AUDIRI VOX

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MIDDLE EAST – ASIA – AFRICA

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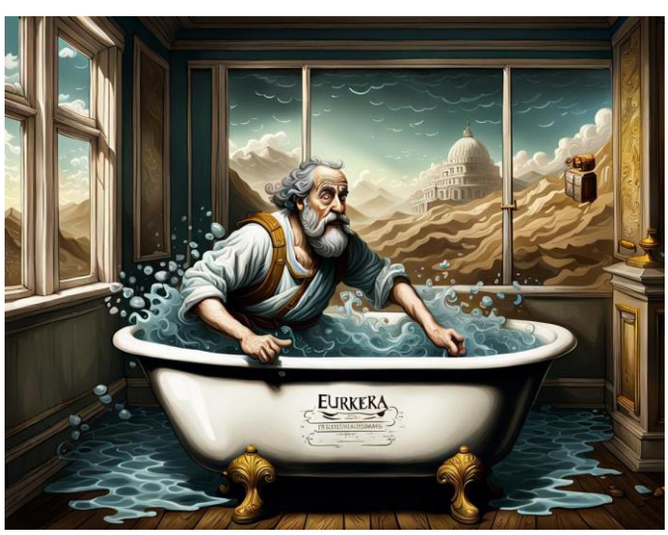
In This Issue

Sanuji Munasinghe
Attorney at Law
AUDIRI VOX
Colombo, Sri Lanka

WHY STARTUPS IN SRI LANKA SHOULD PRIORITIZE INTELLECTUAL PROPERTY PROTECTION



An idea when executed correctly can lead to massive income for the owner of the idea. At the same time, an idea is something that someone can very easily copy and then instead of the originator earning any money from the idea, the one who copied the idea starts to make money!

Thus, it becomes important to protect your idea, even if you have not yet taken steps to execute the idea. The idea is your intellectual property and if you are careless with protecting it, the losses can be as massive as expected profits.

In the dynamic and competitive environment of modern business, intellectual property (IP) protection has become an absolute necessity. For startups in Sri Lanka, where innovation has expanded across technology, agriculture, fashion, food, and digital services, safeguarding intellectual property can be the difference between thriving successfully and losing ground to imitation, infringement, or worse exploitation.

For startups, intellectual property is more than just a legal formality. It is a strategic asset that can significantly influence long-term success of their business, investor confidence, market positioning, and even survival.

While the awareness regarding IP rights may be far better than what it used to be, there may be many Sri Lankan startups which are either unaware of their IP rights or fail to take the necessary steps to protect them. This article explores why IP protection is essential, specifically for startups and what they stand to gain by safeguarding their innovations from the outset.

IP is Often a Startup's Most Valuable Asset

In the early stages of a startup, all you have is an idea. There may be no office, little capital, and a small team. When all you have is an idea, it becomes important to protect everything related to the idea, be it be technology, branding or creative content. An idea is the easiest thing to copy and steal. Without adequate protection, these intangible assets are vulnerable to imitation, theft, or exploitation by competitors. Which would result in any startup facing severe losses that cannot be ascertained. This may even render the business becoming obsolete due to competition.

That is where patents come in.

Patents safeguard novel inventions and technological advancements, while trademarks offer protection for brand identifiers such as names, logos, and slogans. Copyrights secure original creative expressions, including software code, visual designs, marketing collateral, and multimedia content. Collectively, these intellectual property mechanisms provide startups with a strategic and enforceable competitive advantage in the marketplace.

IP Protection Builds Market Exclusivity

When a startup develops a novel product, process, or brand identity, IP rights can grant it a legal monopoly in that space. This exclusivity allows the startup to operate without fear of immediate competition, especially in niche or emerging markets.

A registered trademark, for instance, prevents others from using a confusingly similar name or logo, preserving brand integrity. A patent can block others from producing or selling a similar invention for up to 20 years.

This period of legal protection enables the startup to expand its customer base, attract investment, enhance its products or services, and establish a strong foothold in the market.

Attracting Investment and Partnerships

Investors today are not just funding businesses but are also focused on funding innovation. They understand that this is the door to a whole new world of business operation and continuity in the market.

A startup with a well-protected IP portfolio is far more attractive to investors and corporate partners. IP rights signal that the startup has something unique and legally defensible which will without a doubt work as an incentive towards being considered as a venture worth investing in.

In many due diligence processes, especially for tech and product-based startups, IP documentation is a requirement. Without that assurance, the risk profile increases, and funding may be withheld.

Safeguarding Against Infringement and Legal Risks

In the absence of formal IP protection, a startup is exposed to infringement by others.

Sadly, it is first past the gate system. If someone else registers a similar trademark or patent first, the original creator might face legal challenges or be forced to rebrand or halt operations. IP disputes can be time-consuming, expensive, and damaging to reputation.

By registering their rights early, startups can create a strong legal foundation for their business and being embroiled in costly legal entanglements down the line.

Enhancing Exit Value

Many startups are either built with the goal of acquisition or going public. In both scenarios, the value of the business is tied not only to its current operations but also to its strategic assets including IP. When a larger company evaluates a startup for acquisition, it will assess whether the startup owns what it claims to own.

A startup with clear, well-documented, and registered IP rights will fetch a higher valuation and face fewer hurdles during the exit process.

Creating Brand Trust and Customer Loyalty

Startups operate in crowded markets, where visibility and reputation matter. A registered trademark is not only a legal tool but also a signal of credibility and professionalism. Customers are more likely to trust and engage with a brand that appears legitimate and protected.

Challenges in the Sri Lankan Context

In a commercial context, it is not only start-ups but many SMEs face challenges in protecting their IP rights. These include:

- Lack of awareness of IP rights and processes
- Perceived complexity and cost of registration
- Limited access to legal support
- Focus on short-term goals over long-term asset building

Creating an environment that provides awareness on IP protection will invariably assist in positively impacting the several other challenges that start-ups are facing with regard to IP protection.

A New Era for IP in Sri Lanka: NIPO's Role

In recent years, the National Intellectual Property Office (NIPO) of Sri Lanka has taken commendable steps to address key challenges and make intellectual property protection more accessible and efficient. NIPO has worked towards launching nationwide awareness campaigns and providing and forming partnerships with universities, business chambers, and other institutes to promote IP education and offer advisory services. These initiatives are steadily reshaping the perception of intellectual property.

As Sri Lanka's innovative economy continues to grow, NIPO's proactive efforts are playing a critical role in ensuring that the nation's creative output is not only recognized but also protected, giving startups both the incentive and the infrastructure they require.

AUDIRI VOX EXPANDS ITS FOOTPRINT IN CHINA AND HONG KONG

Forging Stronger IP Ties with Asia's Innovation Powerhouses

Over the past two years, Audiri Vox has witnessed a significant rise in interest from Chinese investors and companies exploring expansion opportunities in the Middle East, particularly in the UAE and Saudi Arabia. This growing engagement has prompted our firm to devote greater strategic focus to China and the broader East Asian region. The increasing volume of queries from China further underscored the need for deeper collaboration and presence in the jurisdiction.

Building on this momentum, Audiri Vox undertook two successful trips to China and Hong Kong last year. Continuing this trajectory, we were once again invited to visit Mainland China and the Hong Kong SAR this year to engage with local stakeholders and share our insights on key developments in the intellectual property (IP) landscape.

Mr. Divyendu Verma, Global Head of the Patents and Designs Department at Audiri Vox, recently travelled to Zhuhai, China at the invitation of prominent IP organisations. At the 7IPR (Hengqin Intellectual Property Association), Mr. Verma delivered a lecture *on Recent IP Updates in the Middle East*, with a focus on the evolving legal and regulatory environment in the UAE and Saudi Arabia.

This was followed by a session hosted by the Zhuhai Trademark Association, where Mr. Verma addressed *Trademark Procedures and Developments in the GCC Region.*

Further deepening ties with the local innovation ecosystem, Mr. Verma was also invited by the Zhuhai High-Tech Companies Association. His presentation on the *IP Ecosystem in the Middle East and Africa* drew a strong response from leading innovators and technology companies in the region.

The delegation then continued to Hong Kong, where Mr. Verma delivered a guest lecture at the Chinese University of Hong Kong, School of Law. As one of the key invited speakers, he spoke in detail about the recently adopted *Design Law Treaty (DLT)* and shared first-hand insights from the diplomatic conference held in Riyadh, where the treaty was formally adopted.

The visit concluded on an enthusiastic and optimistic note, reinforcing Audiri Vox's commitment to cross-border collaboration and knowledge-sharing in the field of intellectual property. With Asia's growing role in global innovation, we look forward to further exchanges, joint initiatives, and partnerships with stakeholders across China and Hong Kong in the months ahead.

IP UPDATES

EGYPT:
EGIPA DOUBLES PATENT EXAMINATION FEES AND TIGHTENS PAYMENT DEADLINES

In a major move that's set to impact inventors and businesses alike, the **Egyptian Intellectual Property Authority (EGIPA)** has rolled out new changes to the country's patent examination process. As of **June 18, 2025,** the official fee for patent examination has doubled **from EGP 25,000 to EGP 50,000** under **Decree No. 26 of 2025**. The fee hike is part of EGIPA's broader push to modernize Egypt's intellectual property framework and streamline how patent applications are handled. Officials say the increase will help strengthen the quality and speed of examinations, ultimately bringing the system more in line with international standards. But the changes don't stop there. The time line for paying examination fees has also been significantly tightened. Applicants now have just **three months** from the date they are notified to pay both the examination and any applicable expert fees. That's a sharp shift from the previous rule, which gave applicants six months from the patent filing date. In certain cases, like appeals or complex applications where expert opinions are needed additional expert fees may apply. If applicants **miss** the new **three-month deadline,** their **applications will be suspended** until all outstanding fees are paid. And for the first time, EGIPA is introducing extension and penalty fees for late payments, a move that underscores its new, more structured approach to patent procedures. While these changes may present new challenges for applicants, they also reflect a growing emphasis on accountability and procedural clarity within Egypt's IP system.

QATAR:
QATAR TRADEMARK OFFICE BEGINS DIGITAL TRANSFORMATION INITIATIVE

As part of its national e-government strategy, the Qatar Trademark Office launched a major digital transformation initiative in July 2025 to modernize its IP services and enhance accessibility for both local and international rights holders.

Key Updates:

a) The Trademarks Official Gazette is now published in digital format.

b) Electronic trademark registration certificates have been introduced. For certain applications, onlydigital certificates will be issued, while others may still receive physical copies during the transitional phase.

This hybrid model marks an interim period as the Office tests and refines its digital infrastructure. The dual issuance of electronic and physical documents will continue until the full transition to a paperless system is complete.

UAE:
UAE ACCELERATES IP INNOVATION WITH MAJOR NEW INITIATIVES

The Ministry of Economy has officially introduced the UAE Accelerated Patent Grant Program streamlining the patent registration process to support inventors, startups, and R&D-driven companies. A new cooperation agreement has been signed with the World Intellectual Property Organization (WIPO), focused on policy development, legislative enhancement, and knowledge exchange. The Ministry also signed MoUs with the Spanish Patent and Trademark Office and the Moroccan Office of Industrial and Commercial Property.

UAE Honored at GovMedia Awards 2025

The Ministry received three prestigious awards at the GovMedia Conference in Singapore, recognizing national initiatives that champion innovation and digital transformation:

1) Best Digital Initiative – National Economic Register (Growth)
2) Public Sector Initiative of the Year – Future100
3) Government Management Development Award – Zero Government Bureaucracy

National Geographical Indications (GI) System Launched

The UAE has launched its national Geographical Indications (GI) system offering stronger protection for local products linked to specific regions and supporting both cultural heritage and economic development.

PATENT CASES

DOLBY INTERNATIONAL AB & ANR.

(Plaintiffs) vs LAVA INTERNATIONAL LIMITED (Defendant)

CASE NO.: CS(COMM) 350/2024 with I.A. 9655/2024, I.A. 9658/2024, I.A. 9659/2024, I.A. 9660/2024 and I.A. 9666/2024

DECIDED ON: July 10, 2025

In the present suit the plaintiff has retrained the defendants from infringing the plaintiff's patented applications.The plaintiff stated that they offered a Fair, Reasonable And Non Discriminatory (FRAND) license to the defendant, the defendants were continuously engaging and later refused licensing nor provided any counter offer. Even after this the defendant continued selling the infringing device having plaintiff's Advanced Audio Coding (AAC) portfolio of patents without paying any royalties. The plaintiff argued that they have filed test reports of the infringing device which confirms presence of AAC compliant, further the defendant also failed to disclose usage of any alternate technologies in their infringing device. The defendant countered that the plaintiff's 2-Series Patents have expired so they cannot charge royalty nor claim injunction for the use and other 3-Series Patents' are dependent on 2-Series Patents, so their existence cannot be defined individually. The defendant further stated that the plaintiff's did not make offer with good faith and the alleged FRAND royalty rate as pleaded was false and misleading. The Hon'ble Delhi High Court observed the following matter and stated that the defendant was an 'unwilling licensee' during the negotiation procedure. The Hon'ble Court noted that all the plaintiff's patent were valid and subsisting during the negotiation period and the patents got expired because the negotiation got delayed, the defendant cannot take wrong advantage of it. And as verified the defendant's infringing device implements the standards as captured on defendant's website and also in the evidence submitted by the plaintiff. The Hon'ble Court concluded by disposing of the present matter and directing the defendant to deposit a sum of INR 20,08,06,293.92 in a fixed deposit on an auto-renewal mode.

ALBEMARLE CORPORATION (Appellants) vs THE CONTROLLER OF PATENTS (Respondents)

CASE NO.: C.A.(COMM.IPD-PAT) 19/2022, I.A. 10452/2022 & I.A. 35045/2024

DECIDED ON: July 07, 2025

The appellant filed an appeal against the respondent for refusing the appellant's patent application under section 15 of the Patent Act. The appellant filed an auxiliary set of claims during the pendency of the present appeal by filing an application being *I.A. No. 35045/2024*. The respondent countered that such amendment of claims cannot be allowed at the stage of appeal. The Hon'ble Delhi High Court observed that the appellant did not counter against the impugned order passed by the respondent but submitted amended set of claims by reducing the scope. The Hon'ble Court further stated that the appellant had only reduced the scope of the earlier claims, and no new matter was included in the amended claims, so as per law if the amended claims addresses objections raised by the Patent Office or facilitate grant then such amendments are permissible. The Hon'ble Court concluded by allowing the auxiliary claim set filed by the appellant and hereby reviving the patent application for fresh consideration.

ORAMED LTD. (OA/14/2020/PT/KOL) (Appellants) vs THE CONTROLLER GENERAL OF PATENTS AND DESIGNS & ANR. (Respondents)

CASE NO.: IPDPTA/8/2022

DECIDED ON: July 04, 2025

In the present appeal the appellant challenges the respondent for rejecting the appellant patent application under the ground of lack of inventive step and patentability. The appellant argued that the respondent failed to refer the figures and the specification submitted by the appellant which holds all the technical data and there is also no reference of expert affidavit in the impugned order. The respondent argued that the hearing notice referred prior arts D1 to D4 and therefore they concluded the impugned order describing lack of inventive step in the appellant's patent application on the basis of the prior arts D1 and D4. The appellant further argued that the respondent failed to consider guidelines of the patent Office Manual regarding section 3(d) and 3(e), and thereon disregarded in passing the impugned order.

The Hon'ble Calcutta High Court observed the matter and stated that the respondent had failed to consider the specification of the invention as well as the affidavit of the expert as submitted by the appellant. The Hon'ble Court also noted that the respondent had failed to provide proper reasoning while rejecting the appellant's patent application. The Hon'ble Court concluded by setting aside the impugned order and remanding the application for fresh consideration by a different officer.

KROLL INFORMATION ASSURANCE, LLC (Appellants) vs THE CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADEMARKS AND ORS (Respondents)

CASE NO.: C.A.(COMM.IPD-PAT) 439/2022

DECIDED ON: July 01, 2025

The appellant has filed an appeal challenging the respondent for rejecting the appellant's patent application for lack of inventive step under Section 2(1)(j), amendments being beyond the scope of the invention under Section 59, and invention relating to 'algorithm' and 'computer program per se' under Section 3(k) of the Patent Act. The appellant contended that the respondent errored while rejecting the patent application under section 59 as the amendments in the claims were already disclosed in the complete specification and the respondent ignored the technical aspect of the subject invention and just focused on software modules. The appellant further contended that the respondent failed to

prove common general knowledge while addressing the subject patent application and relatively failed to consider technical advancement of the subject invention. The respondent contended that the appellant failed to demonstrate technical effect in the subject application, and they have also failed to validate if the scope of the amendments falls within the scope of the original claim.

The Hon'ble Delhi High Court analyzed that the respondent errored while accusing on the proposed amendment as the amendments are within the scope of the originally filed claims. The Hon'ble Court further noted that the respondent had rightfully rejected the subject patent application under section 3(k), as the appellant failed to demonstrate technical effect or advancement in the subject invention. The Hon'ble Court concluded by up-holding non-patentability under section 3(k) and maintaining the rejection of the subject patent application.

KABUSHIKI KAISHA TOYOTA JIDOSHOKKI (Plaintiff) vs LMW LIMITED (Defendant)

CASE NO.: CS(COMM) 881/2024

DECIDED ON: July 01, 2025

The present suit has been filed by the plaintiff restraining the defendants from infringing the patent bearing no. IN244759 (IN759) and IN394883 (IN883). The defendant in its written statement stated that they have stopped manufacturing and supply of the product infringing IN883. However, the defendant is still infringing the product, relating to patent no. IN759. The plaintiff accused defendant for intending to use and supply plaintiff's patented technology. The defendant countered stating that both the IN883 and IN759 are invalid and should be revoked under Section(s) 64 and 107 of the Act, on the ground of lack of novelty and inventive step.

The plaintiff submitted that the defendant has been implementing technology as disclosed in the plaintiff's patent IN759 and the defendant also failed to disclose any alternate technology used by them which raises a claim of non-infringement as stipulated under *Rule 3(B)(vi)7* of the Delhi High Court Patent Rules, 2022. The plaintiff's argues that the defendant failed to provide any scientific material while questioning the validity of the patent. The plaintiff further states that *"..the plaintiff is likely to suffer irreparable harm, loss and injury to its intellectual property rights at the hands of the defendant.."*. The defendants challenges the validity of the plaintiff's patents. The defendant further stated that the patent IN759 is expiring on 24 May 2025, and the defendant has been selling the said product since 2018, so the *balance of convenience* cannot fall in favor of the plaintiff for grant of an interim injunction.

The Hon'ble Delhi High Court observed that the patent IN759 has expired therefore the order restraining infringement cannot be maintained. The Hon'ble Court ordered the defendant to file an affidavit of one of its representative along with the proof disclosing the date of defendant's dealing with product alleging features of IN759 including products manufactured but yet to sell up to the date of expiry of IN759 for the purpose of inspection. The Hon'ble Court concluded by disposing the present matter.

SRINIVAS JEGANNATHAN (Appellants) vs THE CONTROLLER OF PATENTS (Respondents)

CASE NO.: (T)CMA(PT)/38/2023; (OA/61/2014/PT/CH)

DECIDED ON: July 01, 2025

The appellant has filed an appeal against the respondent challenging the impugned order rejecting the appellant's patent application. The appellant contended that none of the cited prior arts teach, motivate or suggest the combination as disclosed in the present application, therefore it cannot be obvious to the person skilled in the art (PSITA). The appellant further contended that the respondents allegation of the amendments falling outside the scope of section 59 of the Patents Act, 1970 cannot be maintained, as the appellant modified the claims after the hearing based on the interaction with the respondent. The respondent countered that they cannot be blamed for considering and rejecting the last amended claims based on the cited prior art as the appellant willingly amended the claims more than once and that they need to examine the last amended claims itself. The respondent also stated that they have lawfully rejected the claimed invention by thorough examination of the prior arts.

The Hon'ble Madras High Court analyzed the matter and stated that the impugned order failed to provide any reasoning as to how and why the appellant's patent application is obvious to a person skilled in the art on the basis of the prior arts cited. The Hon'ble Court further states that the objection raised under section 59 of the Patent Act holds no relevance as the appellant confined the claims to the original claims. The Hon'ble Court concluded by reconsidering the matter on the basis of original claims along with the complete specification submitted by the appellant and the reconsideration will be done by a different officer.

SHAPERON INC. (OA/6/2018/PT/KOL) (Appellants) vs THE CONTROLLER GENERAL OF PATENTS AND DESIGNS, MUMBAI AND ANR. (Respondents)

CASE NO.: IPDPTA/68/2023; IA NO: GA/1/2023

DECIDED ON: June 26, 2025

Shaperon

The present appeal has been filed by the appellant against the respondent for passing an impugned order. The appellant argued that the respondent issued an impugned order without considering or taking into account the submitted expert evidence of Dr. Seung-yong Seong as an affidavit. The respondent agreed that they passed the impugned order without referring to the expert evidence.

The Hon'ble Court noted that the impugned order had no mention of the affidavit submitted by the appellant, the respondent has not considered the expert evidence. The Hon'ble Court states that the perusal of such affidavit illustrates the effect and technical advancements of the subject invention, therefore the affidavit deserves consideration. The Hon'ble Court concluded by setting aside the impugned order and demanded afresh consideration of the appellant's patent application by taking into account the submitted affidavit.

TRADEMARK CASES

M/S SITA RAM IRON FOUNDRY AND ENGINEERING WORKS (Petitioner) vs HINDUSTAN TECHNOCAST (P) LTD. AND ANR. (Respondents)

CASE NO.: C.O. (COMM.IPD-TM) 150/2021

DECIDED ON: 9th July 2025

Petitioner filed a rectification petition against respondents seeking cancellation of the trademark **"BADAL"** registered in Class 07. This arose out of a trademark infringement suit (CS/10/2015) initiated by respondent against the petitioner over the use of **"GHANGHOR BADAL"**. Petitioner argued that the mark **"BADAL"** was fraudulently assigned to the respondent, based on faulty documents and an invalid assignment chain. The mark was originally owned by a partnership firm, and the subsequent assignments lacked legal basis. Respondents, despite multiple opportunities, failed to file a reply.

The Hon'ble Delhi High Court observed that even in the absence of a reply, the burden of proving fraud lies on the petitioner. Allegations of fraud require specific evidence and cannot be presumed. The documents provided, including assignment deeds and partnership clarifications, did not convincingly prove any forgery or illegitimacy. Also, no other stakeholders from the original firm contested the respondent's claim to the mark. The Hon'ble Court dismissed the rectification petition, holding that the trademark **"BADAL"** has been in use since 1945 and no prima facie fraud was established by the petitioner. The petitioner failed to prove its case independently, as required by law.

MOHAN MEAKING LIMITED (Plaintiff) vs ESTON ROMAN BREWERY & DISTILLERY PVT. LTD. (Defendant)

CASE NO.: Commercial Suit No.07 of 2025

DECIDED ON: 9th July 2025

Plaintiff, a reputed and long-standing liquor manufacturer (notably of "Old Monk Coffee"), filed a suit against the defendant, alleging trademark infringement and passing off. The defendant was using the mark **"OLD MIST"** for a coffee-flavored rum, which the plaintiff claimed was deceptively similar to their own product. Plaintiff argued that **"OLD MIST"** closely resembled the registered trademark **"Old Monk Coffee"**. Defendant had no registered trademark and was intentionally attempting to pass off its product by copying the plaintiff's label and packaging. The defendant had just been served notice, and the case is at an early stage. No reply from their side at this point.

The Hon'ble High Court of Himachal Pradesh observed that the products and packaging were strikingly similar, creating a high probability of consumer confusion. Also, noted the plaintiff's established goodwill and registered trademark status versus the defendant's lack of registration. The Hon'ble Court granted an interim injunction restraining the defendant from manufacturing, selling, or distributing the product **"OLD MIST Coffee Rum"** until further orders, finding a prima facie case of infringement and passing off in favor of the plaintiff.

RELIANCE RETAIL LIMITED (Plaintiff) vs ASHOK KUMAR & ORS. (Defendants)

CASE NO.: CS(COMM) 647/2025, I.A. 15197/2025

DECIDED ON: 7th July 2025

Plaintiff filed a suit against defendants for impersonating the plaintiff company using its trademark **"Tira,**

tira, LOVE TIRA, LOVE TIRA, TIRA LOVES,

to scam customers via fake phone calls, WhatsApp messages, and UPI links. Plaintiff alleged large-scale consumer fraud using its brand name **Tira**, claiming

infringement, passing-off, and irreparable harm to reputation. Defendants no representation; many defendants were unknown or government/technical intermediaries like DoT, NPCI, and WhatsApp.

The Hon'ble Delhi High Court found strong prima facie evidence of impersonation and consumer deception, stating the fraudulent use of **"Tira"** could not be permitted to continue and highlighted the organized nature of the scam. The Hon'ble Court restrained defendants from using the **"Tira"** mark or launching fraudulent schemes. Telecom operators, WhatsApp, and NPCI were directed to assist in identifying and disabling related fraudulent accounts.

MODI-MUNDIPHARMA PVT. LTD. (Appellant) vs SPECIALITY MEDITECH PVT. LTD. & ANR. (Respondent)

CASE NO.: RFA(OS)(COMM) 8/2023, CM APPL. 20433/2023, CM APPL. 34634/2023 & CM APPL. 42133/2023
DECIDED ON: 1st July 2025

The Appellant filed a case against the respondents for passing off and trademark infringement. The respondents adopted the trademark **"FEMICONTIN"** for use in pharmacy products, which was reportedly deceptively similar to the appellant's registered marks **"FECONTIN-F"** and the wider "CONTIN" family of marks. The appellant prayed for a permanent injunction, damages, and other reliefs on the basis that the adoption of **"FEMICONTIN"** infringed its trademark rights and damaged the reputation of its brand.

The respondents, however, averred that the mark **"FEMICONTIN"** was coined spontaneously and bona fide. They justified that **"FE"** stood for ferrous (iron), **"FEMI"** stood for female (the target group), and **"CONTIN"** stood for continuous drug release thus making the mark descriptive of the purpose and nature of the drug. They contended that **"CONTIN"** was not a neologism, and that the appellant had not been using **"CONTIN"** as an independent mark. The respondents claimed that there was no possibility of confusion among medical practitioners, given that the product was a Schedule H drug.

The Hon'ble Delhi High Court noted that, while the appellant was the registered proprietor of both **"FECONTIN-F"** and **"CONTIN,"** there was no independent commercial use of **"CONTIN".** The Hon'ble Court ruled that the use of **"CONTIN"** only as a suffix in different marks did not give exclusivity to the appellant over the word. Also noted that **"FECONTIN-F"** was largely descriptive "FE" for iron and "CONTIN" for a sustained release form. The Hon'ble Court also ruled that the visual and aural distinction between **"FEMICONTIN"** and **"FECONTIN-F"** negated any real likelihood of confusion. Finally, the appeal was dismissed. The Hon'ble Court upheld the earlier decision and held that the respondents' adoption of the mark **"FEMICONTIN"** was valid and not passing off. The appellant's passing off and trademark infringement claims were dismissed, and the application for injunction and damages was refused.

COPYRIGHT CASES

PRIME DIAMOND TECH & ORS. (Plaintiff) vs SONANI JEWELS PVT. LTD. & ORS. (Defendants)

CASE NO.: Special Civil Application Nos. 9066 & 9073 of 2025
DECIDED ON: 7th July 2025

Plaintiff filed a copyright infringement suit against defendants, alleging that former employees misused confidential information and trade secrets relating to HPHT technology for treating diamonds. The plaintiff claimed the defendants replicated proprietary designs and misused confidential information accessed during employment. Defendants argued that the Court Commissioner exceeded the inspection scope and collected unrelated and confidential business data from their devices.

The Hon'ble Gujarat High Court noted that both parties raised serious objections to sharing each other's trade secrets. The Commercial Court erred in allowing advocates to access such confidential information without due reasoning or safeguards. The Hon'ble High Court quashed the Commercial Court's order dated 25.06.2025 and rejected both parties' applications for access to each other's confidential material. Emphasized that revealing trade secrets defeats the purpose of copyright protection and instructed the trial to proceed swiftly as per Supreme Court directions.

T.N.K. GOVINDARAJU CHETTY & CO. PVT. LTD. (Plaintiff) vs BUVANA SARAVANAN, SHANTI SARAVANAN, AND SUDHAKAR CINE ARTS (Defendants)

CASE NO.: C.S.(Comm.Div.) No.129 of 2024
DECIDED ON: 30th June 2025

Plaintiff in the present suit the defendants alleging infringement of copyright in four classic Tamil films: ***"Padagotti, PaadhaKanikkai, Panathottam, and Gowri Kalyanam"***. Plaintiff claimed ownership through a chain of titles from original rights holder Velumani to Devi Films, which later merged with the plaintiff. Defendants despite the transfer, claimed rights via public notices and assignments, though they failed to appear in court (set ex parte).

The Hon'ble Madras High Court upheld the plaintiff's documentary evidence, including High Court-approved amalgamation orders and ownership acknowledgments. It found no rebuttal from the defendants. The suit was decreed in favor of the plaintiff. The Hon'ble High Court granted permanent and mandatory injunctions and ordered the defendants to pay ₹3,00,000 in costs. The claim for ₹5,00,000 in damages was denied due to lack of proof of actual loss.

GEOGRAPHICAL INDICATION

ASOCIACION DE PRODUCTORES DE PISCO A.G. (Petitioner) vs UNION OF INDIA & ORS. (Respondents)

CASE NO.: W.P.(C)-IPD 17/2021, CM 139/2022 & CM 59/2023
DECIDED ON: 7th July 2025

The Petitioner a Chilean producers' association, filed a writ petition against the Respondents, challenging the IPAB's 2018 order that granted exclusive GI registration of the word **"PISCO"** (without prefix) to Respondent No. 4. The petitioner claimed shared and legitimate GI rights over **"Chilean PISCO".** Petitioner has a historical and legally recognized claim over **"PISCO"**, both countries use the term for different beverages. The term should be **"Peruvian PISCO"** and **"Chilean PISCO"** to avoid consumer confusion. IPAB misapplied trademark principles in a GI case. Respondent No. 4 has exclusive and historical rights to **"PISCO"**. The IPAB rightly removed the prefix "Peruvian" as prefixing is impermissible in GI law.

The Hon'ble Delhi High Court rejected IPAB's reasoning that petitioner use was dishonest or misappropriate. Hon'ble Court clarified that GI law does not consider concepts like **"prior use"** or "dishonest adoption" (relevant in trademark law). The Hon'ble Court found that **"PISCO"** is also geographically and culturally identified with Chile. Therefore, denying Petitioner use was legally incorrect. The Hon'ble Court emphasized the *principle of coexistence of homonymous GIs*, as allowed under Section 10 of the GI Act and TRIPS. The Hon'ble Court set aside the IPAB's 2018 order and restored the Registrar's 2009 order, thereby reinstating the GI in favor of **"Peruvian PISCO"** (not **"PISCO"** standalone). Further directed that the petitioner's GI application for **"Chilean PISCO"** be processed in accordance with law, thereby allowing both countries to use the term **"PISCO"** with appropriate prefixes, ensuring no confusion to consumers.

309 Churchill Tower Business Bay, P.O. Box 415116Dubai-Untited Arab Emirates
+971 4 582 6655
global@audirivox.com

www.audirivox.com

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