

AUDIRI VOX

a client-centric ip practice

MIDDLE EAST – ASIA – AFRICA

AVIP

Newsletter

Issue 37

January 2026

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Editorial

As we step into the New Year, we look back with pride on the year gone by and look ahead with renewed purpose. The past year was one of growth, momentum, and meaningful accomplishments, and it is with great appreciation that we extend our warmest New Year wishes to everyone who has been part of our journey. We hope the year ahead brings good health, happiness, and continued success to all.

Reflecting on last year, we are deeply grateful to our clients for their continued trust and confidence in our firm. Your belief in our expertise and your long-term partnerships inspire us to continuously raise our standards and deliver practical, strategic, and results-driven intellectual property solutions. We are equally thankful to our associates and agents across jurisdictions, whose collaboration, local insights, and steadfast support play a vital role in achieving seamless and successful outcomes for our clients worldwide.

Last year was exceptionally productive and marked by a series of notable achievements across all practice areas. We successfully handled a large number of trademark, patent, and copyright matters, including complex enforcement actions that reinforced and protected our clients' valuable IP rights. Our prosecution practice maintained strong momentum throughout the year, with a significant number of trademark, patent and design applications smoothly navigated through examination to successful registration; underscoring our commitment to accuracy, consistency, and a forward-looking strategic approach.

Among the key highlights of last year was our involvement in a high-profile acquisition of a trademark portfolio. This transaction was particularly significant as it enabled the parties to avoid prolonged and costly litigation, demonstrating how well-structured IP strategies can deliver commercial certainty and long-term value. It also underscores the strong negotiation skills of our team, who successfully concluded the transaction while keeping the final outcome within 80% of the client's approved budget.

In parallel, we achieved substantial success in domain name enforcement matters, securing multiple favourable decisions from WIPO and further strengthening our reputation in online brand protection and digital enforcement.

The past year was also a standout period for our Oppositions and Contentious Matters Department. Through meticulous preparation, strong advocacy, and a deep understanding of regional legal frameworks, the team secured a number of favourable decisions across the region. These outcomes reaffirm our ability to manage complex disputes effectively while safeguarding our clients' interests in highly competitive and evolving markets.

Our Patents & Designs Department headed by Mr. Divyendu Verma, a renowned name in the Patent space, experienced a truly remarkable year. Operating at full momentum, the department achieved significant growth in filings compared to the previous year. This impressive increase reflects both the trust placed in us by our clients and the department's expanding technical depth and legal expertise. Several patents filed by our team were successfully granted during the year, and we received favourable decisions on responses submitted against preliminary refusals, reinforcing our strong prosecution capabilities and strategic approach to overcoming examination challenges.

Overall, last year represented commendable year-on-year progress for the firm. It was a year defined not only by numbers and decisions, but by consistency, collaboration, and a shared commitment to excellence.

Above all, we extend our sincere thanks to our colleagues. Your hard work, dedication, professionalism, and teamwork are the driving force behind every achievement we celebrate. Your resilience and commitment, even in demanding circumstances, continue to shape the firm's success and reputation.

As we begin this New Year, we do so with gratitude for the past and optimism for the future. Once again, we thank our clients, associates, agents, and colleagues for their continued support and trust. We look forward to building on last year's successes together and wish everyone a prosperous, fulfilling, and successful year ahead.



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WHY TIMING MATTERS MORE THAN THREATS: CEASE AND DESIST LETTERS ARE A TOOL, NOT A STRATEGY

For many businesses, the cease-and-desist letter feels like the obvious first response to intellectual property infringement. Someone is using your brand, your content, or your product designs without permission, so you tell them to stop. In practice, however, cease and desist letters are one of the most misunderstood and misused tools in IP enforcement. When sent at the wrong time or without proper preparation, they can escalate disputes, trigger bad-faith behaviour, and materially weaken your legal position. This article explains when cease and desist letters work, when they backfire, and how to approach them strategically.

When a cease and desist letter is genuinely useful

A cease-and-desist letter is most effective when it is used to correct behaviour rather than confront a motivated infringer. In real-world practice, this tends to be the case where the infringing party is:

- unaware that their conduct constitutes infringement,
- operating on a small scale,
- or using third-party content without appreciating ownership issues.

A common example is a small online business that has lifted product images from a supplier's website, assuming they were "free to use". In these circumstances, a clearly drafted letter that explains the rights involved, identifies the infringing conduct, and sets a short deadline for removal often resolves the issue without further action.

Another situation where cease and desist letters are effective is where the sender already has comprehensive evidence preserved and is prepared to escalate if necessary. In that context, the letter serves a dual purpose: it offers an opportunity to resolve the matter amicably, while also placing

the infringer on formal notice. If infringement continues, the letter strengthens later arguments that the conduct was knowing and deliberate.

In short, cease and desist letters work best where the recipient has little incentive to fight and where the sender controls the next steps.

When cease and desist letters trigger bad-faith behaviour

The risks arise when the recipient is not an accidental infringer, but a commercially motivated one.

This is particularly common in disputes involving:

- distributors or agents,
- manufacturers,
- former partners,
- or competitors who benefit directly from continued use of the IP.

In these cases, a cease and desist letter does not function as a warning. It functions as an early alert system.

Once notified, the recipient may:

- remove or alter online content without leaving an evidential trail,
- replace copied material with modified versions designed to appear original,
- rush to file trademark applications or company names defensively,
- or continue infringing in less visible ways.

In online copyright disputes, it is not uncommon for a rights holder to demand the removal of copied images from a website, only to find that the material is later replaced with altered versions. These may be cropped, photoshopped, or re-contextualised to make direct comparison more difficult. From a legal perspective, this often complicates enforcement unless the original evidence has already been properly preserved.

Similarly, in trademark disputes, advance notice can prompt defensive filings. Distributors or local partners sometimes attempt to register the brand in their own name once they realise enforcement is imminent. Even if those filings are ultimately challengeable, they can create procedural obstacles and delay.

The key point is this: a cease-and-desist letter changes behaviour, and not always in a way that benefits the rights holder.



The evidence problem: why timing matters

One of the most common mistakes businesses make is sending a cease-and-desist letter before securing evidence. Websites change; Social media posts are deleted; Product listings are updated; and analytics are overwritten. Once a letter is sent, you cannot assume the infringing material will remain visible long enough to prove your case.

In enforcement practice, courts place significant weight on clear, time-stamped evidence showing what was used, where, and for how long. If the infringing material disappears without a preserved record, the burden of proof becomes much harder to meet.

For this reason, evidence preservation should always come first. Only once that foundation is secure should any formal correspondence be considered.

The misconception that cease-and-desist letters are "low risk"

There is a persistent belief that a cease and desist letter is harmless because it is not legally binding. This idea is misleading. In reality, the letter often becomes a central document in any later dispute. It may be scrutinised by courts, regulators, or opposing counsel. Poorly drafted letters that overstate rights, make inaccurate claims, or threaten action that never materialises can undermine credibility.

Equally important, once a letter is sent, strategic flexibility is reduced. The recipient knows that enforcement is being considered and may take steps to protect their position. For that reason, a cease-and-desist letter should never be treated as a routine administrative step. It is a strategic decision that should be taken with a clear view of what comes next.

How poorly drafted cease and desist letters can cause real harm

Beyond timing, the tone and content of a cease-and-desist letter can materially affect the outcome of a dispute. Letters that are aggressive, demeaning, or disrespectful often escalate matters unnecessarily. In practice, such letters can entrench resistance, provoke retaliatory conduct, and reduce the likelihood of early resolution.

Poorly drafted letters may also undermine credibility. Courts and regulators regularly review pre-action correspondence, and language that overstates rights, makes unfounded accusations or adopts a threatening tone can reflect badly on

the sender. In some cases, it can be used to argue that the sender acted unreasonably or without proper legal basis.

From a strategic perspective, hostile drafting often signals insecurity rather than strength. It encourages the recipient to adopt a defensive posture, seek immediate legal advice, and prepare for conflict rather than compliance. A measured, precise, and professional approach is far more effective in preserving leverage and keeping resolution options open.

How to approach cease and desist letters properly

When a cease-and-desist letter is appropriate, it should be part of a wider enforcement strategy rather than a standalone action.

Good practice includes:

- Preserving evidence first: All relevant evidence should be captured and stored before contact is made. This cannot be done retrospectively.
- Drafting with future scrutiny in mind: The letter should be written as if it may later be read by a judge. It should be accurate, measured, and factually precise.
- Avoiding unnecessary disclosure: There is rarely any benefit in revealing the full scope of your evidence or strategy at the outset.
- Setting realistic deadlines: Short, clear deadlines maintain pressure and reduce opportunities for delay tactics.
- Being prepared to escalate: If the letter is ignored or rejected, follow-up action should be ready. Empty threats weaken future enforcement.

Used in this way, a cease and desist letter can be an effective pressure point rather than a liability.

Enforcement is about strategy, not reflex

Cease and desist letters are neither good nor bad in themselves. Their value depends entirely on timing, context, and preparation. Sent at the right moment, they can resolve disputes quickly and efficiently. Sent too early or without a plan, they can make enforcement slower, more expensive, and less certain. In many cases, the most effective enforcement begins not with a letter, but with quiet preparation. The strongest position is often achieved before the other side knows a dispute is coming.





IP UPDATES

CHINA: TRADEMARK CLASSIFICATION CHANGE FOR EYEWEAR UNDER NICE CLASSIFICATION (NCL 13–2026)



In a significant development under the Nice Classification (NCL) 13–2026, glasses and related eyewear products have been reclassified from Class 9 to Class 10, effective December 2025. Under

the revised classification, products such as glasses, sunglasses, contact lenses, and allied eyewear items no longer fall within Class 9 (scientific and optical apparatus) and are now categorised under Class 10, which primarily covers medical and surgical instruments.

This change carries important implications for brand owners and trademark applicants, particularly those relying solely on Class 9 registrations for protection of eyewear products. Existing registrations may face coverage gaps, while new and pending applications must be carefully reviewed to ensure correct classification under the updated system. Given that jurisdictions such as China apply the Nice Classification along with additional subclass assessments, the reclassification may have a heightened impact on trademark prosecution and enforcement strategies in such markets.

Key takeaway: Brand owners are advised to audit their trademark portfolios, reassess filing strategies for eyewear-related goods, and consider fresh or defensive filings in Class 10 to maintain uninterrupted protection.

UNITED ARAB EMIRATES: UAE TRADE MARK FEE UPDATES - FOLLOW-UP CIRCULAR



With respect to the **one-day examination ("Express Filing") fee**, it has now been confirmed that the applicable fee is **AED 2,250**. This amount replaces the previous standard filing fee of **AED 750**. Earlier

interpretations suggesting that the standard filing fee would apply in addition to an expedited fee have been clarified and are no longer applicable.

Regarding additional evidence in ongoing opposition proceedings, the fee referred to as "additional evidence" does not constitute a new charge. Rather, it represents a renaming of the existing hearing attendance fee, with no change from a fee perspective.

In relation to the conversion of a national application to an international registration (IR), Entry 6 in the Arabic version of the decision was inaccurately described. The correct interpretation is that this is a newly introduced UAE fee applicable when filing an IR based on a UAE application or registration. Previously, this service was provided free of charge. Under the updated process, when the UAE is designated as the Office of Origin, the system redirects applicants to WIPO, at which point a fee of **AED 400** becomes payable. Applicants may then proceed on the WIPO website to complete the IR filing, designate the relevant countries, and pay the applicable WIPO fees in Swiss francs.

A new fee has also been introduced for **temporary trade mark protection for marks displayed at exhibitions**. However, at present, there is no formal mechanism or online process available to request this protection. Until an official procedure is established, inquiries should be directed to the TMO by email or telephone for guidance.

With regard to **renewals and recordals**, we wish to clarify that the fees listed cover the filing of the transaction only and do not include publication fees. Publication fees remain unchanged at **AED 750** and are charged separately. When assessing total costs, it is therefore important to ensure that the publication fee is added to the applicable renewal or recordal fee.

In conclusion, the Communications Committee remains actively engaged in ensuring accurate interpretation of the new fee structure and providing practical guidance to members. We will continue to circulate updates as further information becomes available and encourage members to actively participate by sharing their insights on this and other relevant matters.

SUDAN: RELOCATION AND TEMPORARY SUSPENSION OF THE TRADEMARK OFFICE



Please be advised that the Registrar General of Intellectual Property in Sudan has announced the immediate suspension of all administrative operations to facilitate the relocation of the Trademark Office from Port Sudan back to the capital, Khartoum. During this transitional period, the Trademark Office will operate temporarily from the Ministry of Minerals premises, as the main Intellectual Property office is currently undergoing necessary repairs. The relocation process is expected to take



approximately two weeks, subject to local transportation and logistical conditions. We wish to assure our clients and associates that any official deadlines falling within the suspension period will be automatically extended to the first working day following the official resumption of operations. This measure ensures that all rights and interests remain fully protected throughout the interim period.

MALDIVES:

ESTABLISHMENT OF THE MALDIVES INTELLECTUAL PROPERTY OFFICE (MIPO) AND PUBLICATION OF THE MALDIVES TRADEMARK ACT (LAW NO. 19/2025)



The Government of Maldives has taken a significant step toward strengthening its intellectual property framework with the establishment of the **Maldives Intellectual Property Office (MIPO)** under the Ministry of Economic Development. MIPO will serve as the central authority responsible for the administration, registration, and enforcement of intellectual property rights in the Maldives. This development is formalized under the Maldives Intellectual Property Office Act (Act No. 13/2025), which was ratified on 21 August 2025 and is scheduled to take effect on 1 January 2026. While the legal framework for MIPO is now in place, the trademark registration system will become operational only after the Registrar issues the relevant procedural rules, application forms, and official fee schedules. Until then, Cautionary Notices will remain the sole mechanism for notifying the public of trademark rights.

In parallel, the President of the Maldives, Dr. Mohamed Muizzu, ratified the Trademark Act (Law No. 19/2025), which was published in the Government Gazette on 11 November 2025. This Act introduces a unified and comprehensive legal framework for the registration, protection, and enforcement of trademarks, replacing the previous system and establishing the Maldives' first registration-based trademark protection regime. The Trademark Act will come into force twelve (12) months from the date of publication, making 11 November 2026 its effective date. Implementation of the Act will be overseen by the Ministry of Economic Development and Trade (MEDT), the Registrar of Intellectual Property at MIPO, and the Maldives Customs Service. All subordinate regulations required under the Act must be issued within six (6) months from its effective date, i.e., by 11 May 2027.

Trademark owners are advised to review their existing portfolios and prepare for the transition to the new registration-based system. Proprietors currently relying on cautionary notices must file formal trademark registration applications within twelve (12) months from the Act's effective date, i.e., by 11 November 2027, to ensure continuity of protection.

SAUDI ARABIA:

NEW GEOGRAPHICAL INDICATIONS LAW SAFEGUARDS PRODUCT AUTHENTICITY



Saudi Arabia has formally approved a comprehensive **Geographical Indications (GI) Protection System**, marking a significant development in the Kingdom's intellectual property framework. The new regime is aimed at protecting products whose quality, reputation, or characteristics are essentially attributable to their geographical origin.

Key Highlights of the Saudi GI System

- **Dedicated Legal Framework:** Establishes an exclusive regime for the protection of Geographical Indications in Saudi Arabia.
- **Scope of Protection:** Covers agricultural, industrial, and handicraft products, including renowned goods such as **Ajwa dates** and traditional Saudi handicrafts.
- **Term of Protection:** GI registrations will be granted protection for **ten years**, renewable.
- **Enforcement Mechanisms:** Provides legal remedies against unauthorized use, misrepresentation, and misleading claims relating to the origin of protected products.

Administration and Objectives

The system is administered by the **Saudi Authority for Intellectual Property (SAIP)** and has been introduced under the leadership of Crown Prince and Prime Minister Mohammed bin Salman. It is closely aligned with **Saudi Vision 2030**, with a focus on:

- Preserving national heritage,
- Enhancing consumer trust,
- Supporting local producers, and
- Strengthening Saudi Arabia's position in global trade.

Impact on Producers and Trade

The GI Protection System offers Saudi producers a robust legal tool to protect product authenticity, enhance export value, and leverage regional identity as a competitive advantage. By preventing misuse and dilution of origin-based products, the framework is expected to boost international recognition of Saudi goods and encourage sustainable economic growth. The introduction of a dedicated GI regime represents a major step in Saudi Arabia's evolving IP landscape. By protecting region-specific products and aligning IP protection with economic diversification goals, the Kingdom reinforces its commitment to global IP standards and cultural preservation.



AV PATENT CASES

NOVO NORDISK AS.  (Plaintiff) Vs DR. REDDYS

LABORATORIES LIMITED & ANR.  (Defendant)

CASE NO.: CS(COMM) 565/2025 & CRL.M.A. 21608/2025 I.A. 14076/2025 I.A. 17699/2025 I.A. 17802/2025 I.A. 18374/2025 I.A. 19205/2025 I.A. 19361/2025

DECIDED ON: 02nd December, 2025

The present suit has been filed by the plaintiff restraining the defendant from infringing plaintiff's patent. The plaintiff alleges that the defendant were manufacturing the impugned drug in India which a compound in plaintiff's patent and also exported it without authorization.

The plaintiff argued that the damages would not be adequate remedy and permitting manufacture would irreversibly erode its exclusive rights. The plaintiff states that the defendants previously tried to sought a license but failed to "clear the way" before commencing manufacture, which denotes that they were aware about the plaintiff's patent. The defendant countered that they were not selling the impugned drug in India and exported it only where plaintiff had no patent. The defendant challenged the validity of the subject patent on multiple grounds alleging that Semaglutide a compound of the impugned drug was priorly known in multiple prior arts.

The Hon'ble Delhi High Court analysed the matter and stated that the plaintiff failed to make a prima facie case for the grant of interim injunction. The Hon'ble Court accepted the undertaking by the defendant, permitting them to manufacture the impugned drug in India and export where the plaintiff do not hold patent rights, as plaintiff is not manufacturing and only importing to India. The Hon'ble Court dismissed the captioned application by stating that the observations are only prima facie and limited to the present interim application, without bearing on the merits of the case, which shall be decided independently at trial.

MEDILABO RFP INC (Appellant) Vs THE CONTROLLER OF PATENTS (Respondents) 

CASE NO.: C.A.(COMM.IPD-PAT) 16/2024

DECIDED ON: 24th November, 2025

In the present case the appellant challenged the impugned order passed by the respondent for rejecting their patent

application under section 3(i) of the Patent act. The appellant contented that the respondent failed to recognize that the claimed application pertains to a composition and not a method of treatment. The appellant stated that the claimed application discloses a 'kit' a product including medicinal agent of claim 1. The respondent countered that the claimed composition of the appellant's application has been rejected because the dosage regimen attracts section 3(i) of the Act under the method of treatment. The respondent further alleged that the claimed application does not have any technical effect.

The Hon'ble Delhi High Court observed that the impugned order passed by the respondent failed to provide the details of how the claimed invention is a composition and not a method of treatment, and how the boundaries of claim extend to the "method of treatment". The recitation of the unit number of components in the claim cannot make it ineligible under section 3(i) of the Patent Act. The Hon'ble Court further stated that the respondent cannot determine the patentability under section 3(i) without considering the amended claims and examining the same from the specification. The Hon'ble Court clarified that the respondent shall decide the claimed application as per the law without being influenced by the Court's observation and concluded by setting aside the impugned order and remanding the matter for fresh consideration.

TRIDENT LIMITED (Appellant) Vs CONTROLLER OF PATENTS (Respondents) 

CASE NO.: C.A.(COMM.IPD-PAT) 162/2022

DECIDED ON: 24th November, 2025

The present appeal has been filed by the appellant against the respondent for rejecting the appellant's patent application under section 2(1)(j) of the Act. The appellant contended that none of the prior arts individually or in combination discloses or teach the limitations of the revised claims of the subject application. The appellant cleared that the homogenous distribution of pores between fibers and not towards homogenous distribution of fibers. The respondent countered that the appellant failed to provide any data to claim "homogeneous distribution" which is against the natural belief and expectation. The respondent submits that the prior arts discloses similar process as in the subject application and the appellant has failed to establish 'homogeneous distribution of



pores across the radial cross-section of yarn'. And the patent rights cannot be granted for invalidated and hypothetical assumptions.

The Hon'ble Delhi High Court examined the subject application and stated that the appellant had addressed the exemplary manufacturing parameters used to manufacture yarn/fabric in accordance with the teaching of the claimed/subject invention. The respondent ignored the exemplary manufacturing parameters and the details of the "homogeneous distribution" in the subject application. The Hon'ble Court concluded by setting aside the impugned order due to various infirmities and remanded the matter back to the different respondent for fresh consideration.

AMYLIN PHARMACEUTICALS, LLC AND ANR. (Appellant) Vs
ASSISTANT CONTROLLER OF PATENTS AND DESIGNS
(Respondents) 

CASE NO.: C.A.(COMM.IPD-PAT) 76/2022

DECIDED ON: 24th November, 2025

The appellant filed an appeal against the respondent for passing an impugned order rejecting the appellant's patent application under section 2(1)(ja) and 3(d) of the Act. The appellant argued that the respondent failed to cite any closest prior art and provide any reasonable submissions against the subject invention. The appellant further contended that the respondent also failed to consider the data highlighting better efficacy of the formulation as illustrated in the subject invention and simply passed the impugned order. The respondent countered that the subject application is obvious considering the cited prior arts and lacks inventive step.

The Hon'ble Delhi High Court analysed the prior arts against the subject application and noted that the subject invention is obvious to PSITA and lacks inventive step. The Hon'ble Court states that the respondent rightly refused the subject application for lack of inventive step under section 2(1)(ja) of the Act. The Hon'ble Court concluded by maintaining the impugned order passed by the respondent and dismissing the present appeal.

M/S.RALLIS INDIA LIMITED  (Appellant) Vs
1.DEPUTY CONTROLLER OF PATENTS AND DESIGNS
(Respondent 1), M/S.HARYANA PESTICIDE MANUFACTURES
ASSOCIATION (HPMA) (Respondent 2) AND
3.MR.CHIMANBHAI CHAUHAN (Respondent 3)

CASE NO.: C.M.A.(PT) No. 21 of 2024

DECIDED ON: 20th November, 2025

The appellant filed an appeal against the respondent 1 for rejecting their patent application under the ground of lack of novelty, inventive step and non-patentability under section 3(d) and 3(e), the respondent 2 filed an opposition challenging claims under Sections 25(1)(b) to 25(1)(f) and respondent 3 filed an opposition challenging under Section 25(1)(b) to 25(1)(g). The appellant argued that the cited prior art is invalid since its provisional disclosure only disclose suspo-emulsion (SE) formulation. The formulation disclosed in the prior art is materially different compared with the appellant's patent application. The appellant further stated that the respondent 1 failed to consider any findings raised in the replies and written submission to the pre-grant opposition as well as the affidavits and experimental data which demonstrates the difference and synergy were ignored. The respondents maintained that the claimed formulation in the appellant's invention is obvious and anticipated in view of the cited prior art, having no technical advancements.

The Hon'ble Madras High Court noted that the provisional specification of the prior art only discloses the SE formulation, it failed to claim priority for emulsifiable concentrate (EC) formulation. The Hon'ble Court stated that the respondent 1 failed to consider the relevant document and affidavit submitted by the appellant. The Hon'ble Court concluded by setting aside the impugned order and remanding the matter back for fresh consideration by the different officer.

Trademark Cases

DELHI PUBLIC SCHOOL SOCIETY (Plaintiff) Vs DELHI PUBLIC
SCHOOL INTERNATIONAL BHIWADI AND ORS. (Defendants)

CASE NO.: CS(COMM) 1247/2025 & I.A. 29031/2025 I.A.
29035/2025

DECIDED ON: 8th December 2025

The Plaintiff instituted the present suit seeking an *ex-parte ad-interim injunction* against the defendants for infringement and passing off of its well-known trademarks and logos associated with "**DELHI PUBLIC SCHOOL**", "**DPS**", and its

distinctive shield and leaf logos "  ". The Plaintiff

contended that the defendants were operating a school under the name "**DELHI PUBLIC SCHOOL INTERNATIONAL**" and using "**DPS**" along with deceptively similar logos, falsely representing an association with the plaintiff's network of



schools. The Defendants did not appear before the Hon'ble Delhi High Court despite service of summons and notice.

The Hon'ble Delhi High Court observed that the impugned marks were deceptively identical to the plaintiff's well-known marks and that this was a clear case of triple identity, namely similarity of marks, identical services, and identical consumer base. The Hon'ble Delhi High Court held that the defendants' adoption was neither honest nor bona fide and that continued use would cause irreparable harm to the plaintiff. Accordingly, the Hon'ble High Court granted an *ex-parte ad-interim* injunction restraining the defendants from using the impugned marks in any manner and directed suspension of the infringing domain name. The Hon'ble Court concluded that the plaintiff, being the prior user and registered proprietor, was entitled to immediate protection against misuse of its well-known educational brand.

KATARIA JEWELLERY INSURANCE CONSULTANCY (Plaintiff)
Vs KATARIA INSURANCE BROKERS PVT. LTD. (Defendant)

CASE NO.: I.A.-1663-2021 in COMIP 215/2021

DECIDED ON: 8th December 2025

In the present matter, the plaintiff instituted a suit seeking injunction against the defendant, alleging infringement and

passing off of its registered trademark "KATARIA/ ". The Plaintiff contended that it was the prior adopter and registered proprietor of the trademark "KATARIA", which had acquired substantial goodwill and reputation through continuous and extensive use. Defendant's use of the mark "KATARIA INSURANCE" in its corporate name "KATARIA INSURANCE BROKERS PRIVATE LIMITED" and business activities in the insurance broking sector, which, according to the plaintiff, created a false impression of association and origin. The plaintiff further submitted that such use diluted the distinctiveness of its registered mark.

The Defendant contended that the use of word "KATARIA" was bona fide derived from their surname and its corporate identity, and that there was no likelihood of confusion or deception. The Defendant also raised objections regarding maintainability and sought to justify its adoption as independent and without intent to infringe.

The Hon'ble Bombay High Court observed that the plaintiff was the registered proprietor of the trademark "KATARIA" and that the defendant's use of an identical mark for similar services was *prima facie* likely to cause confusion and deception among consumers. The Hon'ble Court held that

adoption of an identical trademark in the same commercial field could not be justified on the basis of corporate naming alone and amounted to infringement. Accordingly, the Hon'ble Court granted interim relief restraining the defendant from using word "KATARIA". The decision reiterates that use of an identical registered trademark in the same line of business, even as part of a corporate name, will attract injunctive relief to prevent consumer confusion and dilution of trademark rights.

ITC LIMITED & ANR. (Plaintiffs) Vs ADYAR GATE HOTELS LIMITED (Defendant)

CASE NO.: CS(COMM) 119/2025 with I.A. 3768/2025, I.A.

9893/2025, I.A. 16691/2025, I.A. 23352/2025

DECIDED ON: 04th December 2025

In the present suit the plaintiff seek protection for their

trademark "DAKSHIN /  " against the defendant, used in relation to restaurant and hospitality services. The plaintiffs contended that they are the proprietors and

long-standing users of the mark "DAKSHIN/  " for their well-known South Indian specialty restaurants operating under ITC Hotels. Defendant's use of the identical mark "DAKSHIN" for its restaurant services amounted to trademark infringement, passing off, and dilution of the plaintiffs'

goodwill. The defendant contested that "DAKSHIN/  " is a descriptive or geographical term meaning "South" and therefore incapable of exclusive appropriation. It was contended that the defendant had been using the mark in good faith and that no monopoly could be claimed over a commonly used word, particularly when used to describe South Indian cuisine.

The Hon'ble Delhi High Court observed that although the word "DAKSHIN" may have a dictionary meaning, its long, continuous, and extensive use by plaintiffs in the hospitality sector had resulted in the mark acquiring **secondary meaning and distinctiveness**. The Hon'ble Court held that in trademark law, even descriptive or dictionary words are entitled to protection once they become source identifiers. The Hon'ble Court further noted that in the restaurant and hospitality industry, brand recall plays a crucial role and the use of an identical mark for identical services is bound to cause confusion. The defendant's adoption of the mark "DAKSHIN" was found to be *prima facie* likely to mislead consumers into believing an association with plaintiff's established restaurant brand. The Hon'ble Delhi High Court passed an order in favour of plaintiffs, restraining defendant from using the mark



"DAKSHIN/ Dakshin " or any other mark deceptively similar thereto in relation to restaurant or hospitality services.

EDIBLE PRODUCTS (INDIA) LIMITED (Appellant) Vs
SHALIMAR CHEMICAL WORKS PRIVATE LIMITED
(Respondent)

CASE NO.: FMAT No. 189 of 2024, IA No: CAN 2 of 2024 CAN 3 of 2024

DECIDED ON: 03rd December 2025



<https://www.sciel-india.net/>

The present appeal has been filed by the appellant in a suit for infringement against a temporary injunction order granted by the Commercial Court. The appellant contended that the plaintiff/respondent failed to satisfy the classical *Trinity Test* required for a passing off action. The shape and colour of the bottles were generic, functional, and common to trade,

incapable of exclusive protection. The appellant's product was marketed as hair oil, whereas the respondent dealt in edible oil, reducing any likelihood of confusion.

The plaintiff/respondent argued that they had prior and continuous use of the distinctive bottle trade dress for several years, resulting in significant goodwill. The overall get-up, colour combination, bottle shape, and packaging adopted by the appellant were deceptively similar and intended to ride upon the respondent's reputation. Difference in classification or end-use of goods is immaterial where deception is apparent from the trade dress.

The Hon'ble Divisional bench of Calcutta High Court held that in a passing off action, the overall impression created on the mind of an average consumer with imperfect recollection must be assessed rather than dissecting individual elements of the packaging. The Hon'ble Court emphasized that trade dress must be examined as a whole, including bottle shape, ribbed texture, colour scheme, and visual depiction. Applying the Trinity Test, the Hon'ble Court held that the plaintiff had established goodwill, the defendant's packaging was likely to cause confusion and deception, and such deception would inevitably cause damage to the plaintiff's goodwill. The Hon'ble Calcutta High Court dismissed the appeal filed by appellant and affirmed the order of temporary injunction passed by the Commercial Court.

CHEMCO PLASTIC INDUSTRIES PVT LTD. (Plaintiff) Vs M/S
CHEMCO PLAST (Defendant)

CASE NO.: IA NO. 2165 of 2024 in COMIP/80/2024

DECIDED ON: 3rd December 2025

In the present matter, the Plaintiff instituted a suit against the defendant alleging infringement and passing off of its

registered trademark **"CHEMCO / **", contending that the defendant was carrying on an identical business of plastic goods under the deceptively similar mark **"CHEMCO PLAST"**. The Plaintiff asserted prior adoption and long-standing use of **"CHEMCO"**, claiming that the mark had acquired substantial goodwill and reputation in the plastic manufacturing industry. It was argued that the defendant's adoption of the impugned mark was dishonest and intended to trade upon the plaintiff's established reputation, leading to consumer confusion.

The Defendant asserted prior and bona fide use of the mark **"CHEMCO"**, contending that the mark was adopted independently and was in use prior in point of time to the plaintiff. The Defendant further raised technical objections relating to priority of adoption, delay, and acquiescence, and argued that the plaintiff was not entitled to exclusive rights over the mark in light of the defendant's alleged earlier use.

The Hon'ble Bombay High Court observed that the competing marks were structurally, visually, and phonetically similar and were used for identical goods and trade channels, thereby satisfying the test of deceptive similarity. The Hon'ble Court held that adoption of the dominant mark **"CHEMCO"** by the defendant was prima facie dishonest and amounted to infringement and passing off. Accordingly, the Hon'ble Court granted an injunction restraining the defendant from using **"CHEMCO PLAST"** or any other mark deceptively similar to the plaintiff's trademark. The decision reinforces the principle that adoption of an essential and dominant feature of a prior registered trademark for identical goods will invite strict injunctive relief.

GANRAJ ENTERPRISES (Appellant) Vs LAND MARK CRAFTS LTD & ANR. (Respondents)

CASE NO.: C.A.(COMM.IPD-TM) 164/2022 & CRL.M.A. 10597/2024, I.A. 22465/2022, I.A. 7890/2025

DECIDED ON: 2nd December 2025

The Appellant filed an appeal in Hon'ble Delhi High Court challenging the rejection of its rectification petition seeking cancellation of the respondent's registered trademark **"HP"** in Class 6. The dispute arose between two entities dealing in self-drilling screws and blind rivets, where the appellant claimed rights in the mark **"HP+ / **", while the

respondent asserted prior rights in the word mark **"HP"**,



tracing use back to 1995 through its predecessor entities and subsequent corporate restructuring.

The Appellant contended that the respondent had falsely claimed prior use since 1995, obtained registration through misrepresentation, and that the earlier registration carried a **territorial limitation restricted** to Uttar Pradesh. It was argued that despite this restriction, the respondent was unlawfully enforcing its mark against the appellant's use in Maharashtra. The Respondent, on the other hand, asserted continuous and uninterrupted prior use of **"HP"**, supported by invoices dating back to 2006, subsequent pan-India registration without territorial limitation, and contended that the appellant was a much later adopter whose own trademark applications had been refused or abandoned.

The Hon'ble Delhi High Court held that the respondent was the prior adopter and user of the mark **"HP"**, and that the territorial restriction attached to one registration could not automatically be imported into a separate later registration for the same mark. The Hon'ble Court further observed that disputes regarding alleged fraudulent user claims and *inter-se* territorial enforcement were already pending before the Commercial Court and could not form the sole basis for rectification. While recognizing the appellant's locus as a "person aggrieved," the Hon'ble Court found no merit in the rectification grounds raised. Accordingly, the Hon'ble Court dismissed the appeal and upheld the Registrar's order.

Copyright Cases

ZEE ENTERTAINMENT ENTERPRISES LIMITED (Plaintiff) Vs
MOHALLA TECH PRIVATE LIMITED (Defendant)

CASE NO.: CS(COMM) 745/2023 & I.A. 7189/2024

DECIDED ON: 08th December 2025



In the present suit, the plaintiff filed a commercial suit against the defendant, the owner of the platforms *ShareChat* and *Moj*, seeking a *permanent injunction* to restrain copyright infringement on the defendant's platforms. Plaintiff contended that despite termination of the License Agreement and UCRS Agreement plaintiff's repertoire continued to be made available through the defendant's in-built music library on *ShareChat* and *Moj*, enabling users to exploit plaintiff's

works without authorization. Since the infringing content was accessible and used by users in Delhi, part of the cause of action arose within the jurisdiction of the Hon'ble Delhi High Court.

The defendant sought return of the plaint under Order VII Rule 10 CPC, contending lack of territorial jurisdiction on the ground that earlier agreements conferred exclusive jurisdiction on Mumbai Courts, neither party had offices in Delhi, and mere accessibility of the platforms in Delhi was insufficient to establish jurisdiction.

The Hon'ble Delhi High Court held that jurisdiction must be determined solely on the basis of the plaint averments. The Hon'ble Court observed that the present suit was one for **copyright infringement**, not for breach of contractual obligations, and therefore the exclusive jurisdiction clauses in the expired agreements were irrelevant. The Hon'ble Court further emphasized that in cases of online copyright infringement, cause of action arises at every place where the infringing content is accessible and used. Since the defendant's platforms were accessible in Delhi and users in Delhi could access and upload infringing content, a part of the cause of action clearly arose within Delhi, conferring territorial jurisdiction on the Delhi High Court under Section 20(c) CPC. The Hon'ble Delhi High Court dismissed the defendant's application under Order VII Rule 10 CPC and held that it has territorial jurisdiction to entertain the suit.

STAR INDIA PRIVATE LIMITED (Plaintiff) Vs
CRICHD-LIVE.TOP & ORS. (Defendants)

CASE NO.: CS(COMM) 1094/2024 & I.A. 47492/2024

DECIDED ON: 03rd December 2025

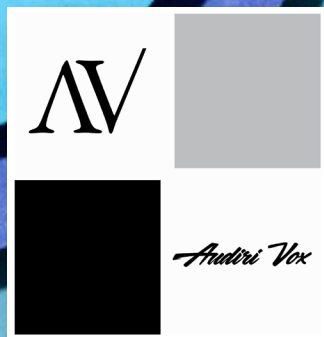


In the present suit the plaintiff filed a commercial suit against multiple defendants for illegally streaming live cricket matches of the India Tour of *Australia 2024–2025* and *Big Bash League 2024–2025*. Plaintiff contended that it holds exclusive media and broadcast rights for the events in India and South Asia, and the defendant websites were rogue, anonymous platforms engaged in piracy for commercial gain. Their actions infringed statutory broadcast reproduction rights under Section 37 of the Copyright Act. The defendants neither appeared nor filed written statements despite service.



The Hon'ble Delhi High Court observed that the defendants were clearly infringing plaintiff's exclusive rights and had deliberately chosen not to contest the proceedings, even after interim injunctions and domain blocking orders. The Hon'ble Court further noted that directing ex-parte evidence would serve no purpose when the plaint is duly verified and supported by affidavits. The continued infringement was held to cause irreparable harm and revenue loss to the plaintiff. The Delhi High Court decreed the suit in favour of plaintiff and granted a **permanent injunction** against Defendants, restraining them from hosting, streaming, or making available the copyrighted cricket events in any manner.





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This Newsletter is published by Audiri Vox at 309 Churchill Tower Business Bay, P.O. Box 415116 Dubai-United Arab Emirates 15 January, 2026.