AUDIRI VOX

a client-centric ip practice

MIDDLE EAST – ASIA – AFRICA

AVIP

Newsletter | Issue 38 | February 2026

In This Issue

Sanuji Munasinghe
Attorney at Law- AUDIRI VOX

TRADE SECRETS AND CONFIDENTIAL INFORMATION

In Sri Lanka, like anywhere else in the world, trade secrets and confidential information play a vital role in safeguarding commercially valuable business knowledge that provides a competitive advantage, especially with the present day technological advances.

However, unlike registered intellectual property rights such as patents or trademarks, trade secrets are protected without formal registration, provided that the information remains secret and that reasonable measures are taken to preserve its confidentiality.

What we essentially refer to as trade secrets consists of information which is:

- Not publicly known or readily accessible
- Derives commercial value from its secrecy
- Subject to reasonable steps taken by the lawful holder to maintain secrecy.

Depending on the type of business entity the definition of what is considered as Confidential Information or what we sometimes refer to as Undisclosed Information may vary. However, typical examples include manufacturing processes, formulas, software source code, customer and supplier lists, pricing strategies, marketing plans, and research and development data.

The primary statutory protection of trade secrets in Sri Lanka is found in the Intellectual Property Act, No. 36 of 2003, particularly within the provisions dealing with unfair competition. Although the Act does not expressly define or create a proprietary right in trade secrets, it protects undisclosed information against unlawful acquisition, use, or disclosure.

For information to qualify for protection, it must have commercial value because it is secret and must be subject to reasonable steps to maintain its confidentiality. Contract law plays a pivotal role in trade secret protection. Confidentiality clauses and Non-Disclosure Agreements (NDAs) are widely used to impose legally enforceable obligations on employees, consultants, and business partners. Sri Lanka is a member of the World Trade Organization and is bound by the TRIPS Agreement, which requires member states to protect undisclosed information against unfair commercial use. These provisions have been incorporated into the Intellectual Property Act, No. 36 of 2003.

Protection of trade secrets in Sri Lanka depends heavily on the conduct of the information holder or who we refer to as the discloser. In order to ensure and maintain secrecy, a certain level of responsibility lies on the information holder which we can breakdown as follows:

- Limiting access to confidential information;
- Using NDAs and confidentiality clauses;
- Implementing internal security and IT controls; and
- Educating employees about confidentiality obligations.

If confidential information enters the public domain, legal protection is generally lost.

Trade secret holders may seek relief through several avenues such as civil remedies including, injunctions to restrain actual or threatened disclosure, filing action to claim damages for economic loss and relief under unfair competition principles. Breach of NDAs or confidentiality clauses may give rise to contractual damages, specific performance, or injunctive relief.

Given some of the enforcement challenges, contractual protection remains one of the most reliable mechanisms for safeguarding trade secrets in Sri Lanka. Courts often examine the existence and quality of confidentiality agreements when determining whether reasonable steps were taken to protect undisclosed information.

To strengthen trade secret protection, businesses should:

- Identify and classify confidential information;
- Use tailored NDAs and confidentiality clauses;
- Restrict access on a need-to-know basis;
- Implement cybersecurity and physical safeguards; and
- Conduct regular training and compliance reviews.

NDAs should define confidential information broadly enough to cover technical, commercial, financial, and strategic data, while clearly excluding information already in the public domain or independently developed by the receiving party. This clarity reduces disputes and strengthens enforcement.

The agreement should clearly state the specific purpose for which the information is disclosed and prohibit any use beyond that purpose. This assists courts in determining misuse or unauthorized exploitation.

Confidentiality obligations should survive termination of the relationship. While fixed time periods may apply to certain information, core trade secrets may require indefinite protection, provided the restriction is reasonable. Going forward, the contract may also make provision for how such information should be destroyed or returned once the purpose for which the information is shared has been achieved. This way additional measures can be put in place for what happens to how such information is dealt with subsequently.

Employee NDAs should avoid excessive restraints on trade and should clearly distinguish protected confidential information from general skills and experience. NDAs should be regularly reviewed and supported by internal policies, access controls, and exit procedures. Courts assess both contractual terms and actual business practices when evaluating reasonable steps to protect confidentiality.

Sri Lanka's legal framework provides meaningful, though indirect, protection for trade secrets and confidential information through the Intellectual Property Act and contract law. While procedural limitations pose challenges in enforcement, businesses can significantly strengthen protection through effective internal measures and carefully drafted NDAs. As commercial competition intensifies, proactive management of confidential information has become a legal and strategic necessity for Sri Lankan enterprises.

Libyan IP Office Update

A number of significant developments have recently occurred at the Libyan Trademark Office. These include revisions to the official fees, a marked increase in renewal fees for the full term of protection, the discontinuation of one-year and multi-year renewals in favor of mandatory ten-year renewals, and the requirement to complete previously filed renewals covering less than ten years so that they extend to the full ten-year term. In addition, the refiling of trademarks has been suspended until a final cancellation decision is issued and published in the Official Gazette. The Trademark Office has also been placed under the supervision of the Commercial Registry Authority.

As a result of these measures and regulatory changes, substantial delays have arisen in the processing of matters.

The latest amendments, issued on 12 January 2026, relate to Libyan trademark agents and the procedures for renewing their registration before the Trademark Office. Under the new requirements, an agent's commercial registration must expressly include the activity of registering foreign trademarks, a professional indemnity insurance policy must be provided, and the agent must hold ISO 9001:2015 quality management certification. Agents are given ten days to comply with these conditions.

As a result, all agent-related procedures before the Trademark Office have been suspended pending submission of the required quality certification.

IP UPDATES

TURKEY:
UPDATED TÜRKPATENT FEES EFFECTIVE JANUARY 1, 2026

TÜRKPATENT has increased official fees for various IP services by **approximately 20–25%.** The table below summarizes the most common trademark-related fees for 2026.

Starting in 2026, TÜRKPATENT has increased its fees across key trademark services. The fee for a trademark application covering **one class** rises from **2,350 TRY to 2,820 TRY,** marking a 20% increase. Similarly, the **additional class fee** for each extra class also goes up by 20%, from **2,350 TRY to 2,820 TRY**. The trademark **registration fee** increases by 21%, from **5,790 TRY to 7,010 TRY. Renewal fees** for **up to two classes** will rise 21%, from **7,210 TRY to 8,730 TRY,** while the **renewal fee** for **each additional class** will see a 25% increase, moving from **600 TRY to 750 TRY.** Finally, the **opposition fee** is adjusted upward by 21%, from **950 TRY to 1,150 TRY.**

ALGERIA:
REVISED IP FEES UNDER THE 2026 FINANCE ACT

Following the enactment of the Algerian Finance Act of 2026, the **National Institute of Industrial Property (INAPI)** has implemented updated fees for all industrial property matters. Effective January 1, 2026, most trademark, patent, and design services now reflect a slight increase, aligning administrative costs with the new fiscal regulations. These changes, published in the Official Gazette, apply to all services administered by INAPI.

ARGENTINA:
KEY CHANGES IN TRADEMARK LAW

The Argentine National Institute of Industrial Property (INPI) issued Resolution 583/2025 on December 11, 2025, revising trademark registration procedures. Major updates include:

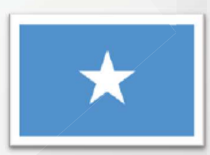
Examination on Absolute Grounds Only: From March 1, 2026, INPI will review applications solely on absolute grounds, including lack of distinctiveness, public policy concerns, and identical trademarks covering the same or overlapping goods/services. Applications identical to prior registrations in the same category will be prohibited from registration.

No Examination of Relative Grounds: INPI will no longer assess relative grounds, such as confusingly similar trademarks, individual names or pseudonyms, or activity designations. Similar but not identical trademarks remain subject to opposition rights.

Formal and Registrability Examination: Starting March 1, 2026, applications will undergo formal and registrability review immediately upon filing, before publication. Publication will occur for one day only, after which applications remain accessible in INPI databases and Gazette archives. Third parties can monitor applications and file oppositions during the 30-calendar-day opposition period. If no opposition is filed, the application proceeds directly to registration.

Opposition Rights Unchanged: The current administrative opposition procedure, governed by INPI Resolution P-183/18, remains in effect.

SOMALIA:
KEY UPDATES TO INTELLECTUAL PROPERTY FRAMEWORK AND FEE REDUCTIONS



The Somali trademarks office has streamlined filing requirements by removing the need for a notarized declaration of ownership. Additionally, official fees for trademark registration and renewal have been reduced. For the first time, the office now offers recordal services for trademarks, including assignment and changes of name or address. These changes mark a major modernization of Somalia's IP system, making trademark registration easier and more accessible for both local and international applicants.

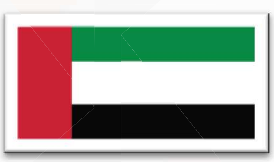
Beyond trademarks, Somali authorities are preparing to launch comprehensive systems for patents and industrial designs. Although official fees for these categories are already set, the formal operational procedures are pending publication.

WIPO TO IMPLEMENT THE 13TH EDITION OF THE NICE CLASSIFICATION FROM JANUARY 1, 2026

The **World Intellectual Property Organization (WIPO)** has announced, through Official **Circular No. 37/2025** (https://www.wipo.int/documents/d/madrid-system/informtion-notices-en-2025-madrid_2025_37_e.pdf), that the 13th edition of the Nice Classification will take effect on January 1, 2026. This edition will replace the current 12th edition for all international applications filed with WIPO from that date onward. International registrations filed before January 1, 2026, will continue to follow the 12th edition rules.

The new classification includes significant changes to the categorization of goods and services, detailed in Annex I of the circular. A complete list of modifications is available in the Excel sheet referenced in point 9 of the circular. Applicants are strongly encouraged to review these updates carefully when preparing new trademark filings to ensure compliance and accuracy.

UAE: IMPLEMENTS MANDATORY USE OF THE NICE CLASSIFICATION (13TH EDITION)



The UAE Ministry of Economy has issued Administrative Circular No. (1) of 2026, confirming the mandatory adoption of the 13th Edition of the Nice Classification for Goods and Services. This edition applies to all trademark applications filed on or after January 27, 2026, and supersedes the 10th Edition, which was formerly used by the Trademark Office. The change incorporates substantive updates to ensure compliance with international trademark standards.

PATENT CASES

HIROTSU BIO SCIENCE INC (Appellant) vs ASSISTANT CONTROLLER OF PATENTS AND DESIGNS (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 45/2023
DECIDED ON: 17th January, 2026

In the present appeal the appellant has challenged the respondent for refusing the appellants patent application under Section 3(i) of the Act. The appellant argued that the respondent failed to appreciate the claims are directed to an "in vitro method for detecting cancer", it does not involve any step of diagnosis, treatment or medical decision-making on a human or animal body. And therefore, the said application cannot be rejected under Section 3(i). The respondent countered that the said application discloses a method for detecting and characterizing cancer type in human which is excluded from patentability under Section 3(i). Section 3(i) excludes both *in vivo* and *in vitro* methods.

The Hon'ble Delhi High Court observed that the complete specification of the said application discloses screening in the amended claims, and it results in accurate identification of the cancer which cannot be allowed under section 3(i). The Hon'ble Court further stated that the impugned order rightly rejected the said application, by providing appropriate reason for the claimed method to be a diagnostic method. The Hon'ble Court concluded by dismissing the appeal and upholding the impugned order passed by the respondent.

ZYDUS LIFESCIENCES LIMITED (Appellant) vs E. R. SQUIBB AND SONS, LLC & ORS. (Respondent)

CASE NO.: CMA(PT) No.: FAO(OS) (COMM) 120/2025, CM APPL. 44383/2025, CM APPL. 44386/2025 & CM APPL. 44388/2025
DECIDED ON: 12th January, 2026

The appellant has filed an appeal against the respondent for alleging an infringement suit and restraining the appellant from manufacturing or releasing their product which is essential for treatment of a wide variety of life threating carcinomas. The learned single judge passed an order retraining appellant from manufacturing or selling the drug.

The appellant contended that no product - to - claim mapping was performed as their product was not commercially available, and this method is specifically required for analyzing an patent infringement suit. The learned single judge stated that the respondent performed complete mapping of the suit patent with their(respondent) invention Nivolumab as given in INN.

The Hon'ble Delhi High Court examined the matter and stated that the analysis of the patent infringement must be based on the product-to-claim mapping which was absent, it cannot be decided on the assumption and presumption. The Hon'ble Court further stated that it would be erroneous to injunct the appellant from releasing their product in market. The Hon'ble Court allowed the appeal and declined grant of an interim injunction restraining the appellant and further directed the appellant to file audited accounts of the amounts earned by the sale of the patented product till its expiry date.

STEIGERWALD ARZNEIMITTLEWERK GMBH (Appellant) vs ASSISTANT CONTROLLER OF PATENTS AND DESIGNS (Respondents)

CASE NO.: C.A.(COMM.IPD-PAT) 423/2022

DECIDED ON: 09th January, 2026

The present appeal filed by the appellant against the respondent for rejecting their patent application on the ground of lack of novelty and inventive step under Section 2(1)(j) of the Act. The appellant contended that the impugned order is a non-speaking order, the respondent has failed to understand the gist of the said application. The appellant further stated that the said application is novel, inventive and unique in comparison with the cited prior arts, the impugned order lacks reasoning or justification and how the PSITA would be motivated to arrive at the said application. The respondent countered by presenting similarity of the said application with the cited prior arts, disclosing no new or inventive use. The respondent stated that the appellant failed to submit technical advancement of the said application compared to the prior art, therefore it lacks inventiveness as per Section 2(1)(j) of the Act.

The Hon'ble Delhi High Court analyzed the matter and noted that the respondent failed to disclose the similarity between the said application and the prior arts. The Hon'ble Court further stated that the impugned order failed to show any motivation or reasoning how the said application is obvious. The Hon'ble Court concluded by setting aside the impugned order and remanding the matter back for fresh consideration directing to pass a detailed order with adequate reasoning.

OCV INTELLECTUAL CAPITAL LLC (SR. NO.246/2016/PT/KOL) (Appellant) vs THE CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADEMARKS (Respondent)

CASE NO.: CMA(PT) No.: IPDPTA/34/2022

DECIDED ON: 06th January, 2026

The present appeal has been filed by the appellant against the respondent for rejecting the appellant's patent application for lack of novelty under section 2(1)(j), lack of inventive steps under section 2(1)(ja) and non-patentable subject matter under section 3(e) of the Act. The appellant contended that the respondent overlooked the technical and scientific data that they relied on and simply passed an unreasoned impugned order. The appellant further stated that the said application holds technical and economic advancement over the cited prior art documents, also there is no consideration of synergism under section 3(e) of the Act. The respondent submitted that the impugned order is adequately reasoned.

The Hon'ble Calcutta High Court analyzed the matter and noted that the appellant has researched in the direction which the prior arts suggested was disadvantageous, the same issue has been specified in Written Submissions and technical and scientific data submitted by the appellant which was not considered by the respondent. This factor should have been considered in the non-obviousness analysis. The Hon'ble Court further stated that the impugned order is unsupported by any reasons and on how the alleged prior arts maps to the claims of the said application. The Hon'ble Court concluded by setting aside the impugned order and remanded the matter for reconsideration.

STEER ENGINEERING PRIVATE LIMITED (Appellant) vs JOINT CONTROLLER OF PATENTS AND DESIGNS (Respondent(s))

CASE NO.: CMA(PT) No. 54 of 2024

DECIDED ON: 05th January, 2026

In the present case the appellant challenged the impugned order passed by the respondent for rejecting their patent application under section 2(1)(ja), Section 59(1) and 16(2) of the Act. The appellant argued that amendment of claims by incorporating features already disclosed in the specification is allowed u/s 59(1). The appellant further argued that the respondent had flawed while examining the amended claims and the patent is mechanically rejected.

The Hon'ble Madras High Court observed that the patent application being a divisional application, the appellant did not disapprove the overlapping features in the present invention and the parent application. The Hon'ble Court noted that the scope of the amended claims are already covered by the parent application which was the major finding of the respondent due to which the said application was rejected. The Hon'ble Court concluded by upholding the impugned order as satisfactory according to the Patent Act and dismissed the present appeal.

TRADEMARK CASES

KARNATAKA COOPERATIVE MILK PRODUCERS FEDERATION LIMITED (Appellant) vs VINOD KANJI SHAH & ORS. (Respondent)

<u>CASE NO.: (T)CMA(TM) 112/2023</u>

<u>DECIDED ON: 19th January 2026</u>

In this present appeal, appellant had challenged the trade mark registrar order for allowing **"NANDINI /** nandini " mark to be register in class 3 for *agarbatti* and *dhoop*. The second respondent (Trade mark registrar) has rejected the opposition of appellant on grounds that the mark **"NANDINI /** nandini " is individual name and cannot be claimed exclusively.

The appellant argued that their mark is well known and widely used in southern states of India for dairy products. The first respondent has copied the trade mark exactly without any suffix or prefix can cause confusion among their customers. Whereas the first respondent chose not to contest the appeal, second respondent argued on dissimilarity between the product category and **"NANDINI** / nandini " being a common individual name.

The Hon'ble Madras High Court held that considering appellant's long-standing use of mark and its huge reputation with mark **"NANDINI /** nandini **"** permitting exact similar type of mark to be registered is wrong in law. The Hon'ble Court referring to apex court's judgment regarding same the appellant, noted that the mark **"NANDINI / "** nandini used by first respondent is in same style and phonetically similar in all small letters, without adding any suffix or prefix. This makes offending mark deceptively similar and can cause confusion among customers of appellant.

ALKEM LABORATORIES LIMITED (Plaintiff) vs PREVEGO HEALTHCARE AND RESEARCH PVT LTD (Defendant)

<u>CASE NO.: CS(COMM) 84/2025</u>

<u>DECIDED ON: 17th January 2026</u>

In the present suit plaintiff has alleged infringement of its registered mark **"A TO Z /** AZ / ATOZ-NS against the defendant. It was alleged that defendant's mark **"MULTIVEIN AZ/** MultiveinAZ " is disptively, phonetically similar and causing consfusion among the cutomer.

Plaintiff's contentions was that their mark is being used continuously and extensively since 1998 and has adopted different variations of **"A TO Z"** mark. Hence the use of any mark containing element **" A TO Z"** is violation of their right.

In defence, defendant argued that the mark **"A TO Z"** is common and descriptive expression generally used in trade to denote comprehensiveness. One cannot claim common expressions. Also it was proved that plaintiff's device mark was opposed since 2007 and this fact was concealed proving the dishonesty.

Hence the Hon'ble Delhi High Court held that english alphabets and commonly used expressions such as **"A TO Z"** are *publici juris* and cannot, by themselves, be granted exclusivity unless distinctiveness is clearly established. The Hon'ble Court held that the mark **"A TO Z"** lacked inherent distinctiveness under Section 9(1)(b) and (c) of the Trade Marks Act, 1999, and that no case of infringement or passing off was made out. Accordingly, the Hon'ble Court declined to grant relief in favour of the plaintiff, reiterating that generic or descriptive expression cannot be monopolised as trademarks.

IMPRESARIO ENTERTAINMENT AND HOSPITALITY PVT. LTD. (Plaintiff) vs M/S THE SHAKE SOCIAL THROUGH ITS PROPRIETOR (Defendant)

CASE NO.: CS(COMM) 121/2025, I.A. 3774/2025 & I.A. 3777/2025

DECIDED ON: 9th January 2026

In the present suit plaintiff alleged infringement and passing off of its registered trademark **"SOCIAL** / S(•)CIAL", contending that the defendant was operating hospitality services under the mark **"THE SHAKE SOCIAL /** ".

The Plaintiff contended that the defendant's use of the impugned mark was dishonest and intended to ride upon the reputation of **"SOCIAL",** particularly as both parties offered identical services through common trade channels. Despite service of notices, the defendant failed to appear before the Hon'ble Court.

The Hon'ble Delhi High Court held that the defendant's use of **"THE SHAKE SOCIAL"** amounted to infringement and passing off, being deceptively similar and used for identical services. The Hon'ble Court permanently restrained the defendant from using the impugned mark and declared **"SOCIAL"** as a well-known trademark under the Trade Marks Act, 1999. The ruling underscores that dishonest adoption of a dominant brand element in identical services will invite strict protection.

MR. ABHIMANYU PRAKASH & ORS. (Appellants) vs FERRERO S.P.A & ORS. (Respondents)

CASE NO.: RFA(OS)(COMM) 1/2026 & CM APPL. 331/2026

DECIDED ON: 6th January 2026

In the present appeal, the Respondents had instituted a commercial suit alleging infringement and passing off of their registered trademark **"NUTELLA/** nutella " and its distinctive glass jar shape. The dispute arose from the Appellants' manufacture and sale of empty glass jars that were identical to the popular **"NUTELLA"** jar, which were being offered and marketed as **"NUTELLA glass jars"** through websites and online platforms. The suit resulted in a permanent injunction against the appellants, along with directions concerning seizure and disposal of the infringing jars. Hence appellants challenged the single bench order before this division bench.

The respondents contended that they are the registered proprietors of the **"NUTELLA"** trademark and the jar shape mark, which enjoys extensive goodwill and reputation in India since 2009. It was argued that the appellants were "knowing infringers", as the jars were deceptively similar in shape, size, and overall appearance, and their conduct showed clear awareness of the respondents' proprietary rights. The appellants, on the other hand, argued that the jars were generic glass containers capable of being used for other purposes such as packaging honey, jams, or pickles, and sought modification of the order directing handover of seized jars to the respondents.

The Hon'ble Delhi High Court held that the jars had already been conclusively found to be infringing and that the appellants were knowing infringers, leaving no scope to permit alternate use of the seized goods. Relying on Sections 28 and 135 of the Trade Marks Act, 1999, the Hon'ble Court modified the earlier order to clarify that the seized jars could only be handed over to the respondents for the sole purpose of destruction and not for charitable or commercial reuse.

PEOPLE INTERACTIVE INDIA PRIVATE LIMITED(Plaintiff). vs AMMANAMANCHI LALITHA RANI & ORS.(Defendant)

CASE NO.: COMIP 225/2015

DECIDED ON: 6th January 2026

In the present suit, the plaintiff instituted a suit alleging infringement and passing off of its registered trademark "SHAADI.COM / shaadi.com ", contending that the defendants were providing matrimonial services under deceptively similar domain name ***"www.getshaadi.com"*** and marks **"getshaadi.com".**

The plaintiff contended that the defendants' adoption of confusingly similar domain names for identical matrimonial services was dishonest and intended to exploit the plaintiff's well-established reputation, causing consumer confusion in the online space. The Defendants were using the Plaintiff's trademark as meta-tags and keywords, resulting in massive diversion of internet traffic. The defendants failed to appear or contest the proceedings and were proceeded against ex-parte.

The Hon'ble Bombay High Court observed the mark **"SHAADI.COM"** had, through long and extensive use, acquired ***secondary meaning and distinctiveness*** exclusively associated with the plaintiff. The Hon'ble Court held that the defendants' use amounted to infringement and passing off, restrained them from using deceptively similar marks and domain names, and formally recognised **"SHAADI.COM"** as a well-known trademark under the Trade Marks Act, 1999.

YAMAHA HATSUDOKI KABUSHIKI KAISHA (Appellant) vs MR. DEVENDER KUMAR AND ANR. (Respondents)

CASE NO.: TMA/6/2021

DECIDED ON: 6th January 2026

In this present appeal filed by appellant against an order of the Trade Marks Registry refusing registration of its mark **"TRICITY"** in Class 12 for motorcycles, scooters and related vehicles. The appeal arose from an order dated 12 March 2021, by which the Examiner rejected appellant's application under section 11(1) of the Trade Marks Act, 1999, citing similarity with earlier marks and likelihood of confusion, without furnishing detailed reasons.

Appellant contended that the refusal order was arbitrary and violated principles of natural justice, as it merely recorded a conclusion without explaining how the mark was confusingly similar, despite **"TRICITY"** already being registered in respect of different categories of goods. It was argued that the examiner failed to consider appellant's detailed replies to the First Examination Report and ignored the settled requirement that administrative authorities must pass reasoned, speaking orders.

The Hon'ble Calcutta High Court agreed with contentions of appellant, observing that the impugned order contained no reasoning and failed to disclose the basis for arriving at the conclusion under Section 11(1). Relying on settled jurisprudence, the Hon'ble Court held that both judicial and administrative orders must clearly explain the "why" behind the "what." Accordingly, the refusal order was set aside and the matter was remanded to the controller for fresh consideration after granting a proper hearing.

IPCA LABORATORIES LIMITED (Plaintiff) vs ANROSE PHARMA (Defendant)

CASE NO.: COMIP SUIT NO. 77/2013

DECIDED ON: 5th January 2026

In the present suit, plaintiff instituted a commercial IP suit alleging infringement and passing off of its registered trademark **"ZERODOL"** against defendant, which was marketing medicinal products under the mark **"ZEROVOL-P".** The suit arose from the defendant's use of the impugned mark for identical pharmaceutical goods, namely pain relief and pain management medicines. The defendant chose not to appear or contest the proceedings, resulting in the suit being treated as undefended.

The plaintiff argued that **"ZEROVOL-P"** was visually and phonetically deceptively similar to the plaintiff's registered mark, with the dominant part being nearly identical, and that such adoption was dishonest and intended to trade upon the plaintiff's reputation. Given that the rival products were medicinal preparations, the plaintiff emphasized the heightened risk of confusion and potential harm to public interest.

The Hon'ble Bombay High Court accepted the plaintiff's evidence, holding that the marks were deceptively similar when viewed as a whole and used for identical goods, and that the defendant's adoption was subsequent, unauthorised, dishonest, and without any justification. The Hon'ble Court decreed the suit in favour of the Plaintiff, granting a permanent injunction restraining infringement and passing off, directing delivery up and destruction of infringing material, and awarding ₹15 lakh as costs, noting the defendant's conduct and the stricter standard applicable to pharmaceutical trademarks. The ruling reiterates that deceptive similarity in medicinal trademarks will attract stringent injunctive relief.

MR. SUMIT VIJAY & ANR. (Appellants) vs MAJOR LEAGUE BASEBALL PROPERTIES INC. & ANR. (Respondents)

CASE NO.: LPA 475/2025, CM APPLs. 45526/2025 & 45579/2025

DECIDED ON: 5th January 2026

The present appeal arises from the rectification petition filed by the respondent/petitioner against the appellant, seeking cancellation of the trademark **"BLUE JAY"** under Section 57(2) of the Trade Marks Act, 1999. Aggrieved by the Single Bench order, the present appeal was filed by the appellant challenging the cancellation of the trademark.

Appellant challenged the cancellation of trade mark on grounds that the mark **"BLUE JAYS/ "** is not having reputation or use in India. They also contended that the appellant's **"BLUE JAY"** mark was registered in 1998, and there was no reputation or goodwill for respondent in India at that time. Respondents in their defense emphasized their worldwide presence in baseball community and priority in adoption.

The Hon'ble Delhi High Court agreed with the appellant's contentions and stated that no case of trans-border reputation of the **"BLUE JAYS"** mark in India was made out. The appellant's mark was registered in the year 1998 when there was no presence of the respondent in India. The Hon'ble Court also pointed out that baseball is not a famous sport in India. Further, the respondent did not make out any case of bad faith against the appellant. Hence, the Hon'ble Court set aside the impugned order and restored the appellant's **"BLUE JAY"** mark in the Trade Marks Register.

309 Churchill Tower Business Bay, P.O. Box 415116 Dubai-Untited Arab Emirates

+971 4 582 6655 global@audirivox.com www.audirivox.com

Disclaimer: This publication is intended to provide information to clients on recent developments in IPR industry. The material contained in this publication has been gathered by the lawyers at Audiri Vox for informational purposes only and is not intended to be legal advice. Specifically, the articles or quotes in this newsletter are not legal opinions and readers should not act on the basis of these articles or quotes without consulting a lawyer who could provide analysis and advice on a specific matter.

This Newsletter is published by Audiri Vox at 309 Churchill Tower Business Bay, P.O. Box 415116 Dubai-Untited Arab Emirates 04 February, 2026.