



WOW BURGER' Bites the Dust — Too Close to 'WOW MOMO', Says Court



Wow Momo Foods Private Limited vs. Wow Burger and Ors.
(MANU/DE/8039/2025)

The High Court of Delhi addressed the issue of trademark infringement between Wow Momo Foods Private Limited and Wow Burger and others. The core dispute was whether the use of the mark "WOW BURGER" by the respondents infringed the appellant's registered trademarks, including "WOW MOMO" and "WOW DIMSUMS." The court found that the learned Single Judge erred by not considering the distinctiveness of the appellant's composite marks and the likelihood of confusion due to the common "WOW" prefix. The court quashed the Single Judge's order, restraining the respondents from using "WOW BURGER" or any similar mark, thus allowing the appeal.

'SACHAMOTI' Trademark Row Settled (for Now): Original User Keeps Rights Amid Family Dispute



Sabu Trade Private Limited vs. Rajkumar Sabu and Ors.
(MANU/DE/7814/2025)

The High Court of Delhi addressed a dispute between Sabu Trade Private Limited (STPL) and Rajkumar Sabu regarding the trademark 'SACHAMOTI'. The core issue was whether STPL or Rajkumar Sabu had the rightful claim to the trademark, with both parties presenting evidence of prior use. The court upheld the Single Judge's decision granting an interim injunction in favor of Rajkumar Sabu, recognizing his registered trademark rights, and dismissed the appeals by STPL. The court emphasized that the registered trademark's validity presumes its legitimacy, and the appellants failed to provide sufficient evidence to challenge this presumption. The decision is subject to the final outcome of the ongoing trial.

Philips' VCD Patent Claim Falls Flat – Court Says No Proof of Infringement



Koninklijke Philips N.V. vs. M. Bathla and Ors.
(MANU/DE/7812/2025)

The High Court of Delhi addressed a patent infringement dispute between Koninklijke Philips N.V. and M. Bathla and others, focusing on whether the defendants' replication of Video Compact Discs (VCDs) infringed Philips' Indian Patent No. 175971 for a 'Digital Transmission System'. The court found that Philips failed to prove infringement, as it did not adequately map the claims of its patent to the defendants' product or demonstrate that the defendants' replication process used the patented system. The court also noted that Philips did not establish its patent as a Standard Essential Patent (SEP) under the ISO/IEC 11172-3 standard. Consequently, the court dismissed the suit, denying Philips any relief or damages.

'BIRLA' Brand Clash Ends in a Draw – Both Sides Allowed to Sell Pending Final Trial



Grasim Industries Limited and Ors. vs. Saboo Tor Private Limited and Ors.
(MANU/MH/6721/2025)

The High Court of Bombay addressed a trademark infringement and passing off dispute between Grasim Industries Limited and others against Saboo Tor Private Limited and others. The core issue was whether the defendants' use of the "BIRLA" mark infringed on the plaintiffs' trademark rights. The court found that both parties were registered proprietors of their respective trademarks, and the plaintiffs failed to demonstrate a prima facie case of exclusive rights or passing off. The court dismissed the interim application for an injunction, directing the defendants to maintain sales accounts under the disputed trademarks until the suit's final resolution.

Fake 'LE SHARK' Trademark Knocked Off Registry for Dishonest Adoption



Le Shark Apparel Limited vs. Anil Shah and Ors.
(MANU/MH/6735/2025)

The High Court of Bombay addressed whether the trademark "LE SHARK" registered by Anil Shah and others should be expunged from the register under Sections 47 and 57 of the Trade Marks Act, 1999, due to lack of bona fide use and fraudulent adoption. Le Shark Apparel Limited argued that the respondents' mark was a dishonest copy of their earlier registered trademark in Europe. The court found that the respondents' trademark was deceptively similar to the petitioner's and that the respondents relied on fabricated invoices to prove use. Consequently, the court ordered the removal of the trademark from the register, dismissing the respondents' defenses and affirming the petitioner's standing to seek rectification.

Bad Faith Trademark Cancelled – Indian Applicant Tried to Extort Swiss Company

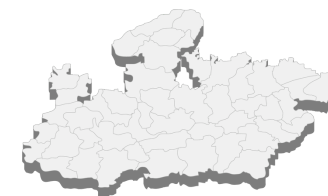


Ardo Medical AG. vs. SDB International and Ors.
(MANU/DE/8111/2025)

The High Court of Delhi addressed a rectification petition filed by Ardo Medical AG against SDB International and others, seeking the cancellation of a trademark registered in bad faith by Respondent No. 1. Ardo Medical AG, a Swiss company, claimed prior use and international registration of the mark, which Respondent No. 1 registered in India to extort money. The court found that Ardo Medical AG's rights as a prior user were superior, citing precedents like S. Syed Mohideen v. P. Sulochana Bai. The court ordered the Registrar of Trade Marks to cancel the impugned trademark, highlighting the need to protect genuine trademark proprietors.

Copyright FIR Stays — Court Says Police Were Right to Register the Case,

Vishal Sakhla and Ors. vs. The State of Madhya Pradesh and Ors.
(MANU/MP/3285/2025)



The High Court of Madhya Pradesh addressed a petition by Vishal Sakhla and others seeking to quash an FIR registered for offences under Section 63 of the Copyright Act and Section 33EEC of the Drugs and Cosmetics Act. The petitioners argued that the FIR was based on procedural lapses and malicious intent, while the State contended that the FIR disclosed cognizable offences. The court held that the allegations in the FIR disclosed a cognizable offence under the Copyright Act, and the police were within their jurisdiction to register and investigate the case. Citing precedents, the court found no merit in the petitioners' arguments and dismissed the petition.

₹25 Lakh Penalty for Hiding Facts — Court Slams Litigant for Misleading in Trademark Suit

Le Shark Apparel Limited vs. Anil Shah and Ors.
(MANU/MH/6735/2025)



The High Court of Bombay addressed the issue of whether Shoban Salim Thakur had suppressed material facts to obtain an ex parte ad interim order against Chaitanya Arora and others, restraining them from using certain trademarks. The court found that Thakur had indeed suppressed crucial information, including a territorial limitation on his trademark registration, prior knowledge of the defendants' use of the mark, and a prior inconsistent stand taken during trademark registration. The court dismissed the suit, imposed costs of Rs. 25,00,000 each on Thakur to be paid to the defendants, and ordered the return of seized goods. The court emphasized the importance of full disclosure and honesty in legal proceedings, referencing precedents that support dismissal for suppression of material facts.

SC Brings Rival Patent Battles Together — Atomberg and Eureka Forbes to Face Off in Bomb



Atomberg Technologies Private Ltd. vs. Eureka Forbes Limited and Ors.
(MANU/SC/1446/2025)

The Supreme Court of India addressed the transfer petitions involving Atomberg Technologies Private Ltd. and Eureka Forbes Limited, focusing on whether the suit for patent infringement filed by Eureka Forbes in Delhi should be transferred to Bombay, where Atomberg's suit for groundless threats of infringement is pending. The court reasoned that both suits involve overlapping issues and parties, and transferring the Delhi suit to Bombay would prevent conflicting judgments and conserve judicial resources. Citing the precedent in Chitivalasa Jute Mills v. Jaypee Rewa Cement, the court allowed Atomberg's transfer petition, directing the Delhi suit to be tried in Bombay alongside Atomberg's suit, while dismissing Eureka Forbes' transfer petition.

#IPR Judgments



Patent on Lab Testing Method Revived — Court Says It's Not a Human Diagnostic Process



EMD Millipore Corporation vs. Assistant Controller of Patents and Designs (MANU/DE/7829/2025)

The High Court of Delhi addressed the issue of whether EMD Millipore Corporation's patent application for a method of quantifying biomolecules using infrared spectroscopy was excluded from patentability under Section 3(i) of the Patents Act, 1970, which pertains to diagnostic methods. The court found that the method, conducted entirely in vitro, did not involve diagnostic steps practiced on the human or animal body and thus was not excluded from patentability. The court also determined that the amendments to the claims were permissible under Section 59 of the Act. Consequently, the court set aside the Assistant Controller of Patents and Designs' decision to refuse the patent and directed the patent office to grant the patent, noting that the invention met the requirements of novelty and inventive step.

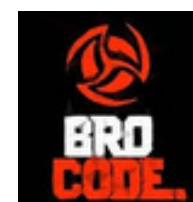
Lung Cancer Detection Patent Blocked — Ruled a Diagnostic Method, Not Patentable



Natera INC and Ors. vs. The Assistant Controller of Patents and Designs (MANU/DE/7880/2025)

The High Court of Delhi addressed the appeal by Natera Inc. and UCL Business Ltd. against the Assistant Controller of Patents and Designs, focusing on whether their patent application for a method of lung cancer detection was patentable under Section 3(i) of the Patents Act, 1970. The court found that the method, which involved detecting genetic mutations associated with lung cancer, was a diagnostic process and thus excluded from patentability under Section 3(i). The court dismissed the appeal, upholding the refusal of the patent application, and noted that the statutory prohibition in India differs from foreign jurisdictions where the patent might have been granted.

Film Title 'BROCODE' Gets Temporary Protection in Ongoing Trademark Clash



Ravi Mohan Studios Pvt. Ltd. vs. Indo Bevs Pvt. Ltd. (MANU/TN/4547/2025)

The High Court of Madras addressed a dispute between Ravi Mohan Studios Pvt. Ltd. and Indo Bevs Pvt. Ltd. regarding the use of the title "BROCODE" for a cinematograph film. The core issue was whether the plaintiff's use of "BROCODE" infringed any trademark rights claimed by the defendant, who had attempted to register the mark for beverages. The court found that the plaintiff had established a prima facie case for an interim injunction, granting it for three weeks, provided the plaintiff complied with procedural requirements. The court noted that the defendant's trademark registration attempt was objected to and pending consideration.

#IPR Judgments



Castrol Wins ₹25 Lakh Damages in Fake Oil Case — Copycat Packaging Busted

Castrol Limited vs. Malang Haji Shaikh and Ors.
(MANU/DE/8076/2025)



The High Court of Delhi addressed a dispute between Castrol Limited and Malang Haji Shaikh, trading as TSA Enterprises/Exstrol Lubricants, and Kalos Oil Refinery Private Limited, concerning trademark and copyright infringement. The court found that the defendants' marks and packaging were deceptively similar to Castrol's, intending to exploit Castrol's goodwill. The court exercised its power under Order VIII Rule 10 of the CPC to pronounce judgment due to the defendants' failure to file a defense. The court granted a permanent injunction, ordered the destruction of infringing goods, awarded Castrol damages of ₹25,00,000, and entitled them to actual costs, with further proceedings for cost computation.

'Alchem' Barred from Using Name Deceptively Close to 'Alkem' in Pharma Market

Alkem Laboratories Ltd. vs. Alchem International Pvt. Ltd
(MANU/DE/7811/2025)



The High Court of Delhi addressed a trademark dispute between Alkem Laboratories Ltd. and Alchem International Pvt. Ltd., focusing on whether Alchem's use of the mark "ALCHEM" infringed upon Alkem's registered trademark "ALKEM." The court found that Alkem, as the prior adopter and user of the mark since 1973, had established goodwill and reputation, while Alchem's use of a phonetically identical mark since 1985 was not bona fide. The court granted an interim injunction restraining Alchem from using the mark "ALCHEM" for retail sales in India, except for APIs, citing potential consumer confusion and referencing the stricter approach required for pharmaceutical products as per Cadila Health Care v. Cadila Pharmaceuticals. The case was listed for further proceedings.

'Rookie' Ordered to Stop — Too Confusingly Similar to 'Rookies', Says Court

Ramnish Verma and Ors. vs. The Haddad Apparel Group Ltd. and Ors.
(MANU/MH/6341/2025)



The High Court of Bombay addressed a trademark infringement and passing off dispute between Ramnish Verma and others, and The Haddad Apparel Group Ltd. and others. The core issue was whether the defendants' use of the "ROOKIE" mark infringed on the plaintiffs' "ROOKIES" trademark, given the similarity of goods and services. The court found that the defendants' mark was deceptively similar and likely to cause confusion, especially since the plaintiffs had prior use and registration of their mark in India. The court granted an injunction against the defendants, restraining them from using the "ROOKIE" mark and ordered the transfer of the domain name "rookieindia.com" to the plaintiffs. The decision was stayed for six weeks to allow the defendants time to appeal.

'GOBOULT' Trademark Allowed for Now, But Under Strict Conditions

**Exotic Mile Private Limited vs. DPAC Ventures LLP
(MANU/KA/3367/2025)**



The High Court of Karnataka addressed the dispute between Exotic Mile Private Limited and DPAC Ventures LLP over the use of the trademark 'GOBOULT', which allegedly infringes on the plaintiff's trademarks 'GOBOLD', 'GOJOLT', and 'GOVO'. The court found that the commercial court erred in dismissing the plaintiff's application under Section 12-A of the Commercial Courts Act and referring the parties to mediation. The court modified the commercial court's ex parte injunction, allowing the defendant to continue using 'GOBOULT' under certain conditions, including filing weekly business accounts. The commercial court was instructed to expedite the decision on the temporary injunction application by November 10, 2025.

Roche's Patent on Rare Disease Drug Rejected — Found Obvious from Prior Research

**F. Hoffmann-La Roche AG and Ors. vs. Natco Pharma Limited
(MANU/DE/7738/2025)**



The High Court of Delhi addressed the appeal by F. Hoffmann-La Roche AG and others against Natco Pharma Limited, focusing on whether the manufacture and sale of Risdiplam by Natco infringed Roche's patent IN 334397. The court upheld the Single Judge's decision, which found Risdiplam to be obvious based on prior art, specifically Compound 809 in WO'916/US'955, making the patent vulnerable to invalidation under Section 64(1) (f) of the Patents Act. The court emphasized that the appellate jurisdiction is limited and found no reason to interfere with the Single Judge's application of legal principles, leading to the dismissal of the appeal.

Family Members Allowed to Join Trademark Case Despite Long Delay

**Kanhiaya Lal and Ors. vs. Subhash Chandbr and Ors.
(MANU/DE/7746/2025)**



The High Court of Delhi addressed the issue of impleading legal heirs in a trademark dispute involving Kanhiaya Lal and others against Subhash Chander and others. The core legal question was whether the legal heirs of deceased petitioners could be added to the proceedings despite delays. The court found that Petitioner No. 3 was already on record, and the legal heirs had independent rights under a family settlement, justifying their inclusion. The court condoned the delay, imposed costs, and directed the filing of an amended memo of parties, allowing the applications for implement.

Patent Rejection Set Aside — Court Orders Re-examination for Lack of Reasoning

**Tapas Chatterjee vs. Assistant Controller of Patents and Designs and Ors.
(MANU/DE/7655/2025)**



The High Court of Delhi addressed the appeal by Tapas Chatterjee against the Assistant Controller of Patents and Designs, concerning the rejection of a patent application for a process to recover potassium sulphate and other products from distillery spent wash. The court found the Assistant Controller's decision, which upheld objections under Sections 3(d) and 25(1)(e) of the Patents Act, to be inadequately reasoned and contradictory. The court set aside the previous decisions and remanded the matter for reconsideration, specifically on the inventive step objection, while rejecting the applicability of Section 3(d). The court emphasized adherence to the principles from the F. Hoffmann La Roche case in the de novo proceedings.