

Quarterly Update – IP Law

October 2, 2025

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Regulatory update

The Patent Act, 1970

Guidelines for examination of Ayush related inventions:

Office of the Controller General of Patents, Designs and Trade Marks, Government of India ("**Controller**") notified the "guidelines for examination of Ayush related inventions" (in short "**Guidelines**") on September 23, 2025.

Ayush is a traditional and non-conventional systems of healthcare and healing comprising medical systems such as Ayurveda, Siddha, Unani, Sowa-Rigpa, Homoeopathy and Yoga & Naturopathy. Guidelines covers inventions related to Ayush systems of healthcare.

Ayush related inventions include:

- a) Ayush products, equipments and devices;
- b) Products related to food recipes and nutraceuticals based on Ayush systems.

According to the Guidelines, the Biodiversity Act, 2002, the Patent Act, 1970, rules framed thereunder and the procedures prescribed by the Controller are applicable to Ayush related inventions.

Further, while examining the inventions related to Ayush, the Indian Patent office conducts prior art search to evaluate the novelty and inventive step using the "**Traditional Knowledge Digital Library (TKDL)**" which allows search on above stated Indian systems of medicines.

Judicial update

The Patent Act, 1970

1. Delhi High Court grants interim relief to 'Largan Precision' in a patent related to Smart phone camera technology.

Largan Precision Co. Ltd V. Honor Device Co. Ltd. [CS (COMM) 793 of 2025; dt. August 5, 2025]

Largan Precision Co. Ltd, a Taiwanese company, had filed an infringement suit against *Honor Device Co., Ltd.* a Chinese company, and its Indian subsidiary alleging infringement of its patented camera lens technologies used in *Honor's 200* series products.

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Held, the petitioner had established a strong prima facie case of patent infringement for camera lens technology, citing potential irreparable loss to its business. An ex-parte interim injunction was issued against the respondent restraining the sale of Honor 200 series phones in India.

2. Inventions relate to ‘algorithm’ and ‘computer programme per se’ are not patentable under Indian law held Delhi High Court.

Kroll Information Assurance, LLC V. The Controller General of Patents, Designs, and Trademarks. [C.A.(COMM.IPD-PAT) 439 of 2022; dt. July 1, 2025]

The subject matter of the appeal is the order passed by the respondent whereby the application for Patent was rejected.

Held, claimed invention was a mere algorithm or computer program, lacked technical character and a significant technical advancement, and thus fell under the non-patentable subject matter exclusions u/s 3(k) of the Act. Invention's functionality involved abstract profiling and searching based on keywords, which did not significantly enhance hardware functionality. Algorithmic inventions or abstract logic are not patentable if there is no technical advancement to hardware functionality.

3. Saint Gobain’s patent application for glass coating was rejected by Delhi High Court.

Saint Gobain Glass France V. Assistant Controller of Patents and Designs & Anr. [IA 8261 of 2024; dt. September 11, 2025]

The subject matter of the appeal is the order passed by the respondent in rejecting the appellants patent for new glass coating technology. Issue before the high court is whether the invention is a technical advancement over the prior art.

Held, patentable inventions should be able to show technical advancement over prior art and patent granted in a foreign jurisdiction does not have any bearing on its validity in India.

4. Controller is required to hear the objections, raised in first examination report (u/s 14) and pre-grant opposition (u/s 25(1)), separately held Calcutta High Court.

UPI Limited vs Union of India & Ors. [WPA-IPD No.3 of 2024; dt. September 16, 2025]

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Petitioner invoked the writ jurisdiction of the high court challenging the order of the respondent, Controller, alleging violation of principle of natural justice. Further contended that, no separate hearings were conducted in disposing pre-grant opposition and application respectively. Respondents 3 and 4 rejected the application for patent of the petitioner on the ground of lack of novelty, inventive steps and invention was mere admixture.

***Held,** objections raised in the first examination report are different from those raised in the representation under section 25(1), the Controller was obliged to provide separate hearings to deal with the pre-grant opposition and the application under examination, subsequently pass separate orders. Matter was remanded to the respondent for fresh consideration and directed to provide separate hearing u/ss 14 and 25.*

The Trade Marks Act, 1999

1. The Trade Marks shall be compared as a whole without dissecting or excluding any part held Supreme Court.

Pernod Ricard India Private Limited & Another V. Karanveer Singh Chhabra [SLP(C) No. 28489 of 2023; dt. August 14, 2025]

The subject matter of the present appeal is the order passed by the Madhya Pradesh High Court whereby the high court dismissed the appellants challenge of the order passed by the Commercial Court, Indore.

The issue before the Supreme Court is whether appellants are entitled to interim injunction in restraining the respondents from the sale of 'LONDON PRIDE' which appears deceptively similar to whisky brand of the appellants 'BLENDEERS PRIDE'.

***Held,** trademarks should be evaluated in their entirety rather than being broken down into separate components, the word "PRIDE" is a widely used term in the liquor industry and cannot be owned by one company; it is too generic to grant exclusive rights to any single business. While dismissing the appeal the matter is remanded to Commercial Court to decide the case on merits.*

2. Calcutta High Court restrains sale of deceptively similar products.

Moon dust Paper Pvt. Ltd. V. Vinay Shaw and Others. [IP-COM/44/2024 ; dt. August 8, 2025]

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Plaintiff is the owner of the well-established brands, 'Captain Gogo' and 'Gogo' used for smoking accessories. Defendants were infringing the trademarks of the plaintiff with deceptively similar marks such as Gogo, 'Goga', 'Captain Coco', 'Go Three', 'Capital Coco', 'Super Go India', and 'Go N Go'

Held, respondents were using deceptively similar marks to pass off their product as the plaintiff's. Court found prima facie case of trade mark and copy right infringement and granted injunction to protect the plaintiff trademarks.

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