

# Quarterly Update – IP Law

January 02, 2026; Issue No-2.

The ‘*Quarterly Update - IP Law*’ comprises latest regulatory updates and judicial pronouncements for the quarter ***October 2025 to December 2025*** under the following intellectual property laws of India:

- a) The Copyrights Act, 1957;
- b) The Patent Act, 1970;
- c) The Trade Marks Act, 1999; and
- d) The Designs Act, 2000.

## Judicial Update

### **The Patent Act, 1970 (“*Patent Act*”)**

**1. An invention related to “Zero Liquid Discharge”, a process patent was remanded to patent office for fresh consideration by the Delhi High Court (“*Delhi HC*”).**

***Tapas Chatterjee V. Assistant Controller of Patents and Designs & Anr. [CM APPL. No: 66722 of 2023; dt. October 6, 2025]***

The subject matter of the present appeal is the order passed by the respondent wherein an invention related to ‘Zero-Liquid-Discharge’ was rejected on the ground of lack of inventive step.

The writ petitioner filed an application for patent for registration of process patent<sup>1</sup> for “recovery of Potassium Sulphate and other valuable products from spent wash ensuring a ‘Zero Liquid Discharge’ (ZLD). The CSIR has filed pre-grant opposition under various clauses of sec 25, u/s 3(a) and 3(d) of the Patent Act. The respondent partially allowed the opposition and rejected the application u/s 3(a) and 3 (d) of the Act for non-patentability of the invention.

On appeal, single judge bench of Delhi HC dismissed the appeal. Aggrieved appellant filed the present appeal. The division bench of Delhi HC while setting aside the order of the respondent and single judge bench held:

- a) that advantages of the processes invented by appellant have gone untraversed.
- b) that the subject application was for a process patent, not a product patent. The steps in the process and the various products and by-products which

<sup>1</sup> The object of the invention is recovery of Potassium Sulphate, Magnesium Sulphate, activated carbon and other value-added products, which could be used either as fuel or as cattle feed from the effluent from the molasses-based alcohol distillery, in such a manner as to attain ‘Zero Liquid Discharge’.

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emerged from the said steps are of crucial significance. Process claimed in the subject application, according to the appellant, was, environmentally safe.

c) that reagent used and by products of the subject invention are different from prior art.

d) that a far more detailed explanation would be necessary from the respondent before it can be said that the process that the appellant seeks patent protection is obvious from the process forming subject matter of the prior art document.

The matter is remanded to respondent for fresh consideration.

## **2. Injunction not granted to 'Novo Nordisk', Delhi HC allows Dr. Reddy labs to manufacture and export 'Semaglutide'.**

*Novo Nordisk as V. Dr. Reddys Laboratories Limited & Anr. [CS(COMM) 565/2025 & CRL.M.A. 21608/2025 I.A. 14076/2025; dt. December 2, 2025]*

Present suit was filed alleging infringement of patented invention of the plaintiff. The issue before the Delhi HC is *whether the defendants should be restrained from manufacturing the impugned drug, Semaglutide, in India until the expiry of the Suit Patent/IN'697 on 26th March 2026.*

The Suit Patent/IN'697 relates to the field of therapeutic peptides analogues for the treatment of type 2 Diabetes and Obesity. The Suit Patent claims Semaglutide is a breakthrough drug, as it is the only GLP-1 (Glucagon-Like Peptide-1) analogue administered subcutaneously once a week, compared to earlier known GLP-1 analogues such as Exenatide and Liraglutide, which are administered twice a day and once a day, respectively. Semaglutide is the active pharmaceutical ingredient which is marketed under the brand names 'Ozempic', 'Wegovy' and 'Rybelsus' worldwide. Defendants have been manufacturing the drug in India and exporting it to the countries where plaintiff has not registered his patent.

Since the plaintiff is not manufacturing the impugned drug in India and only importing to India court accepted the undertaking given by the defendants and permitted them to manufacture the impugned drug in India and export it to countries where the plaintiff does not have a patent registration.

## **3. Patent application of 'Titan Company Limited' remanded to the patent office for fresh consideration.**

*Titan Company Limited V. the Controller of Patents & Designs. [C.M.A.(PT) No.44 of 2024; dt. December 11, 2025]*

The present appeal was filed to set aside the impugned order passed by the respondent, Controller of Patents & Designs, and to grant patent in respect of the subject application.

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Brief facts of this case are an application was made by the appellant for grant of patent titled "*A Jewellery Assembly*" which was rejected by the respondent holding that the claims made by the appellant falls under Section 3(l) of Patents Act and therefore it is subject matter for a design application and not for a patent application.

The appellant contended that said invention comprises of a base member, plurality of walls, and at least one segment defined between each adjacent walls of the plurality of walls, wherein, each of the at least one segment is defined with an inclination and a cavity is defined in a substantially central region of the base member. It is further claimed that the real substance of the claimed invention lies in the constructional arrangement of the plurality of elongated gemstones to hold the central gemstone to form a single gemstone of larger size. This will reduce the overall cost of the jewellery. Thus, the aspects disclosed in claim of invention does not relate to any literary, artistic or any aesthetic creation

**Held**, it is incumbent on the respondent to consider the contentions raised in the written submission. Failure to discuss the points raised in the written submission made by the appellant, clearly demonstrates that the authority has not applied his mind at the time of rejection of the application. The impugned order was set aside and the matter is remanded to the authority for a fresh consideration.

## The Trade Marks Act, 1999 ("Trademarks Act")

### 4. Delhi HC upheld the trademark rights.

***Ganraj Enterprises V. Land Mark Crafts Pvt. Ltd & Anr. [C.A. (COMM. IPD-TM) 164/2022 & CRL.M.A. 10597/2024, I.A. 22465/2022, I.A. 7890/2025; dt. December 2, 2025]***

The subject matter of the present appeal is the order passed by the second respondent, Trademark Registry, who rejected the application of the appellant submitted for rectification of trademark of the first respondent.

The mark 'HP' was coined and adopted by the first respondent since 1995 and it has been in continuous use across India. First respondent filed a trademark application for the wordmark 'HP' in the class 6. Said application was accepted and granted the mark restricting the sale of goods only in the state of Uttar Pradesh. Subsequently the first respondent filed another application for the trademark 'HP+' which was granted without any geographical restriction.

The appellant has made an application for registration of logo HP+ and devised mark HP+ for identical goods in class 6. The second respondent, Trademark Registry, rejected the application of the appellant citing his mark is deceptively similar to the mark of the first respondent.

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The Delhi HC on perusal of the records held that the first respondent has been using the mark 'HP' since 2006 while the appellant failed to prove claimed use of the mark since 2014. The order passed by the second respondent in rejecting the rectification application made by the appellant upheld by the high court.

## **5. Delhi HC grants permanent injunction to 'SanDisk' in a trade dress dispute.**

*SanDisk LLC V. M/s. Welborn Industries Private Limited & Anr. [CS(COMM) 448/2025; November 13, 2025]*

The present law suit had been filed seeking a permanent injunction restraining infringement of trade mark by the respondent. Plaintiff is a globally renowned leader in providing wide range of digital storage solutions and has been selling its products in the Indian market since 2005 under the mark 'SanDisk' registered in class 9.

Defendant, Wellborn Industries Private Limited, is engaged in the trading and sale of camera accessories and related equipment. Defendant has been selling its products under sub-brand 'XANIVO' bearing a deceptively similar trade dress ("Impugned Products") as that of the plaintiff's products,

The Delhi HC granted permanent injunction to the plaintiff restraining defendant no.1 or any other person acting for and on their behalf from manufacturing, selling, offering for sale, distributing, advertising and/or in any manner whatsoever dealing with the infringing products.

## **6. Delhi HC restrains manufacturing of jars that are looking alike 'Nutella' and imposes cost in an infringement suit.**

*Ferrero Spa & Ors. V. Abhimanyu Prakash & Ors [CS(COMM) 65/2023; dt. November 19, 2025]*

Plaintiff has filed the present suit seeking a decree of permanent injunction restraining the defendants from, inter alia, infringing the plaintiff's registered trademarks, including 'NUTELLA' glass jars' .

The Delhi HC declares 'NUTELLA' as a well-known mark, granted permanent injunction against the defendants and awarded partial legal costs to the plaintiff as well as the permanent seizure of the inventory of impugned goods seized by the local commissioners to handover to the plaintiff.

## **7. Delhi HC restrains the infringement of 'Visage Beauty's O 3+' mark.**

*Visage Beauty and Healthcare Private Limited V. Freecia Professional India Private Limited & Anr. [CS(COMM) 633/2022 & I.A. 15016/2022 I.A. 383/2023; November 21, 2025]*

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The Plaintiff has filed the present suit with respect to infringement of its trademarks and copyright of its three products

- a) O3+ Bridal Facial Kit Radiant & Glowing Skin.
- b) O3+ Bridal Facial Kit Vitamin C Glowing Skin.
- c) O3+ Shine & Glow Kit.

First defendant is engaged in selling various skin care and cosmetic products under its house mark '**PROADS**'. The subject matter of the suit are its products known as '*Proads Bridal Facial Kit Radiant Smooth Glowing Skin*', '*Proads Bridal Facial Kit Vitamin C Enriched Glowing Skin*' and '*Proads Facial Kit Shine & Glowing Skin*' ("**Impugned Products**")

The plaintiff's grievance stems from the fact that the first defendant has verbatim copied the original literary work with respect to the contents of 'ingredients' and 'steps to use' mentioned on the plaintiff's products on its own Impugned Products and in the process, the plaintiff's other trademarks has also been infringed.

On examination of products of plaintiff's and defendant's court observed that first defendant had substantially copied the 'ingredients' and 'steps to use' from the plaintiff's products. Delhi HC granted the interim injunction in favour of plaintiff and against the first defendant.

## **The Designs Act, 2000 ("Designs Act")**

### **8. The aspect of design privacy shall be examined from the perspective of an 'instructed eye' held Delhi HC.**

*Aqualite Industries Private Limited V. Relaxo Footwears Limited [FAO(OS)(IPD) - 1/2022; dt. November 18, 2025]*

The appellant has challenged the interim injunction passed by the single judge bench. The defendant, Relaxo Footwears Ltd., makes footwear, hawai slippers. The designs are registered under the Designs Act. The contention of the defendant is that distinct vertical side ridges in its designs are novel and original, Appellant contended that defendant's designs lack novelty and originality as similar ridged patterns were already present in '*prior art*'. They further argued that the design features were common to the trade and not unique enough to warrant design protection.

Delhi HC while upholding the order of single judge held the aspect of design piracy and the aspect of validity of a registered design, were to be examined from the perspective of an "*instructed eye*", an eye which is aware of the

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specific features of the said prior arts, as held in *B. Chawla & Sons v Bright Auto Industries*<sup>2</sup>. It is also a settled proposition that whether comparing the defendants' article with the plaintiff's design for the purpose of infringement or comparing the plaintiff design with prior art in the light of a Section 22(3) the perception would be from the point of view of an "instructed eye. It further held, plaintiff's footwear is identical, in shape and configuration, to the footwear of the respondent.

## **The Copyright Act, 1957 ("Copyright Act")**

### **9. Delhi HC cancels the copy right for lack of originality.**

*Rajani Products V. Madhukar Varandani, Proprietor of M/s Naturalindia Oils and Proteins & Anr. [C.O.(COMM.IPD-CR) 16/2024 & I.A. 37850/2024; dt. November 24, 2025]*

The present petition has been filed u/s 50 of the Copyright Act seeking cancellation of the Copyright registration obtained in respect of artistic work titled as 'NIOP NIWAI' with device of Swastik.

The petitioner is a partnership firm engaged in the business of manufacturing and marketing of edible oil and other allied goods. The Petitioner claims that through its predecessors, it adopted the Trade Mark / Label 'SWASTIK', 'SWASTIK NO. 1' and the 'SWASTIK' logo in respect of the said goods since 1975. The artistic works involved in the petitioner's trade mark /label are original and obtained copyright registrations for the said artistic works.

First respondent is engaged in the business of manufacturing, marketing and sale of edible oil and goods of allied or cognate nature. First respondent adopted and started using the trade mark / label artistic work 'SHUBHARAMBH' with the device mark of 'SWASTIK' in relation to their goods. Petitioner is aggrieved by the usage of the device of 'SWASTIK'. Petitioner being aggrieved by the Copyright registration of the impugned artistic work filed the present petition seeking cancellation of the same.

Delhi HC relying on section 50 of the Copyright Act and after examining, the colour scheme, the objects used in the labels / artistic works and its originality held that impugned artistic work lacks originality and is liable to be expunged from the Register of Copyright.

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