gopal and Chaurasia Tobacco Products regarding trademark and copyright infringement. The plaintiff, Hari Chand Shri Gopal, sought a permanent injunction against the defendant for using a similar trademark 'GOPAL 65' and packaging that closely resembled their registered 'GOPAL 60' mark and 'Lord Krishna' device. The court found that the defendant's use of 'GOPAL 65' constituted infringement and passing off, as it was nearly identical in appearance and misleading to consumers. Consequently, the court granted a permanent injunction, awarded damages and costs of Rs. 5,00,000 to the plaintiff, and referenced the precedent in Aero Club v. M/s. Sahara Belts regarding the use of a Local Commissioner's report as evidence.</p>
<p><b>Takeda's Brigatinib Patent Gets Another Shot</b></p> <p>Takeda Pharmaceutical Co Ltd. vs. Controller of Patents and Designs and Ors.</p> <p>(MANU/WB/0835/2025)</p>	<p>The High Court of Calcutta addressed an appeal by Takeda Pharmaceutical Co Ltd. against the Controller of Patents and Designs, challenging the rejection of their patent application for Brigatinib due to alleged lack of inventive steps. The court found that the Deputy Controller failed to properly consider the evidence and submissions demonstrating Brigatinib's increased selectivity and therapeutic efficacy. The court set aside the impugned order and remanded the application for fresh consideration, instructing the respondents to provide an adequate hearing and consider all materials and data within three months.</p>
<p><b>Stem Cell Patent Rejection Set Aside for Better Review</b></p> <p>Fresenius Medical Care Deutschland GMBH vs. Controller General of Patents, Designs and Trademarks and Ors.</p> <p>(MANU/DE/2762/2025)</p>	<p>The High Court of Delhi addressed the appeal by Fresenius Medical Care Deutschland GMBH against the Controller General of Patents, Designs and Trademarks, which had refused their patent application for a pharmaceutical composition involving microvesicles derived from adult stem cells for tumor treatment. The court allowed Fresenius to amend their claims, finding the amendments permissible under Section 59 of the Patents Act, 1970, as they did not broaden the original claims. The court set aside the previous refusal, remanded the matter for fresh examination by the Patent Office, and directed a decision within three months, without commenting on the merits of the amended claims.</p>



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## Marelli’s Patent Appeal Saved by Lack of Reasoning

Marelli Europe S.P.A. vs. The Deputy Controller of Patents and Designs  
(MANU/DE/2780/2025)

The High Court of Delhi addressed the appeal by Marelli Europe S.P.A. against the Deputy Controller of Patents and Designs, challenging the rejection of their patent application for lack of inventive step. The court found that the rejection was issued mechanically without proper reasoning or analysis of how the invention was covered by prior art documents. Citing precedents, the court emphasized the need for a reasoned decision and set aside the impugned order, remanding the matter for fresh consideration by a different officer, with instructions to provide a hearing and consider any new material within three months. The appeal was disposed of, and all contentions were kept open.

## Salt War Ends with Injunction Against Lookalike Brand

TRDP Happy World Pvt. Ltd vs. Shri Balaji Chemfood Industries  
(MANU/DE/2783/2025)

The High Court of Delhi addressed a trademark and copyright infringement dispute between TRDP Happy World Pvt. Ltd and Shri Balaji Chemfood Industries. The core issue was the defendant's unauthorized use of the plaintiff's registered 'MARIO' trademark and similar packaging for its salt products, which the court found to be a clear case of infringement and passing off. The court noted the defendant's failure to file a written statement or contest the claims, leading to a permanent injunction against the defendant and an award of Rs. 5,00,000 in damages and costs to the plaintiff. The court referenced the principle of 'rough and ready calculations' for damages from Hindustan Unilever Limited v. Reckitt Benckiser India Limited.

## Amendments Broadened Scope? Abbvie’s Appeal Fails

Abbvie Biotherapeutics Inc and Ors. vs. Assistant Controller of Patent Designs  
(MANU/DE/2607/2025)

The High Court of Delhi addressed the appeal by AbbVie Biotherapeutics Inc. against the Assistant Controller of Patents and Designs' decision to refuse their patent application for "ANTI-cMet ANTIBODY DRUG CONJUGATES AND METHODS FOR THEIR USE." The core issue was whether the proposed amendments to convert method of treatment claims into product claims were permissible under Section 59(1) of the Patents Act, 1970. The court found that the amendments improperly broadened the scope of the original claims, which were not patentable under Section 3(i) as they related to methods of treatment. Citing precedents like Nippon A & L Inc. and Ovid Therapeutics, the court upheld the Controller's decision, dismissing the appeal.



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<p><b>BharatStamp’ Deemed Distinctive</b></p> <p>Grey Swift Private Limited vs. The Registrar of Trade Marks</p> <p>(MANU/DE/2608/2025)</p>	<p>The High Court of Delhi addressed the appeal by Grey Swift Private Limited against the Registrar of Trade Marks, challenging the rejection of their trademark application for "BharatStamp" under Section 9(1)(a) of the Trade Marks Act, 1999, for being non-distinctive. The court found that "BharatStamp," a composite mark, should be assessed as a whole and is inherently distinctive, requiring imagination to associate it with the goods. The court noted similar registrations granted to other marks and set aside the impugned order, allowing the mark to proceed for registration, while clarifying that no exclusive rights over individual components "Bharat" or "Stamp" are conferred.</p>
<p><b>‘CROSSRELIEF’ Gets Trademark Nod Despite Generic Roots</b></p> <p>Mankind Prime Labs Private Limited vs. Registrar of Trade Marks</p> <p>(MANU/DE/2609/2025)</p>	<p>The High Court of Delhi addressed the appeal by Mankind Prime Labs Private Limited against the Registrar of Trade Marks, challenging the rejection of their trademark application for "CROSSRELIEF" in Class 5. The court found that the mark, a portmanteau of "CROSS" and "RELIEF," should be assessed as a whole and not dissected, emphasizing its distinctive commercial identity despite containing generic elements. Citing precedents like F. Hoffmann-La Roche &amp; Co. Ltd. v. Geoffrey Manners &amp; Co. Pvt. Ltd., the court concluded that the mark is not likely to cause confusion and allowed the appeal, directing the mark to proceed for registration while clarifying that no exclusive rights are conferred over individual components.</p>
<p><b>CAPTAIN BLUE’ Pulled Down for Infringing ‘CAPTAIN’ Family</b></p> <p>Diageo Scotland Limited vs. Prachi Verma and Ors.</p> <p>(MANU/DE/2610/2025)</p>	<p>The High Court of Delhi addressed the dispute between Diageo Scotland Limited and Prachi Verma regarding the registration of the trademark "CAPTAIN BLUE" in Class 33. Diageo, owner of the "CAPTAIN" and "CAPTAIN MORGAN" trademarks, argued that "CAPTAIN BLUE" was deceptively similar to its marks, likely causing confusion. The court found that Diageo was the prior user and registered proprietor of the "CAPTAIN" marks, and the respondent failed to show bona fide use or intent for "CAPTAIN BLUE." The court set aside the Assistant Registrar's order, directing the removal of "CAPTAIN BLUE" from the Register of Trade Marks, citing precedents like Corn Products Refining Co. and Vinita Gupta.</p>



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**Delhi Office Not Enough for Jurisdiction in Trademark Row**

Kohinoor Seed Fields India Pvt Ltd vs. Veda Seed Sciences Pvt Ltd  
  
 (MANU/DE/2615/2025)

The High Court of Delhi addressed the issue of territorial jurisdiction in a trademark infringement suit filed by Kohinoor Seed Fields India Pvt Ltd against Veda Seed Sciences Pvt Ltd. The court examined whether the suit could be maintained in Delhi, given that the plaintiff's head office was in Delhi, but the cause of action arose where the plaintiff had subordinate offices. The court relied on precedents, including Sanjay Dalia and Ultra Home, to conclude that the suit should be filed where the cause of action arose, not merely where the plaintiff's head office is located. Consequently, the court ordered the plaint to be returned for filing in a court with proper jurisdiction.

## 'BOLDIFY' Squatter Loses Registration

Falcon Licensing Limited vs. PRI Enterprises Private Limited and Ors.  
  
 (MANU/DE/2660/2025)

The High Court of Delhi addressed the dispute between Falcon Licensing Limited and PRI Enterprises Private Limited regarding the trademark "BOLDIFY." Falcon Licensing sought to cancel PRI Enterprises' registration of the mark in Class 3, alleging PRI's dishonest adoption and non-use of the mark. The court found that Falcon Licensing, through its predecessor, was the prior user of "BOLDIFY" and that PRI Enterprises had not used the mark in good faith. Citing precedents on prior use and trademark squatting, the court ordered the removal of PRI Enterprises' trademark registration from the Register of Trade Marks. The petition was allowed, and the court directed compliance by the Trade Marks Registry.

## Copyright Society or Not? Azure's Music Dilemma

Azure Hospitality Private Limited vs. Phonographic Performance Limited  
  
 (MANU/DE/2588/2025)

The High Court of Delhi addressed the dispute between Azure Hospitality Private Limited and Phonographic Performance Limited (PPL) regarding the unauthorized use of PPL's copyrighted sound recordings by Azure. The court examined whether PPL, not being a registered copyright society, could issue licenses for its sound recordings. The court found that PPL must either be a registered copyright society or a member of one to grant licenses, aligning with the regulatory framework to prevent monopolization. Consequently, the court modified the lower court's injunction, directing Azure to pay PPL according to the tariff rates of a registered society, RMPL, pending the suit's outcome. The appeal was allowed to this extent, with no costs awarded.



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<p><b>'CHROMALITE' Blocked by Prior User of 'KROMALITE'</b></p> <p>FDC Limited vs. Palsons Derma Private Limited</p> <p>(MANU/DE/2587/2025)</p>	<p>The High Court of Delhi addressed a dispute between FDC Limited and Palsons Derma Private Limited regarding the alleged passing off of the trademark "KROMALITE" by the defendant's use of "CHROMALITE." The court found that FDC Limited, as the prior user of "KROMALITE" since 2016, had established goodwill and reputation, while Palsons Derma's use of "CHROMALITE" in 2022 was likely to cause confusion. Citing precedents like S. Syed Mohideen v. P. Sulochana Bai, the court emphasized the superiority of prior user rights over registered rights. Consequently, the court granted an interim injunction restraining Palsons Derma from using "CHROMALITE" until the suit's final adjudication. The case was listed for further proceedings on 16th May 2025.</p>
<p><b>Trademark Rectified: 'MERITOR' Reclaimed by Prior User</b></p> <p>Meritor Technology vs. Bhaskar Nethi and Ors.</p> <p>(MANU/TN/1577/2025)</p>	<p>The High Court of Madras addressed a dispute between Meritor Technology and Bhaskar Nethi regarding the rectification of the trade mark register for the mark "MERITOR" registered under Trade Mark No.4763841 in Class 4. The court found that Meritor Technology, a subsidiary of Meritor Inc, was the prior user of the mark in India since 2012, while Bhaskar Nethi's use was evidenced only from 2022. The court concluded that the identical marks applied to cognate goods in the auto industry could cause confusion, warranting rectification. The court ordered the Registrar of Trade Marks to remove the impugned mark from the register within four weeks, with no order as to costs.</p>
<p><b>Was Service Complete on Dispatch? Visage Gets Relief</b></p> <p>Visage Beauty and Healthcare Pvt Ltd vs. Registrar of Trade Marks and Ors.</p> <p>(MANU/DE/2730/2025)</p>	<p>The High Court of Delhi addressed the issue of whether Visage Beauty and Healthcare Pvt Ltd's trademark application was rightfully abandoned due to a time-barred counter statement, despite the claim that the notice of opposition was never served. The court found procedural inconsistencies between Section 21(2) of the Trade Marks Act, 1999, which requires service of notice, and Rule 18(2) of the Trade Marks Rules, 2017, which deems service complete upon dispatch. Citing precedents like Samsudeen A v. Registrar of Trade Marks, the court set aside the abandonment order, remanding the matter to the Trade Marks Registry to consider the counter statement and opposition on merits. The appeal was disposed of with instructions for compliance.</p>

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<p><b>HBV Patent Rejection Reconsidered Due to Inventiveness</b></p> <p>Bigtec Private Limited vs. The Assistant Controller of Patents and Designs</p> <p>(MANU/TN/1371/2025)</p>	<p>The High Court of Madras addressed the appeal by Bigtec Private Limited against the rejection of their patent application for a method to detect Hepatitis B Virus, focusing on whether the claimed nucleotide sequences were inventive and not merely discoveries of natural substances. The court found that the Assistant Controller of Patents and Designs failed to adequately consider evidence of the claimed invention's unexpected effects and the synthesized nature of the sequences. Consequently, the court set aside the rejection order and remanded the matter for reconsideration by a different officer, emphasizing the need for a reasoned decision within four months, without expressing any opinion on the patent's merits.</p>
<p><b>Email Service Not Enough: Mars Gets Second Chance</b></p> <p>Mars Incorporated vs. The Registrar of Trademarks and Ors.</p> <p>(MANU/DE/2410/2025)</p>	<p>The High Court of Delhi addressed the appeal by Mars Incorporated against the Registrar of Trademarks, challenging the abandonment of its trademark application due to alleged non-receipt of a Notice of Opposition. The court found ambiguity in the service of the notice, as the Registrar relied solely on an email success report without acknowledgment of receipt by Mars. Citing precedents like Rishabh Jain and Purushottam Singhal, the court set aside the impugned order and remanded the matter to the Trademark Registry for fresh service of the Notice of Opposition, allowing Mars to file a counter-statement within the statutory period. The appeal was disposed of with instructions for compliance.</p>