

#IPR Judgments July 2025



<p>₹50 Lakh Damages for Patent Infringement over Agro-Formulation</p> <p>GSP Crop Science Ltd. vs. BR Agrotech Limited and Ors.</p> <p>(MANU/DE/5345/2025)</p>	<p>The High Court of Delhi addressed a patent infringement dispute between GSP Crop Science Ltd. and BR Agrotech Limited, focusing on whether BR Agrotech's sale of a suspo-emulsion product infringed GSP's Indian Patent No. 394568. The court found that BR Agrotech admitted to selling the infringing product, which matched the patented formulation, and ruled that such sales constituted infringement under Section 48 of the Patents Act. Consequently, the court decreed in favor of GSP, permanently restraining BR Agrotech from further infringement and awarding damages of Rs. 50,00,000, along with costs.</p>
<p>J&J Wins ORSL Trademark Battle Over 'ORSI'</p> <p>Johnson and Johnson Pte. Ltd. vs. Abbireddi Satish Kumar and Ors.</p> <p>(MANU/DE/5039/2025)</p>	<p>The High Court of Delhi addressed a trademark infringement and passing off dispute between Johnson & Johnson Pte. Ltd. and Abbireddi Satish Kumar and others, concerning the deceptive similarity of the defendants' "ORSI" mark to the plaintiff's "ORS-L"/"ORSL" marks. The court found that the defendants' marks and trade dress were likely to cause confusion and deception among consumers, constituting infringement and passing off. The court granted a permanent injunction against the defendants, awarded compensatory and punitive damages to the plaintiff, and ordered the defendants to pay litigation costs. The court emphasized the importance of protecting trademark rights and deterring similar future conduct.</p>
<p>Mansion House Trademark Tug of War Favors Tilaknagar</p> <p>UTO Nederland B.V. and Ors. vs. Tilaknagar Industries Ltd.</p> <p>(MANU/MH/4128/2025)</p>	<p>The High Court of Bombay addressed a dispute between UTO Nederland B.V. and Tilaknagar Industries Ltd. over the use of trademarks 'MANSION HOUSE' and 'SAVOY CLUB'. The core issue was whether UTO's claim of reversion of title to these trademarks, based on alleged breaches by Tilaknagar, was valid. The court upheld the initial judgment denying UTO's request for an injunction against Tilaknagar, finding no prima facie case of reversion of title. The court also set aside a later order allowing UTO's assignee to introduce products under the disputed trademarks, maintaining the status quo until the suit's final resolution.</p>

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Zydus Barred from Cancer Drug Sales Amid Patent Fight

E. R. Squibb and Sons, LLC and Ors. vs. Zydus Lifesciences Limited

(MANU/DE/5198/2025)

The High Court of Delhi addressed the application for an interim injunction filed by E. R. Squibb and Sons, LLC and others against Zydus Lifesciences Limited, concerning the alleged infringement of Indian Patent No. IN 340060, which covers the monoclonal antibody Nivolumab used in cancer treatment. The court found that the plaintiffs established a prima facie case of infringement, as the defendant's product was deemed bio-similar to Nivolumab, and the defendant failed to raise a credible challenge to the patent's validity. Consequently, the court granted an interim injunction, restraining Zydus from manufacturing, using, or selling any bio-similar of Nivolumab during the suit's pendency and ordered the defendant to disclose the quantity of any manufactured product.

No Injunction for Roche in Pertuzumab Biosimilar Case

F- Hoffmann -La Roche AG and Ors. vs. Zydus Lifesciences Limited

(MANU/DE/5292/2025)

The High Court of Delhi addressed a patent infringement dispute between F-Hoffmann-La Roche AG and Zydus Lifesciences Limited, focusing on whether Zydus's biosimilar product infringed Roche's process patent for Pertuzumab. The court examined the applicability of Section 104A of the Patents Act, which shifts the burden of proof to the defendant if the plaintiff shows the products are identical. The court found that Roche failed to demonstrate that Zydus's product was identical to its patented product, as required by Section 104A, and thus denied Roche's request for Zydus to disclose its manufacturing process. The application for disclosure was dismissed, with no interim injunction in place.

Trademark 'ONCQUEST' Removed for Non-Use and Bad Faith Oncquest Laboratories Limited vs. Manish Kumar and Ors

(MANU/DE/5357/2025)

The High Court of Delhi addressed a rectification petition filed by Oncquest Laboratories Limited against Manish Kumar and others, seeking the cancellation of the trademark 'ONCQUEST' registered under class 44. The court found that Oncquest Laboratories was the prior user of the trademark since 2007, while the respondent had not used the mark since its registration in 2018. Citing non-use and bad faith, the court ordered the removal of the trademark from the Register of Trade Marks, referencing the precedent set in DORCO Co. Ltd. v. Durga Enterprises. The petition was allowed, and the Trade Mark Registry was directed to comply with the order.

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High Court Pulls Up Commercial Court in Design Dispute Transfer

Ms Lalita Goyal Proprietor of Ms Baby Wheels India vs. Sumit Garg

(MANU/DE/5431/2025)

The High Court of Delhi addressed the issue of whether the learned District Judge (Commercial Court) erred in not transferring a suit to the High Court after the appellant, Ms. Lalita Goyal, challenged the validity of a design registration held by the respondent, Sumit Garg, under the Designs Act, 2000. The court found that Section 22(4) of the Designs Act mandates such a transfer when the validity of a design registration is contested. Consequently, the court quashed the Commercial Court's order and transferred the suit to the Intellectual Property Division of the High Court for fresh consideration, with instructions for the case to be listed on 8 August 2025. The appeal was allowed to this extent.



Dolby Secures ₹20 Cr Order Against Lava in SEP Dispute

Dolby International Ab and Ors. vs. Lava International Limited

(MANU/DE/5364/2025)

The High Court of Delhi addressed a dispute between Dolby International AB and Lava International Limited regarding alleged infringement of Dolby's audio coding technology patents. Dolby sought a permanent injunction and a pro tem order for security deposit from Lava, claiming Lava's devices infringed its Standard Essential Patents (SEPs). The court found that Dolby had complied with the FRAND protocol, while Lava engaged in dilatory tactics, making it an unwilling licensee. The court ordered Lava to deposit INR 20,08,06,293.92 as a pro tem measure, covering past sales, and allowed for a bank guarantee alternative, emphasizing the need to balance equities and secure Dolby's interests during litigation.

Allahabad HC Clarifies Limits of Trademark Rectification Jurisdiction

Sterling Irrigations and Ors. vs. Bharat Industries

(MANU/UP/1417/2025)

The High Court of Allahabad addressed the issue of whether the Commercial Court's order to stay proceedings in a suit and counterclaim involving Sterling Irrigations and Bharat Industries was valid under Sections 124 and 125 of the Trade Marks Act, 1999. The court found that the suit and counterclaim were for injunctions, not trademark infringement, making Section 124 inapplicable. Additionally, rectification applications were improperly filed with the Registrar instead of the High Court, as required by Section 125. Consequently, the court quashed the Commercial Court's order, allowing the petition by Sterling Irrigations.

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<p>'FEMICONTIN' Barred for Infringing on 'FECONTIN-F' Trademark</p> <p>Modi-Mundipharma Pvt. Limited vs. Speciality Meditech Pvt. Ltd. and Ors.</p> <p>(MANU/DE/4659/2025)</p>	<p>The High Court of Delhi addressed the appeal by Modi-Mundipharma Pvt. Limited against the dismissal of their suit alleging trademark infringement by Speciality Meditech Pvt. Ltd. and others. The core issue was whether the use of the mark FEMICONTIN by the respondents infringed the appellant's registered trademarks FECONTIN-F and CONTIN. The court found that the mark FEMICONTIN was deceptively similar to FECONTIN-F, constituting both infringement and passing off. The court granted a permanent injunction against the respondents from using the mark FEMICONTIN but rejected the appellant's broader claim to exclusivity over the use of CONTIN as a part of any trademark. The appeal was allowed in part, and the cross-objection by the respondent was dismissed.</p>
<p>'STELLA' Wins Against 'STELLADEXIN' in Trademark Battle</p> <p>Products and Ideas (India) Pvt. Ltd vs. Nilkamal Limited and Ors</p> <p>(MANU/DE/4746/2025)</p>	<p>The High Court of Delhi addressed a trademark dispute between Products and Ideas (India) Pvt. Ltd. and Nilkamal Limited and others, focusing on the use of the 'STELLA' mark, which Products and Ideas claimed infringed on their registered 'STELLADEXIN' trademark. The court found that Stella Industrial Co. Ltd., the original owner of the 'STELLA' marks, had been using them in India since 2013, predating the plaintiff's use and registration. Citing the principle of international exhaustion under Section 30(3) of the Trade Marks Act and relevant precedents, the court vacated the interim injunction against the defendants, allowing them to sell products under the 'STELLA' marks. The applications for interim relief by the plaintiff were dismissed, and the case was scheduled for further proceedings.</p>
<p>Delhi HC Resurrects Crocs' Design-Based Passing Off Suit</p> <p>Crocs Inc USA vs. Bata India and Ors.</p> <p>(MANU/DE/4658/2025)</p>	<p>The High Court of Delhi addressed the maintainability of suits filed by Crocs Inc USA against Bata India and others, which were dismissed by a Single Judge on the grounds that a passing off action cannot be based solely on a registered design. The court clarified that a passing off action is permissible even if the subject matter is a registered design, provided it involves the defendant's use of the design as a trade dress or presentation to mislead consumers. The court set aside the Single Judge's decision, restoring the suits for further proceedings, and held that the Dart Industries suit was also maintainable.</p>

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<p>Patent Office Pulled Up for Rejecting Cleaning Solvent Patent</p> <p>Albemarle Corporation vs. The Controller of Patents</p> <p>(MANU/DE/4752/2025)</p>	<p>The High Court of Delhi addressed the appeal by Albemarle Corporation against the Controller of Patents' refusal of their patent application for a solvent system, citing lack of novelty and inventive step. Albemarle sought to amend their claims to focus solely on the process of cleaning polyurethane foam. The court, referencing precedents like Societe Des Produits Nestle SA, found no legal bar to such amendments at the appellate stage, provided they do not introduce new matter. The court allowed the amended claims, remanded the matter for fresh examination by the Patent Office, and directed expedited re-examination within six months.</p>
<p>Ex-Parte Injunction Denial Quashed for Lack of Reasoning</p> <p>Pawan Kumar Mittal Proprietor, Salasar Dev Basmati House vs. Vijay Gupta and Ors.</p>	<p>The High Court of Delhi addressed the issue of an unsustainable order by the District Judge (Commercial Courts) in the case of Pawan Kumar Mittal, Proprietor of Salasar Dev Basmati House, versus Vijay Gupta and others, which lacked reasoning for denying an ex parte ad interim injunction. The court emphasized the necessity of providing reasons, especially in trademark infringement cases, referencing the Supreme Court's precedent in Laxmikant V Patel v Chetanbhai Shah. The impugned order was quashed, and the applications for waiver of advance service, ex parte injunction, and appointment of a Local Commissioner were remitted for reconsideration by the District Judge, with instructions to hear the applications on 10 July 2025. The appeal was allowed, and the previous order was not to influence the new proceedings.</p>
<p>IEEE Trademark Fight Restored in Karnataka HC</p> <p>Global Ieee Institute For Engineers vs. Ieee Mumbai Section Welfare Association</p> <p>(MANU/KA/1956 /2025)</p>	<p>The High Court of Karnataka addressed the dispute between Global IEEE Institute for Engineers and IEEE Mumbai Section Welfare Association regarding the termination of service agreements and the unauthorized use of the IEEE trademark. The court examined whether the suit required prior permission from the Charity Commissioner under the Maharashtra Public Trusts Act and whether the plaintiff had a valid cause of action under the Trademarks Act. The court concluded that the plaintiff's suit was based on contractual rights rather than trust administration, and thus did not require Charity Commissioner consent. Additionally, the court found that the cause of action was not barred by the Trademarks Act. Consequently, the court allowed the appeal by Global IEEE Institute for Engineers, set aside the trial court's order rejecting the plaint, and restored the suit for further proceedings.</p>



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Trademark 'BADAL' Stays – Fraud Not Proved, Says Court

Sita Ram Iron Foundry and Engineering Works vs. Hindustan Technocast (P) Ltd. and Ors.

(MANU/DE/4857/2025)

The High Court of Delhi addressed the dispute between Sita Ram Iron Foundry and Engineering Works and Hindustan Technocast (P) Ltd. regarding the cancellation of the trademark "BADAL" registered in favor of the latter. The core issue was whether the trademark was fraudulently obtained through an invalid assignment deed. The court found that allegations of fraud require substantial evidence, which was not provided by the petitioner. The court emphasized that the petitioner must prove its case independently, regardless of the respondent's lack of response. Consequently, the petition for rectification was dismissed, maintaining the trademark's registration

PAAKASHALA' Gets Interim Protection in Trademark Clash

Anantheshwara Foods Private Limited vs. Ravikiran

(MANU/KA/1962/2025)

The High Court of Karnataka addressed the dispute between Anantheshwara Foods Private Limited and Ravikiran regarding the alleged infringement of the registered trademark "PAAKASHALA." The core issue was whether a temporary injunction should be granted to prevent Ravikiran from using the name "DOSE CORNER PAAKASHALE," which Anantheshwara Foods claimed infringed their trademark. The court found that the trial court erred in denying the temporary injunction by focusing on the generic nature of the word "PAAKASHALA" and the pending rectification application. The High Court concluded that Anantheshwara Foods had established a prima facie case for infringement and granted the temporary injunction, restraining Ravikiran from using the trademark until the suit's resolution. The appeal was allowed, setting aside the trial court's order.

'PISCO' GI to Be Shared: Delhi HC Says Peru & Chile Coexist

Asociacion De Productores De Pisco A.G. vs. Union of India and Ors.

(MANU/DE/4768/2025)

The High Court of Delhi addressed the dispute between Asociacion De Productores De Pisco A.G. and the Union of India regarding the registration of the Geographical Indication (GI) "PISCO." The core issue was whether the GI should be exclusively granted to Peru or also recognize Chile's claim. The court found that both Chile and Peru have historical claims to the name "PISCO" for their alcoholic beverages, which are distinct products. The court set aside the Intellectual Property Appellate Board's order granting exclusive rights to Peru, directing that the GI be modified to "Peruvian PISCO" and allowing Chile's application for "Chilean PISCO" to proceed.

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Liv-333' Barred for Deceptive Similarity to 'Liv.52'

Rajasthan Aushdhalaya Private Limited vs. Himalaya Global Holdings Ltd. and Ors.

(MANU/DE/4760/2025)

The High Court of Delhi addressed the appeal by Rajasthan Aushdhalaya Private Limited against Himalaya Global Holdings Ltd., focusing on the alleged trademark infringement of 'Liv.52' by 'Liv-333'. The court upheld the Single Judge's decision, affirming that 'Liv-333' was deceptively similar to 'Liv.52', emphasizing the likelihood of consumer confusion, especially in medicinal products, and referencing the precedent in Himalaya Drug Company v S.B.L. Ltd. The appeal was dismissed regarding the injunction against using 'Liv-333', but notice was issued concerning costs and damages, with further proceedings scheduled.

'SOFT TOUCH' Trademark Restored in Favor of Prior User

Bhalla Sports Pvt. Ltd. vs. Ashutosh Bhalla Vinex Enterprises Pvt. Ltd. and Ors

(MANU/DE/4937/2025)

The High Court of Delhi addressed the issue of whether the trademark registered by Ashutosh Bhalla Vinex Enterprises Pvt. Ltd. should be canceled due to Bhalla Sports Pvt. Ltd.'s prior use of the trademark 'SOFT TOUCH' in Class 28. Bhalla Sports Pvt. Ltd. argued that they were the first user of the trademark since 2001, while the respondent registered it in 2009, claiming use since 2003. The court found that Bhalla Sports Pvt. Ltd. had established prior use and that the respondent's trademark was deceptively similar, leading to potential confusion. Citing precedents like Neon Laboratories Ltd v. Medical Technologies Ltd., the court emphasized the rights of a prior user over a registrant. The court allowed the petition, directing the Registrar of Trade Marks to cancel the respondent's trademark registration.

Delhi HC Restores Patent Injunction in Packaging Dispute

Mold Tek Packaging Limited vs. Pronton Plast Pack Pvt. Ltd.

(MANU/DE/5000/2025)

The High Court of Delhi addressed the appeal by Mold Tek Packaging Limited against Pronton Plast Pack Pvt. Ltd., focusing on whether the respondent's product infringed the appellant's patents and if the patents were vulnerable to revocation. The court found the Commercial Court's order vacating the interim injunction lacked proper reasoning, particularly in assessing infringement and the credibility of the respondent's challenge to the patent's validity. Consequently, the High Court set aside the impugned order and remanded the case for de novo consideration by the Commercial Court, maintaining the interim injunction until further proceedings.

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Patent Rejection in Oral Insulin Case Set Aside

Oramed Ltd. vs. The Controller General of Patents and Designs and Ors.

(MANU/WB/1500/2025)

The High Court of Calcutta addressed an appeal by Oramed Ltd. against the Controller General of Patents and Designs concerning the rejection of a patent application for an oral insulin composition. The court found that the Deputy Controller's decision was flawed due to the arbitrary exclusion of prior arts D2 and D3, failure to consider expert evidence, and misapplication of legal standards under sections 3(d) and 3(e) of the Patents Act. The court set aside the impugned order and remanded the matter for fresh consideration by a different officer, instructing the Controller to consider all relevant documents and provide detailed reasoning.