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THE LAW AND PROCEDURE OF INDUSTRIAL DESIGN PROTECTION IN SRI LANKA

In today's competitive marketplace, where visual appeal greatly impacts consumer decisions, industrial design is essential to effective branding and product marketing.

Wikipedia describes Industrial Design as:

Industrial design is a process of design applied to physical products that are to be manufactured by mass production. It is the creative act of determining and defining a product's form and features, which takes place in advance of the manufacture or production of the product. Industrial manufacture consists of predetermined, standardized and repeated, often automated, acts of replication, while craft-based design is a process or approach in which the form of the product is determined personally by the product's creator largely concurrent with the act of its production.

All manufactured products are the result of a design process, but the nature of this process can vary. It can be conducted by an individual or a team, and such a team could include people with varied expertise (e.g. designers, engineers, business experts, etc.). It can emphasize intuitive creativity or calculated scientific decision-making and often emphasizes a mix of both. It can be influenced by factors as varied as materials, production processes, business strategy, and prevailing social, commercial, or aesthetic attitudes. Industrial design, as an applied art, most often focuses on a combination of aesthetics and user-focused considerations, but also often provides solutions for problems of form, function, physical ergonomics, marketing, brand development, sustainability, and sales.

The protection of such designs is governed by specific provisions under intellectual property law. This article explores the legal framework, procedural requirements, and practical aspects of registering and enforcing industrial designs in Sri Lanka.

Overview of the law

According to Section 30 of the Intellectual Property Act No. 36 of 2003 (IP Act), an industrial design is defined as follows:

"any composition of lines or colours or any three-dimensional form, or any material, whether or not associated with lines or colours, provided that such composition or form gives a special appearance to a product of industry or handicraft and can serve as a pattern for a product of industry or handicraft."

This definition highlights that the protection offered under Sri Lankan law is concerned with the visual appeal of products, rather than their technical or functional features.

As discussed in our previous articles, the National Intellectual Property Office of Sri Lanka (NIPO) is the regulatory body responsible for administering the registration of industrial designs. The IP Act provides the legal framework for the registration, enforcement, and management of rights relating to industrial designs.

For an industrial design to qualify for protection under the Intellectual Property Act, it must meet two key criteria:

1. **Originality:** The design must be new and should not have been disclosed to the public anywhere in the world before the filing.
2. **Compliance with Public Standards:** The design must not violate public order or accepted standards of morality. Any design deemed obscene, offensive, or culturally insensitive may be denied registration.

It is also crucial to understand that purely functional elements of a product are not eligible for design protection. **If a design's features exist solely for technical or utilitarian purposes, rather than for aesthetic appeal, they fall outside the scope of legal protection.**

Upon registration, the owner of an industrial design is granted exclusive rights to stop others from producing, selling, or importing items that replicate or closely resemble the protected design. These rights are especially important in industries such as fashion,



furniture, electronics, and product packaging, where the visual uniqueness of a product greatly influences consumer choice.

The rights holder is also entitled to pursue legal remedies against infringement, including applying for injunctions, seeking monetary compensation, and requesting the confiscation or destruction of infringing products.

Term of Protection

A registered industrial design is protected for an initial period of five years from the date of application. This term can be extended twice, with each renewal granting an additional five years, allowing for a maximum protection period of 15 years.

Application and Registration Process

- i. To register an industrial design in Sri Lanka, an application must be filed with NIPO. The submission should include:
 - A duly filled application form
 - Clear and accurate representations of the design, such as drawings, photographs, or illustrations (multiple views are recommended),
 - An optional but helpful description of the design,
 - Payment of the required fee.
- ii. The application can be submitted by the designer, the employer (if the design was created during employment), or an assignee.
- iii. NIPO carries out a formal examination to ensure that all administrative requirements are met and this includes checking whether all documents are complete, drawings are adequate, and fees have been paid.
- iv. Unlike some countries, Sri Lanka does not perform a detailed novelty check or assess the design for originality during the examination. This makes the process relatively simple and cost-effective. However, it also means *that the responsibility for enforcing and defending the design in the event of a conflict lies with the design owner.*
- iv. Once the application meets all requirements, NIPO registers the design and issues a Certificate of Registration. The design is published in the Sri Lanka Government Gazette, making it publicly accessible and officially recorded.

In the event of infringement, the registered design owner can initiate a civil action before the Commercial High Court of Colombo, seeking remedies such as injunctions,

damages, and the seizure or destruction of infringing goods. The proprietor may also seek assistance from Sri Lanka Customs to block the import of counterfeit products. Regular market monitoring and swift enforcement are essential to protect design rights effectively.

Assignment and Licensing

A registered industrial design can be assigned or licensed to third parties. To ensure that such transfers are valid against third parties, the transaction must be recorded with NIPO. The registration of assignments or licenses is important not only to establish legal validity but also for transparency in public records.

Limitations and Challenges

Despite the availability of design protection in Sri Lanka, the intellectual property system faces several practical limitations. The absence of substantive examination can result in the registration of similar or non-original designs, potentially leading to legal conflicts.

Additionally, there is limited awareness of design rights among small and medium-sized enterprises, which often hinders proper utilization of available protections. While enforcement mechanisms do exist, pursuing legal action can be both time-consuming and costly, discouraging many rights holders from actively defending their designs.

Therefore, legal counsel and proactive IP management are essential to ensure the commercial success of a design.

In today's visually driven market, industrial designs play a key role in defining brand identity and standing out from competitors. Sri Lanka's IP Act offers a straightforward process for securing design protection, though it lacks substantive examination placing responsibility on rights holders to actively enforce their designs. Rather than treating design registration as a mere formality, businesses and legal professionals should view it as a strategic asset that enhances product appeal, deters imitation, and strengthens market position.



CALCUTTA HC OVERTURNS PATENT REJECTION HIGHLIGHTING VALIDITY OF GPA



- By Sahana Mabian

IPDPTA/6/2025

Decided on: April 22, 2025

HUAWEI TECHNOLOGIES CO. LTD. (Appellants) vs. THE CONTROLLER GENERAL OF PATENTS DESIGNS AND TRADEMARK AND ANR. (Respondent)

INTRODUCTION:

In the present case the Calcutta High Court has passed an order in the matter of *HUAWEI TECHNOLOGIES CO. LTD. (Appellants) vs. THE CONTROLLER GENERAL OF PATENTS DESIGNS AND TRADEMARK AND ANR. (Respondent)*, setting aside the impugned order passed by the Respondent rejecting the patent application related to 'A communication method and a device to reduce power consumption of a terminal in a paging process', solely on the ground of invalidity of the General Power of Attorney (GPA).

BACKGROUND:

The Appellant had filed an Indian patent application no. 202237060506 on October 22, 2022. The Appellant has made submissions against the formal as well as technical objections that were raised by the Respondent in the FER. Initially, there were no objections regarding any defect in General Power of Attorney (GPA) in the First Examination Report (FER), it was only raised during the issuance of hearing notice. However, the Appellant filed the written submission covering technical as well as formal issues that were addressed or objected in the hearing notice. Yet the Respondent ended up passing a 40 pages lengthy impugned order rejecting the Appellant's patent application for failing

to fulfill the formal requirement of submitting the original GPA by placing the reliance on sections 127 and 132 of the Patent Act 1970 read with Rules 126 and 135 of the Patent Rules, 2003.

CONTENTIONS BY THE APPELLANT:

The Appellant contended the Respondent's illogical and unjustified impugned order by emphasizing that:

- The objection regarding GPA was only raised during hearing notice, to which the Appellant had also filed a written submission covering all the addressed issues.
- The Appellant had filed the original GPA in another application and a copy of GPA in the present patent application.
- The Respondent's reliance on sections 127 and 132 of the Patent Act, 1970 read with Rules 126 and 132 of the Patent Rules, 2003 was erroneous in the impugned order, the Respondent has purposely avoided the consideration of Departmental Circular No. 12 of 2009. As per the Departmental Circular No. 12 of 2009 issued by the Indian Patent Office on June 2009, if the original GPA is already filed with another patent application, then the self-attested copy of the GPA by the patent agent or the legal practitioner can also be submitted while filing the subsequent patent applications.
- The Respondent had also filed a complaint against another Controller for accepting the GPAs, which indicates to be a pre-mediated strategy adopted by the Respondent for procuring the impugned order.

COURT'S ANALYSIS:

The Calcutta High Court observed the following matter and analyzed that the Respondent has failed to acknowledge the technicality of the Appellant's patent application and solely considered the invalidity of the GPA while passing the impugned order. The Respondent also failed to provide an opportunity to the Appellant for curing the formal defect and concluded by passing the impugned order, violating the principle of natural justice. The Hon'ble Court states that "*the impugned order is a wasteful exercise of time, expense and money and serves no purpose whatsoever*". The Respondent failed to acknowledge that the similar copies of GPA have been previously filed in many other applications which were ultimately allowed as the Departmental Circular No. 12 of 2009 permits and allows such



practice. None of Section 127 or 135 of the Act or Rule 135 or 126 portrays refusal of the patent application under this ground alone, it only provides suspension of action on pending issue.

CONCLUSION:

Perusing through all the above matters, the Hon'ble Calcutta High Court acknowledged the lack of opportunity given to the Appellant for addressing the objection which was formal in nature on which the patent has been refused

and set aside the impugned order. The Respondent cannot reject patent application solely on the ground of invalidity of GPA or any other formal requirements, without even considering the technicality and inventiveness of the patent application. This judgment sets a valuable precedent for future cases where patent applications are refused solely on formal grounds, without assessing their technical merit. It underscores the importance of substantive evaluation and will help avoid unnecessary loss of patent term and costs incurred due to procedurally unjust decisions.

INDIAN PATENT OFFICE ISSUED VERSION 2.0 OF CRI GUIDELINES 2025

The Indian Patent Office has released Draft CRI Guidelines 2025 – Version 2.0 for public consultation, along with an accompanying Annexure. These guidelines provide updated guidance on the examination of Computer Related Inventions (CRIs).

Key Aspects of the Draft CRI Guidelines 2025 - Version 2.0:

- **Clarification of Section 3(k):** The guidelines emphasize that while computer programs, mathematical methods, and business methods per se are not patentable, inventions that demonstrate a technical effect or technical contribution and involve computer programs may be patentable.
- **Focus on Technical Effect/Contribution:** The guidelines incorporate judicial interpretations, such as the decisions in *Ferid Allani v. Union of India* and *Microsoft Technology Licensing LLC v. Controller of Patents and Designs*, to underscore the importance of showing a tangible technical advancement that solves a technical problem.
- **Guidance on Emerging Technologies:** The guidelines include specific procedures for examining inventions related to AI, Machine Learning (ML), Deep Learning (DL), Blockchain, and Quantum Computing.
- **Illustrative Examples:** An Annexure provides

detailed examples demonstrating allowable and non-allowable CRI claims under Section 3(k).

- **Examination Process:** The guidelines outline the examination process, highlighting the importance of identifying the actual contribution of the claimed invention and evaluating it based on technical advancement and real-world technical effect.

Notable changes from the earlier draft (March 2025):

- Expanded document length (62 pages compared to 47).
- New section specifically addressing AI, ML, DL, Blockchain, and Quantum Computing.
- Inclusion of additional case law references from 2019 to 2024.
- Structured examples in the Annexure with a three-step analysis for evaluating patentability.

Key Considerations for Patent Applicants:

- Clearly articulate the technical problem addressed and the technical solution provided by the invention.
- Emphasize the technical effect or contribution achieved by the invention, such as improved efficiency, performance, or functionality.
- Provide sufficient disclosure in the patent application, detailing the implementation specifics, including system architecture, data flow diagrams, and technical parameters.

Note: The draft guidelines are currently open for public comment until July 7, 2025.

IP UPDATES

YEMEN: MOFA ATTESTATION NOW REQUIRED FOR POAS



The Aden Trademarks Office now mandates Ministry of Foreign Affairs (MoFA) attestation for all Powers of Attorney (POAs) before filing trademark applications or taking post-registration actions, in line with

the existing requirement in Sana'a.

Key points:

1. One MoFA-attested POA is valid for both Sana'a and Aden.
2. This applies only to POAs-not to Deeds of Assignment or Recordal Certificates.
3. POAs must be attested by Yemen's MoFA within one year of embassy legalization; otherwise, a new POA will be required.

MAURITIUS: MAURITIUS JOINS ARIPO HARARE PROTOCOL



Mauritius officially acceded to the ARIPO Harare Protocol on Patents, Utility Models, and Industrial Designs on May 27, 2025. The Protocol will come into effect for Mauritius on August 27, 2025,

making it the 21st contracting state.

From this date, applicants can designate Mauritius in their ARIPO applications for patents, utility models, and industrial designs, providing a more streamlined and centralized route for IP protection in the country. Existing applicants or rights holders with pending or registered ARIPO rights will also be able to extend protection to Mauritius.

Additionally, Mauritian nationals and residents will be allowed to file applications directly with the ARIPO Office from August 27, 2025.

It is important to note that Mauritius has joined only the Harare Protocol and remains outside the Banjul Protocol, which covers trademarks under the ARIPO system.

LIBYA: LIBYA CLARIFIES TRADEMARK RENEWAL AND RE-REGISTRATION RULES



Libya's Trademark Office issued Circular No. 2 of 2025 (dated June 1, 2025), clarifying the difference between a trademark's protection expiry and its official cancellation.

Due to high renewal fees, many owners let trademarks lapse and opt to re-register them.

Under the new guidelines, re-registration is only allowed after the Trademark Office formally cancels the mark and publishes the decision in the Official Gazette.

Once published, the owner has a three-year window to re-register the trademark.

Trademark holders are advised to review these rules and adjust their renewal strategies accordingly.

EGYPT: INCREASE IN PATENT EXAMINATION FEES



The Egyptian Intellectual Property Authority has issued Decision No. 26 of 2025, increasing the official fees for patent examination requests. This change takes effect from June 18, 2025, as published in Official

Gazette No. 123 dated June 17, 2025.

The Egyptian Intellectual Property Authority (EGIPA) has enacted Decision No. 34 of 2025, bringing notable changes to the patent system. Among the key updates is the introduction of a new late examination fee of EGP 25,000 (approximately USD 503), which will be charged for examination requests filed after the initial three-month statutory period from the national filing date of the patent application.

This amendment takes immediate effect and forms part of a broader revision by EGIPA, which also includes an overall increase in official fees across multiple stages of the patent application process.



PATENT CASES



SHINDENGEN ELECTRIC MANUFACTURING CO LTD (Appellant) vs ASSISTANT CONTROLLER OF PATENTS AND DESIGNS AND ORS (Respondent)

CASE NO.: IPDPTA/14/2024 IA NO: GA-COM/2/2024

DECIDED ON: 13th June 2025



The appellant filed an appeal against an impugned order passed by the respondent, rejecting the appellant's patent application under the ground of Section 2(i)(j) and 2(i)(ja) of the Patents Act, 1970. The appellant

argued that the rejection was unjustifiable as the respondent's impugned order failed to provide any reasons and merely reproduced the hearing notice without addressing the detailed submissions and supporting documents.

The Hon'ble Calcutta High Court noted that the impugned order was a verbatim reproduction of the hearing notice and lacked consideration of the reasoning submitted by the appellant. The Hon'ble Court reiterated that judgments must reflect the decision-making process and not merely conclusions. The Hon'ble Court set aside the impugned order and remanded the matter to the respondent for fresh consideration, with a direction to pass a reasoned order after granting the appellant a proper opportunity of hearing.

NISSAN MOTOR CO. LTD. (Appellant) vs THE CONTROLLER OF PATENTS AND DESIGNS AND ANR. (Respondents)

CASE NO.: IPDAID/27/2024

DECIDED ON: 12th June, 2025



The appellant has filed an appeal against the respondent challenging the impugned order rejecting the appellant's patent application under the ground of lack of inventive step under Section 2(1)(j) of the Patents Act, 1970. The appellant's patent application

discloses a method to support a driver by controlling a vehicle when it reaches a predetermined lateral position and moving the vehicle towards the center of the lane. The respondent cited two prior art alleging lack of inventiveness.

The Hon'ble Calcutta High Court observed that the respondent passed the impugned order in violation of the principles of natural justice. The impugned order failed to provide any reasoning as to why the appellant's patent application lacks inventive step. The Hon'ble Court stated that “*..even quasi administrative authorities are bound to give reasons in their orders*”. The Hon'ble Court concluded by setting aside the impugned order due to lack of reasoning in the impugned order and remanded the matter back to the Controller to reconsider the appellant's patent application.

REATA PHARMACEUTICALS INC (OA/2/2018/PT/KOL) (Appellant) vs DEPUTY CONTROLLER OF PATENTS AND DESIGN (Respondents)

CASE NO.: IPDPTA/22/2023

DECIDED ON: 12th June, 2025



In the present appeal the appellant has challenged the respondent for refusing the appellants patent application for non-patentability under sections 3(d) and 3(e) of the Patents Act 1970. The appellant argued that the respondent failed to consider Written Notes of Submissions which highlighted the therapeutic effect of CDDO-Me on human patients who suffered from chronic kidney disease. The appellant further stated that the respondent had passed the impugned order without providing proper reasoning for non-acceptance of the research data submitted for establishing patentability. The respondent also failed to acknowledge the technical and scientific evidence submitted by the appellant.

The Hon'ble Calcutta High Court observed the following matter that the respondent has failed to provide proper reasoning for rejecting the patent application. The Hon'ble Court stated that “*Reasons are an integral part of any order which reflect the views of the decision maker*”. The Hon'ble Court concluded by setting aside the impugned order and remanding the matter back for fresh consideration.

ZERIA PHARMACEUTICAL CO. LTD. (Appellant) vs THE CONTROLLER OF PATENTS (Respondents)

CASE NO.: C.A.(COMM.IPD-PAT) 452/2022

DECIDED ON: 27th May, 2025



The present appeal has been filed by the appellant against the respondent for rejecting the appellant's divisional patent application under the ground of lack of inventiveness under section 2(1)(ja) and section 3(d) for non-patentability. The



appellant contended that the respondent has failed to consider the relevant inventiveness of the claimed invention and has erroneously relied on the cited prior arts. The appellant further contended that the respondent did not even consider an expert affidavit submitted by them during the prosecution stage affirming inventiveness of the patent application. The appellant also noted the respondent's error while dealing with section 3(d) as the submitted experimental data demonstrates the superiority of the claimed invention over the compounds as disclosed in the prior arts. The respondent held support of the prior art and countered that the appellant is attempting for mere extension of protection for known process intermediates, which is not permissible and also there is no enhanced efficacy.

The Hon'ble Delhi High Court analyzed that the comparative data provided by the appellant failed to demonstrate the enhancement of the "therapeutic efficacy" in the claimed compound under the patent application, therefore the appellant's patent application cannot be patentable under section 3(d). Further, the Hon'ble Court stated that the respondent has rightfully objected as per section 2(1)(ja) and cited the prior art D2, as it rightfully discloses a compound sufficient enough to be obvious for a PSITA to provide alternative intermediates. The Hon'ble Court concluded by refusing the present appeal and upheld the respondent's decisions.

The Hon'ble Bombay High Court held that while the impugned order did not refer to Sections 11(6)–(9) explicitly, the Registrar was empowered to consider "any relevant fact" under Section 11(6). The Hon'ble High Court emphasized that these constitutional and legal factors cannot be disregarded, even if the mark is otherwise registered. The petition was dismissed. The Hon'ble High Court upheld the decision of the Assistant Registrar, ruling that the refusal to include TikTok in the list of well-known marks was justified in view of the continuing government ban and related national interest concerns.

JAY BABA BAKRESWAR RICE MILL PRIVATE LIMITED (Petitioner) vs DEEPAK KUMAR BARNWAL (Respondent)

CASE NO.: IP-COM/59/2024 [OLD NO CS/148/2023]

DECIDED ON: 09th June 2025

The petitioner is engaged in the business of dealing with rice and allied products under the trade mark "Swastik Brand", it was alleged that the rice sold by the petitioner is of premium and high quality. The petitioner applied for the registration of the trademark "Swastik Brand" having a distinctive color scheme and getup claiming user since 31st July 1998. In June 2023, the petitioner came across the respondent's rice being sold under "Swastik Brand" with a deceptively similar packaging, font, placement of elements and also the term "premium quality silky sortex". The petitioner sought to have a summary judgement under Order XIII A of CPC 1908.

The Hon'ble Calcutta High Court discovered substantive material information being suppressed by the petitioner, it appeared that the registration certificate of the petitioner contained a disclaimer stating that the petitioner does not have exclusive rights over the device mark "Swastik" and all other descriptive matter. The suit was dismissed on the grounds of material concealment of substantive information by the petitioner. The suit was scheduled to appear under "Case Management Hearing of Suit" on 24th June 2025.

**WET AND DRY PERSONAL CARE PVT LTD (Plaintiff) vs
i) WET AND DRY PERSONAL CARE PVT LTD,
ii) M/S WUNDERRHOMMZ INC (Defendants)**

CASE NO.: CS(COMM)384/2025

DECIDED ON: 09th June 2025

Plaintiff the registered owner and prior user of the trademark "NEUD", filed a suit against Defendants seeking protection against the use of the allegedly deceptively similar mark "NEUDE" in relation to cosmetics and related products. Plaintiff claimed prior



TRADEMARK CASES

TIKTOK LIMITED (Petitioner) vs THE REGISTRAR OF TRADE MARKS MUMBAI & ANR. (Respondents)

CASE NO.: Commercial Miscellaneous Petition No. 10 of 2024

DECIDED ON: 10th June 2025



The petitioner filed a petition against the Respondents challenging the order dated 31st October 2023, which refused to include the trademark "TikTok" in the list of well-known marks under Rule 124 of the Trade

Mark Rules, 2017, citing the app's ban in India over national security concerns. The petitioner argued that the order lacked reasoning, cited irrelevant legal provisions, and ignored substantial evidence of TikTok's global reputation, claiming the ban was temporary. On the other hand, the respondent defended the order, arguing that the ban imposed by the Government of India was a relevant factor under Section 11(6), even though not specifically listed, and that the Registrar had the discretion to consider such issues when determining inclusion in the well-known marks list.

adoption, continuous use, and registration of the mark “NEUD” in Classes 3 and 5 asserted deceptive similarity with “NEUDE” submitted sales and advertising records since 2017 alleged likelihood of confusion. Defendant argued concurrent registration of “NEUDE” in Classes 3, 35, and 42 since 2022, claimed no similarity, invoked Section 28(3) of the Trade Marks Act asserting equal rights of registered users alleged suppression of facts and failure to comply with pre-litigation mediation.

The Hon'ble District Court held that while Section 28(3) grants concurrent rights to registered proprietors, it does not bar a passing off action. The Hon'ble Court emphasized that even a single instance of prior use, with intent to continue, suffices to assert common law rights. The marks “NEUD” and “NEUDE” were held to be phonetically and visually similar, and the defendant's use was likely to cause confusion. Importantly, the Hon'ble Court reaffirmed that common law rights of a prior user prevail over statutory registration in passing off cases.

M/S. L'OREAL S.A. (Plaintiff) vs RIDDHI GOPALBHAI DONDA (Defendant)

CASE NO.: CS (Comm) No. 454/24
DECIDED ON: 02nd June 2025

The plaintiff, filed a suit under the Trade Marks Act and the Copyright Act against defendant, alleging infringement, passing off, and unfair trade practices concerning its well-known trademark **GARNIER BRIGHT COMPLETE**. The plaintiff claimed that the defendant's product **AMELIYA BRIGHT COMPLETE** Vitamin C Booster Face Serum was deceptively similar in name, packaging, colour scheme, shape, and trade dress, thereby infringing upon its intellectual property and misleading consumers. Plaintiff asserted proprietary rights in the trademark and trade dress of **GARNIER BRIGHT COMPLETE**, including its colour scheme (white, orange, black, golden), packaging, label artwork, and celebrity endorsements. Claimed defendant copied essential elements and unlawfully benefited from Garnier's goodwill. Defendant despite being served, remained ex-parte and failed to file a written statement or contest the case.

The Hon'ble District Court held that the defendant had clearly copied essential features of the plaintiff's product, including the trade dress, label layout, artwork, packaging, and overall get-up, leading to confusion among the public. The visual similarity was such that even a discerning consumer could be misled. The Hon'ble Court noted the defendant's conduct constituted trademark and copyright infringement, as well as passing off and unfair trade practices. The suit was decreed in favour of plaintiff with Hon'ble Court permanently restraining the defendant from using the infringing trademark, trade dress, packaging, and related marks in any physical or online marketplace.

COPYRIGHT CASES

JAY BABA BAKRESWAR RICE MILL PRIVATE LIMITED (Appellant) vs LUNIA MARKETING PRIVATE LIMITED AND OTHERS (Respondents)

CASE NO.: FAO No. 8/2025 With I.A.(Civil) No.325/2025 and I.A.(Civil) No. 325/2025
DECIDED ON: 10th June 2025

Respondent Artistic Work Appellant Artistic Work



Appellant filed an appeal against Respondents challenging an order dated 10.01.2025 passed by the Trial Court in Guwahati, which had granted an ex parte temporary injunction restraining the appellant

from infringing respondents copyright in its “**ARHAM**” rice packaging design. Respondents claimed that appellants were using deceptively similar packaging that misled consumers and harmed their goodwill. Respondents claimed copyright in the “**ARHAM**” label with unique trade dress and colour schemes, alleging that appellant was copying these elements, including the “100% Pure” wording, Swastik device, and layout. Appellant argued no infringement; claimed “**ARHAM**” is a common term, the packaging elements are generic, and both companies operate from Kolkata, so suit in Guwahati was forum shopping; also cited non-compliance with Section 12A of the Commercial Courts Act.

The Hon'ble Gauhati High Court upheld the Trial Court's discretion, holding that Respondent demonstrated a *strong prima facie case*, clear *trade dress similarity*, and *urgent need for protection* due to reputational harm from allegedly inferior-quality lookalike products. The Hon'ble Court emphasized that *ex parte injunctions* are justified in exceptional circumstances and found no arbitrary or perverse exercise of discretion in the lower court's order. The Hon'ble High Court dismissed the appeal upheld the temporary injunction against Appellant and remanded the matter back to the Trial Court for final disposal of the injunction application.

STAR INDIA PVT LTD (Plaintiff) vs IPTV SMARTER PRO & ORS. (Defendants)

CASE NO.: CS(COMM) 108/2025
DECIDED ON: 29th May 2025

Plaintiff filed a suit against Defendants and several other rogue websites and mobile applications for the unauthorized streaming and broadcasting of its

exclusive content, including high-value sporting events like the Indian Premier League 2025 and the England Tour of India. The plaintiff sought a permanent injunction to restrain the defendants from infringing its copyright and broadcast reproduction rights. Plaintiff asserted that rogue websites and mobile apps were deliberately broadcasting copyrighted content without authorization and that procedural delays in seeking relief would cause irreparable harm, especially with time-sensitive live events. Requested real-time blocking of infringing platforms. Defendant No. 7 opposed the application, contending that the reliefs sought went beyond the scope of the main suit.

The Hon'ble Delhi High Court recognized that infringers rapidly launch new variants of rogue websites and apps, rendering traditional legal remedies ineffective and held that in today's digital landscape, real-time relief is essential to prevent the plaintiff's rights from being rendered meaningless. The Hon'ble Delhi High Court innovatively extended protection to not only rogue websites but also rogue mobile applications, calling the granted relief a "*superlative injunction*" — an advanced form of a dynamic+ injunction that allows swift and ongoing protection regardless of the mode of infringement.

established a prima facie case of personality-rights infringement that absence of such injunctive relief would cause irreparable harm. Recognising the internet's "hydra-headed" nature where blocked sites reappear under new URLs, the Hon'ble Delhi High Court ordered a "dynamic+" injunction, enabling real-time takedown and domain-blocking orders to keep pace with evolving mirror sites and deep-fake uploads. The Hon'ble Delhi High Court issued notice in Sadhguru's suit and listed the matter for further hearing on October 14.

PERSONALITY RIGHTS CASES

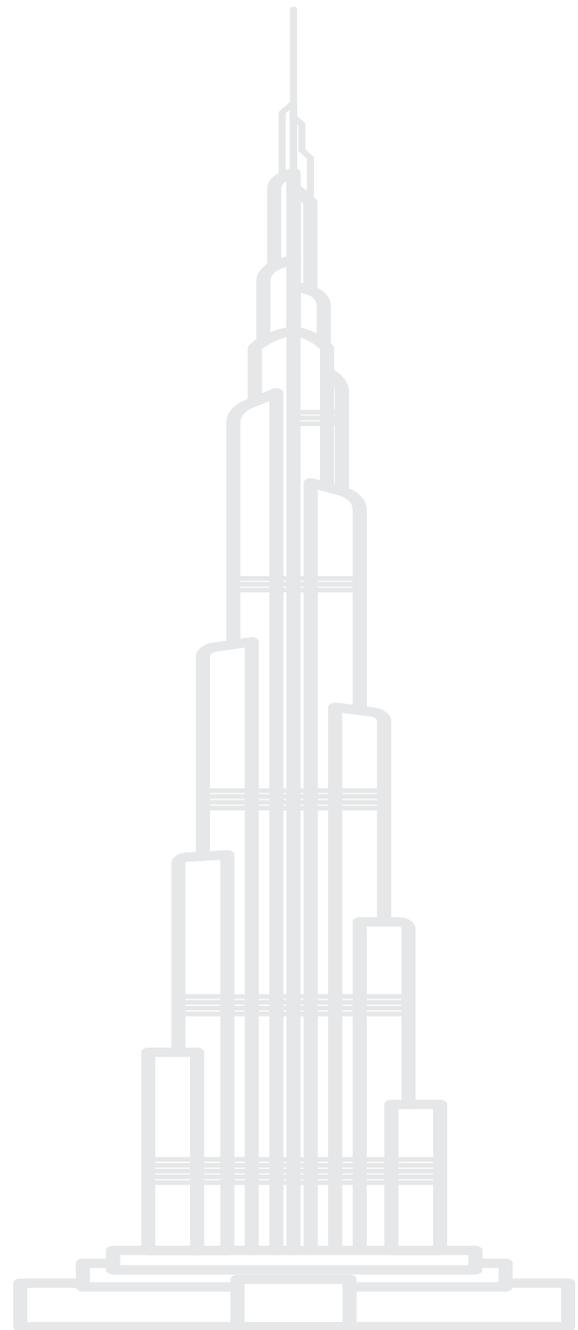
**SADHGURU JAGADISH VASUDEV & ANR. (Plaintiff)
vs. IGOR ISAKOV & ORS. (Defendant)**

CASE NO.: CS(COMM) 578/2025

DECIDED ON: 30.05.2025

The plaintiff (Sadhguru & Isha Foundation, established by Sadhguru) who is a world-renowned spiritual leader, sued a group of rogue websites and social media accounts (Defendants 1–41), their service providers (Defendants 42–45), the Department of Telecommunications (DoT) and Ministry of Electronics & IT (MEITY) (Defendants 46–47), and unknown John Does (Defendant 48). They alleged that the defendants started using AI tools to create deepfakes, morphed videos, doctored speeches and misleading visuals, falsely portraying the plaintiff in promotional content. It was alleged that the manipulated media was used to run financial scams and promote fake services under the guise of motivational speech, thereby infringing his personality rights, perpetuating scams, and causing irreparable damage to his reputation. They argued such misuse exploited Sadhguru's unique persona for commercial gain and deceived the public into scams.

The Hon'ble Delhi High Court held that the plaintiffs had





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