AUDIRI VOX
a client-centric ip practice
MIDDLE EAST – ASIA – AFRICA

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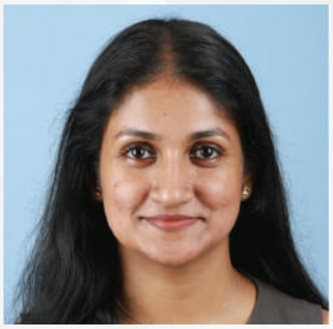

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SAFEGUARDING BRANDS IN A COMPETITIVE MARKETPLACE

Over the years, the commercial environment has become increasingly competitive. This has resulted in Trademarks becoming as essential indicator to distinguish one business entity from another. Going beyond the aspect of distinguishing, tied to a trademark are factor such as quality, reputation, and consumer trust which plays a significant role in market recognition of a good or service. As businesses in Sri Lanka continue to grow and compete within expanding markets, the misuse and imitation of trademarks have emerged as significant concerns.

Trademark infringement and passing off represent two important legal mechanisms available to protect brand identity. Despite the stringent laws in Sri Lanka which aims to protect registered trademarks, businesses still encounter challenges arising from imitation products, deceptive packaging, and other forms of unfair competition, which appear to have significantly increased over the last decade. Understanding these risks, together with the legal remedies available, can be considered crucial for the survival of businesses.

As discussed in previous articles, the law governing trademarks in Sri Lanka is the trademark **Intellectual Property Act No. 36 of,** which grants exclusive rights to the registered owner of a trademark.

Once a trademark is registered, the owner gains the exclusive legal right to prevent others from using identical or confusingly similar marks in relation to similar goods or services. This protection helps ensure that consumers are not misled about the origin of products while allowing businesses to build and maintain the goodwill associated with their brands. Despite this stringent legal frame being in existence, trademark misuse and imitation remain common across various industries.

One of the challenges faced by businesses in Sri Lanka is the increasing presence of imitation products designed to resemble well-known brands. While some are done with malicious intentions, others engage in this practice without having the knowledge of the legal implications such actions will bring upon them.

These products often replicate key elements such as similar brand names, packaging that closely mirrors the original product, comparable colour schemes, and deceptively similar logos. Such practices are frequently observed in sectors including food and beverages, cosmetics, pharmaceuticals, apparel, and household goods.

Trademark infringement occurs when a party uses a mark that is identical or confusingly similar to a registered trademark in relation to goods or services for which that mark is protected. Under the Intellectual Property Act, the registered owner of a trademark is entitled to take legal action where another party's use of a similar or identical mark is likely to mislead or confuse consumers about the origin of the goods or services. In order to establish infringement, several elements must generally be proven, including the existence of a valid registered trademark, the unauthorized use of a mark that is identical or deceptively similar, the use of the mark in connection with similar goods or services, and a likelihood of confusion among consumers. Where infringement is established, courts may grant remedies such as injunctions restraining further use of the mark, monetary damages, and the seizure or destruction of infringing goods. Nevertheless, many trademark disputes are resolved outside formal court proceedings through measures such as cease-and-desist letters, negotiations, or settlement agreements.

Although trademark registration provides strong legal protection, many businesses do not register their marks at an early stage. In such situations, the doctrine of passing off becomes particularly important. Passing off protects the goodwill and reputation associated with a business even where a trademark has not been formally registered, preventing one party from misrepresenting its goods or services as those of another in a manner that misleads consumers. To establish a successful passing off claim, the claimant must generally demonstrate three key elements:

a. the existence of goodwill or reputation in the relevant goods or services,
b. a misrepresentation by another party that leads consumers to believe the goods or services originate from the claimant,
c. and actual or potential damage to the claimant's goodwill.

In Sri Lanka, passing off actions are particularly significant for small and medium enterprises that may have built substantial brand recognition but have not yet registered their trademarks, ensuring that others cannot unfairly benefit from the reputation they have established.

While Sri Lanka's legal framework provides protection for trademarks, enforcing these rights can present several practical difficulties. One challenge is the presence of small-scale imitators in local markets who often modify brand names or packaging to avoid detection or legal consequences. Consumer awareness is another factor, as imitation products that closely resemble genuine brands can make it difficult for consumers to identify authentic goods. In addition, initiating legal proceedings may require considerable time and financial resources, which can discourage smaller businesses from pursuing enforcement even when infringement occurs. As a result, adopting preventive and proactive brand protection strategies is essential for effectively safeguarding trademark rights.

Understanding the importance of protection, early trademark registration is one of the most effective ways for businesses to protect their brands. This provides the owner the ability to have exclusive legal rights to use the mark in relation to specific goods or services. This places the owner in a position of power in the situation of an infringement. The process of registration does not only act as a protector of one's trademark but also acts as a deterrent to those looking at imitating the said mark. Further, a registered enhances the overall commercial value and credibility of the brand. Conversely, businesses that delay registering their trademarks risk facing disputes with competitors who may attempt to register similar marks their own advantage.

Going a step ahead, in addition to securing trademark registration, businesses should actively monitor the marketplace to detect potential infringements. To action this, businesses can engage in conducting regular trademark searches, observing competitor branding and product packaging, and reviewing trademark publications for marks that may be similar or conflicting. Once a potential infringement is detected, it is essential that timely legal action is taken to protect the brand and prevent misuse. Early intervention can often stop minor issues from developing into more complex and costly disputes in the long run.

The focus presently on trademark protection and actively participating in securing rights has been increasingly recognized by businesses owing to the economic expansion and the vices that come along with it. Unlike before, where owners were reluctant to expend towards market presence, businesses are investing more in branding, marketing, and building consumer recognition, which in turn makes the protection of intellectual property even more important.

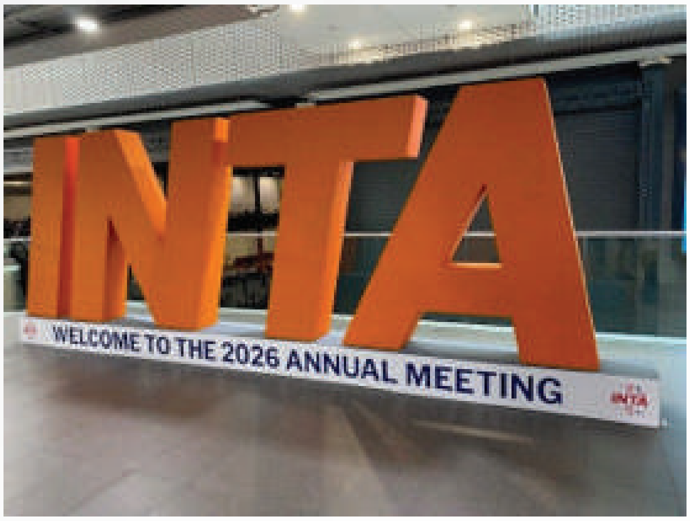
An aspect which has been raised in previous articles as well is enhancing awareness of intellectual property rights among both businesses and consumers will be essential in reducing instances of brand imitation and unfair competition. At the same time, companies must take proactive steps to safeguard their trademarks by ensuring timely registration, maintaining regular monitoring of the marketplace, and taking firm enforcement action where necessary.

Trademark infringement and passing off continue to serve as important legal mechanisms for protecting brand identity in Sri Lanka's evolving commercial environment. Although the legal framework offers considerable protection for trademark owners, it is also the responsibility of businesses must take proactive measures to safeguard their rights and prevent the misuse or imitation of their marks.

By understanding the risks posed by brand imitation and adopting effective protection strategies, businesses can preserve the goodwill attached to their brands while maintaining consumer trust, which is the essence of a continued successful business enterprise. In an increasingly brand-driven marketplace, strong trademark protection will remain essential for promoting fair competition, fostering innovation, and supporting the continued growth of Sri Lanka's commercial sector.

Audiri Vox at the INTA 2026 Annual Meeting, London : Expanding Conversations and Global Connections

The 2026 Annual Meeting of the International Trademark Association (INTA), held in London, brought together intellectual property professionals, brand owners, technology providers, and business leaders from across the globe.



As one of the most significant gatherings in the intellectual property ecosystem, the conference provided an exceptional platform for networking, knowledge sharing, and exploring emerging trends shaping the future of IP and innovation.

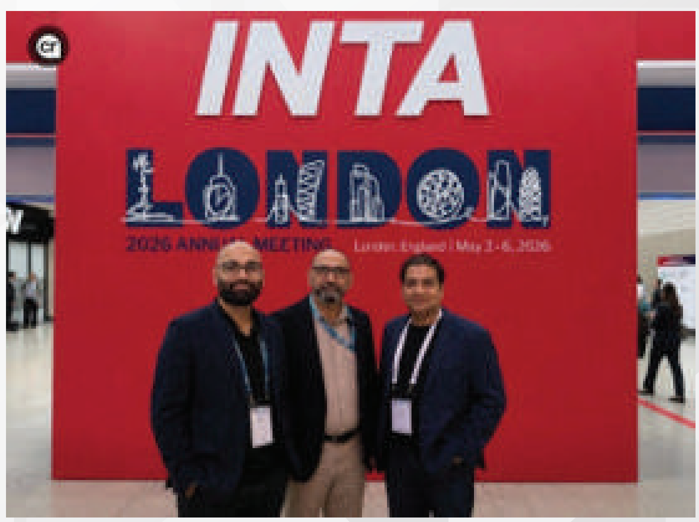
Audiri Vox was pleased to participate in this year's conference with a three-member delegation representing the company. In addition to attending educational sessions and networking events, Audiri Vox also exhibited at the conference through its dedicated booth, providing an excellent opportunity to engage directly with professionals from diverse jurisdictions and industries.

Strong Engagement at the Audiri Vox Booth

One of the highlights of the conference was the positive response received at the Audiri Vox booth. Throughout the event, our team had the opportunity to interact with trademark professionals, law firms, in-house counsel, IP service providers, and technology partners from around the world.

The booth attracted significant interest from attendees seeking innovative and efficient solutions for intellectual property management and related services. These discussions allowed us to better understand evolving market needs while also showcasing the capabilities and value proposition of Audiri Vox.

The strong traction at our booth reaffirmed the growing demand for technology-enabled solutions within the intellectual property sector and provided valuable insights into the challenges faced by rights holders and practitioners globally.



Emerging Themes from the Conference

As expected, artificial intelligence remained one of the most prominent topics discussed throughout the conference. Sessions explored the impact of AI on brand creation, trademark clearance, enforcement strategies, content generation, and the broader management of intellectual property assets.

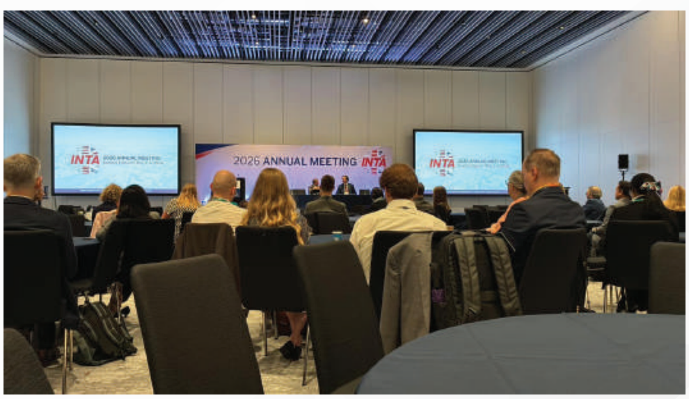
The conference also highlighted several other important developments, including:

- Brand protection in digital and online environments;
- Enforcement challenges posed by counterfeit goods and online infringement;
- Evolving approaches to trademark protection across jurisdictions;
- The growing intersection between technology, data governance, and intellectual property rights; and
- The increasing role of automation and AI-driven tools in IP practice.

These discussions underscored the importance of innovation not only for brand owners but also for the professionals and service providers who support them.

Brand Protection in an Increasingly Digital World

Brand owners continue to face sophisticated challenges in protecting their trademarks across digital platforms. Several sessions examined evolving strategies for combating online counterfeiting, domain name abuse, social media impersonation, marketplace infringements, and misuse of brands in AI-generated content.



There was considerable emphasis on proactive enforcement measures and the importance of adopting technology-driven monitoring tools. Rights holders are increasingly expected to combine legal enforcement with technological solutions to effectively safeguard their brands.

Global Perspectives and Cross-Border Collaboration

One of the most valuable aspects of the INTA Annual Meeting is the opportunity to engage with professionals from diverse jurisdictions. Discussions highlighted how businesses operating internationally must navigate a complex web of laws, regulations, and enforcement mechanisms.

The conference reinforced the importance of collaboration among practitioners, policymakers, enforcement authorities, and businesses. Cross-border cooperation remains essential for addressing modern IP challenges that rarely stop at national boundaries.

The value of face-to-face interactions remains significant despite the increasing availability of virtual communication tools. Informal discussions often provide practical insights into legal developments, market trends, and client expectations that cannot always be captured through formal presentations alone.

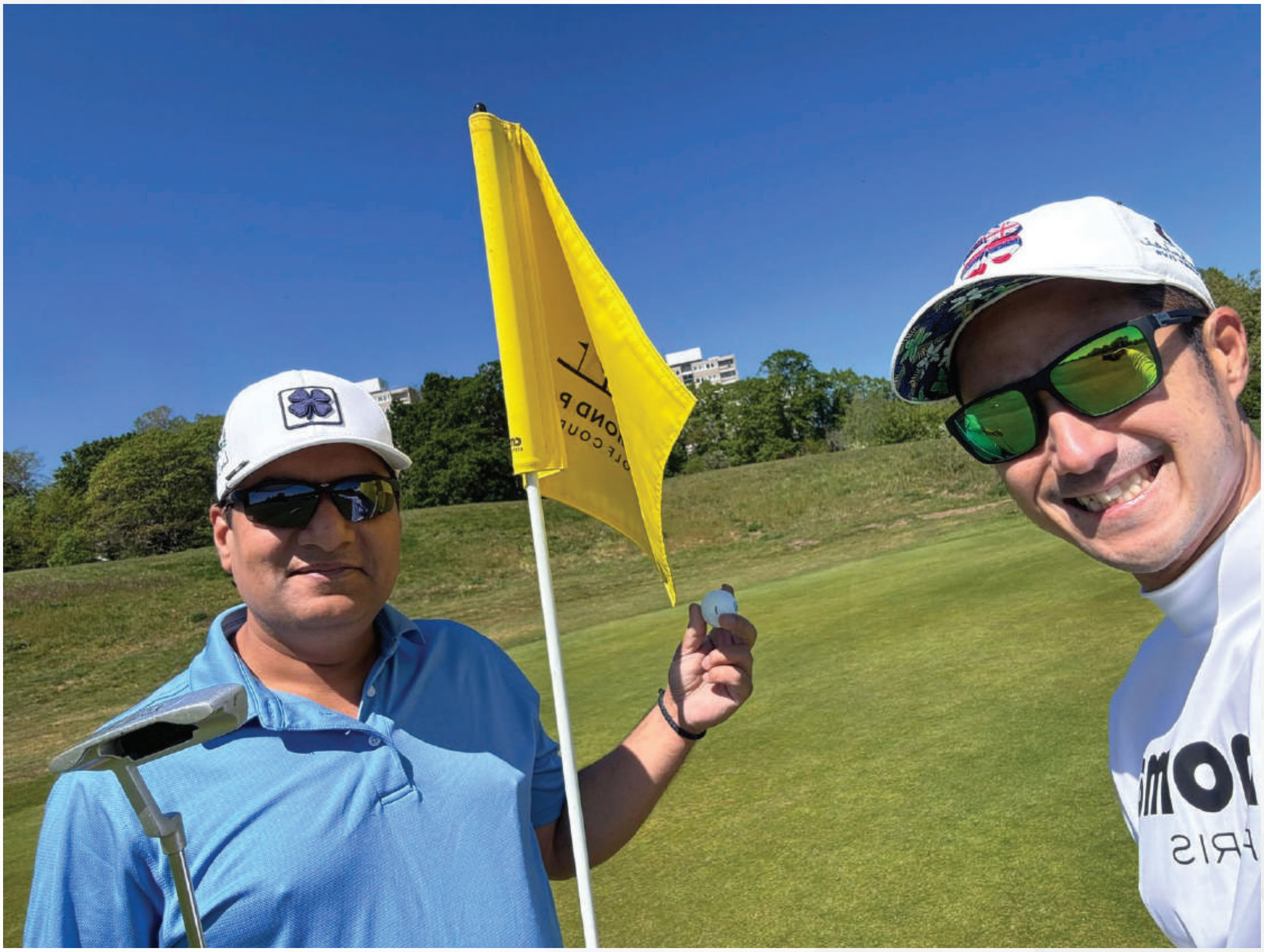
We had the pleasure of meeting numerous colleagues from different jurisdictions, exchanging perspectives on recent legal developments, and exploring opportunities for future collaboration. Such interactions continue to be one of the most rewarding aspects of participating in international professional events.

Looking Ahead

Participation in the INTA 2026 Annual Meeting was an enriching experience for Audiri Vox. The event not only provided exposure to the latest developments in intellectual property and technology but also enabled meaningful engagement with the global IP community.

The encouraging response to our presence at the conference and the strong interest shown at our booth further strengthen our commitment to developing innovative solutions that address the evolving needs of intellectual property professionals and rights holders worldwide.

We extend our gratitude to everyone who visited our booth, shared their insights, and contributed to the many engaging discussions throughout the conference. We look forward to building on these connections and continuing the conversations in the months ahead.



IP UPDATES

IRAQ (BAGHDAD): INCREASE IN OFFICIAL TRADEMARK FEES

The Iraqi Ministerial Council for Economy has issued Decision No. 26038 of 2026, published in the Iraqi Gazette (Al-Waqai' Al-Iraqiya), Issue No. 4863 dated March 30, 2026, introducing revised official fees for certain trademark services under Law No. 21 of 1957.

Although the decision became legally effective upon publication, the Trademark Office in Baghdad had initially not announced an implementation date. The Office has now officially commenced collection of the revised fees with effect from May 6, 2026. Accordingly, all trademark-related services before the Baghdad Trademark Office are now subject to the updated official fees.

IRAQ (KURDISTAN): BAGHDAD TRADEMARK EXTENSIONS NO LONGER RECOGNIZED

The Kurdistan Trademark Directorate has announced that trademark validations and recognitions previously based on Baghdad trademark registrations will no longer be recognized. This decision applies both retrospectively to existing certificates and prospectively to all pending requests.

According to the Kurdistan Regional Government, the decision has been adopted on the basis of reciprocity following directions issued by the Council of Ministers, citing the lack of recognition of Kurdish trademarks by the federal authorities in Baghdad. Consequently, any validation certificates or official recognition letters previously issued by the Kurdistan Trademark Office are no longer considered legally enforceable. The Office has further confirmed that it will cease issuing confirmations regarding the validity of such arrangements.

Trademark owners seeking protection in the Kurdistan region must now pursue an independent local trademark registration process. This process requires a mandatory pre-filing search, followed by a fresh trademark application, publication, and registration before the Kurdistan Trademark Office.

SIERRA LEONE: IMPLEMENTS TRADEMARK REGULATIONS 2024

Sierra Leone's Trademark Regulations 2024 came into force in January 2026, introducing updated procedures for trademark applications, oppositions, renewals, and recordals under the TradeMarks Act, 2014.

The Regulations establish a framework for Madrid Protocol applications, including examination on absolute and relative grounds, a three-month deadline to respond to provisional refusals, mandatory appointment of a local representative, and a three-month opposition period from WIPO notification. The Regulations further address procedures relating to replacement, transformation, division, and merger of international registrations. However, due to the absence of clear Madrid Protocol provisions in the primary legislation, applicants are still advised to seek protection through national filings for greater legal certainty.

With respect to national trademark applications, the Regulations clarify several procedural aspects, including acceptance of series applications, recognition of marks without colour limitations, allowance of multiple priority claims, and a three-month period for submission of priority documents. The Regulations also permit renewal applications to be filed within six months from the expiry date, subject to publication requirements. In addition, new prescribed forms and revised official fees under the Finance Act 2026 have been introduced.

LIBYA: LIBYA RELAUNCHES ELECTRONIC TRADEMARK PUBLICATION SYSTEM

The Libyan Commercial Registry Department has officially resumed the electronic publication of trademarks through its official online platform following a period of suspension. The latest publication batch includes approximately 500 trademarks, covering publication numbers 55261 to 57597. In accordance with local regulations, all newly published marks are subject to a strict 30-day opposition period commencing from the date of publication.

TURKEY
REVISION OF FEES FOR INTERNATIONAL TRADEMARK REGISTRATIONS

WIPO has announced, through Information Notice No. 24/2026, revised individual fees for designating Turkey under the Madrid Protocol. The updated fees, payable in Swiss francs, will come into effect on June 7, 2026. The revised fee structure will apply to international applications designating Turkey, subsequent designations, and renewals received or processed on or after the effective date. Below is a summary of the updated fees for reference:

Items	Until June 6, 2026 (CHF)	As from June 7, 2026 (CHF)
Application / Subsequent Designation		
First class of goods or services	159	**143**
Second class of goods or services	46	**41**
Each additional class	51	**46**
Renewal		
For two classes of goods or services	141	**127**
Each additional class	12	**11**
Renewal during grace period		
For two classes of goods or services	247	**222**
Each additional class	21	**18**

QATAR:
EXPANDS DIGITAL IP SERVICES FOR COPYRIGHT PROTECTION

Qatar's Ministry of Commerce and Industry (MOCI) has introduced five new e-services for copyright and neighboring rights, effective April 2026, as part of its ongoing digital transformation initiatives under Law No. 7 of 2002. The new services enable electronic processing of copyright deposit and protection certificates, issuance of "To Whom It May Concern" certificates, and filing of registration amendments and waivers. These developments are expected to streamline IP recordal procedures, reduce processing times, and enhance service efficiency for rights holders in Qatar.

PATENT CASES

JFE STEEL CORPORATION (Appellant) vs ASSISTANT CONTROLLER OF PATENTS AND DESIGNS (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 483/2022
DECIDED ON: 12th May 2026

The present appeal has been filed by the appellant against the respondent for rejecting appellant's patent application under section 10(4)(a) read with section 10(4)(c) of the Act. The appellant argued that the respondent rejected the subject application solely on the ground of section 10(4)(a) read with section 10(4)(c) of the Act and the respondent failed to consider the objections relating to novelty, lack of inventive step, and non-patentability under Section 3(d) of the Act present in the hearing notice. The final decision of the respondent must consider all the objection together rather than relying on one or more objections.

The Hon'ble Delhi High Court observed the following matter and states that the respondent must decide all the objections raised in the hearing notice rather than rejecting the application on a single ground. The Hon'ble Court further states that the patent rights have a limited life term, and such incomplete adjudication leads to unnecessary delays. The Hon'ble Court concluded by setting aside the impugned order and directed the matter to the respondent for fresh consideration on all objections.

HANMI PHARM. CO. LTD. (Appellant) vs THE CONTROLLER GENERAL OF PATENTS AND DESIGNS (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 464/2022
DECIDED ON: 11th May 2026

In the present case, the appellant challenged the impugned order passed by the respondent for rejecting appellant's patent application under the ground of lack of inventive step under Section 2(1)(ja) and non-patentability under Section 3(d) of the Act. The appellant states that the respondent examined the subject application against the cited prior art document by considering only claims 1 to 13, the respondent has not referred to the process claims 14-22 while passing the impugned order.

The Hon'ble Delhi High Court analyzed the impugned order and noted that the respondent has completely ignored the process claims 14-22. The Hon'ble Court stated that the impugned order cannot be maintained as it is important to consider the Process Claims as well. The Hon'ble Court set aside the impugned order and remanded the subject application for fresh consideration.

SYNGENTA PARTICIPATIONS AG (Appellant) vs CONTROLLER OF PATENTS DESIGNS (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 49/2023

DECIDED ON: 4th May 2026

The appellant filed an appeal against the respondent for refusing the appellant's patent application on the ground of lack of inventive step under section 2(1)(ja) and non-patentability under section 3(d) of The Patent Act, 1970. The appellant states that the respondent nor has cited any reference for rejecting the subject application, neither has considered the comparative data furnished by the appellant. The respondent stated that based on prior art document D1 to D4, he did not find any inventive step and the evidence for enhancement of therapeutic efficacy of the polymorph was lacking in the subject application.

The Hon'ble Delhi High Court observed the following matter and stated that the respondent has relied on common general knowledge while failing to cite the relevant source thus vitiating the impugned order. The Hon'ble High Court set aside the impugned order passed by the respondent and remitted the matter to the Patent Office for fresh consideration. The Hon'ble Court concluded that the objection under Section 3(d) should be reconsidered by the respondent within the period of 6 months from the date.

MALIKIE INNOVATIONS LTD & ANR. (Plaintiffs) vs XIAOMI CORPORATION & ORS. (Defendants)

CASE NO.: CS(COMM) 734/2025 & I.A. 17509/2025

DECIDED ON: 30th April 2026

The plaintiffs filed a patent infringement suit against the defendants alleging unlicensed manufacture, import and sale of of 4G and 5G compliant devices. The plaintiffs are seeking to license a portfolio of cellular Standard Essential Patents ("SEPs") having the patent assets of plaintiff no. 1 (MALIKIE INNOVATIONS LTD) acquired from BlackBerry Limited ("BlackBerry").

The plaintiff contended that the defendants were engaged in negotiations without taking a license and continued to exploit the patented technology. The plaintiff further states that the defendants were obligated under FRAND principles to furnish security during negotiations. The defendants countered that the suit cannot be maintained without impleading BlackBerry that the plaintiff had not established validity, essentiality, infringement or FRAND rates and that no pro team could be ordered without such findings.

The Hon'ble Delhi High Court observed that in SEP disputes, pro teams serves as a temporary equitable measure to balance the interest of the parties and does not require any detailed adjudication on merits. The Hon'ble Court further states that the plaintiffs has established a prima facie case regarding validity, essentiality and infringement of the suit patents, that the defendants had participated in licensing negotiations and continued commercial exploitation of the technology without furnishing security and that non-production of comparable license agreements was not fatal at the pro tem stage. The Hon'ble Court concluded by allowing the application and directing the defendants to deposit ₹272 crores or submit an unconditional Bank Guarantee.

FIVE FINGERS EXPORTS INDIA PRIVATE LIMITED (Petitioner) vs Lohia Corp Ltd and another (Respondent)

CASE NO.: A227 No. - 1258 of 2026

DECIDED ON: 30th March 2026

The petitioner filed a petition before the High Court of Judicature at Allahabad requesting the relief to set aside the impugned order passed by the commercial court, Varanasi and for stay orders of the further proceedings of the original Suit No. 2 of 2026. The petitioner states that the Commercial Court, Varanasi has exempted the respondent from mandatory pre institution mediation and granted ex-parte interim injunction to the petitioner without recording the mandatory requirement. Also, the petitioner argued that its company is situated in Tamil Nadu, therefore, Varanasi Commercial Court lacks the jurisdiction. The respondent states that the infringing machines were installed and used in Varanasi by the respondent and hence falls under its jurisdiction and all the required documents were recorded by the Court.

The Hon'ble Allahabad Court perused the matter and stated that the Commercial Court failed to record Prima Facie findings regarding jurisdiction by granting an ex-parte order. The Hon'ble Court set aside the Commercial Court's orders and remanded the matter back for fresh hearing with a reasoned order.

TRADEMARK CASES

HINDWARE LTD. (Plaintiff) vs GROHE INDIA PVT LTD & ORS. (Defendants)

CASE NO.: CS(COMM) 591/2017
DECIDED ON: 22nd May 2026

In the present suits, the plaintiff filed suits against defendants, seeking permanent injunction, damages, and other reliefs for infringement of its well-known trademark **"HINDWARE".** The grievance arose from the defendants' use of the plaintiff's registered trademark as a keyword under Google's AdWords programme, whereby sponsored advertisements of competing brands appeared when internet users searched for "HINDWARE" or related search terms.

The plaintiff argued that defendant no. 2 (Google) actively suggested, auctioned, and monetized the plaintiff's trademark as a keyword for competitors, thereby causing consumer confusion, diversion of internet traffic, dilution of the mark, and infringement under Section 29 of the Trade Marks Act, 1999. Defendant no.2 defended stating that the keywords function merely as invisible backend triggers and do not amount to "use" of a trademark in the trademark sense. It argued that advertisers independently select keywords on which they want their advertisement to be triggered and Google acted only as an intermediary entitled to safe harbour protection under the IT Act.

The Hon'ble Delhi High Court held that use of a registered trademark as a keyword through Google Ads constitutes "use" under the Trade Marks Act and that defendant no. 2's role was not entirely passive owing to its keyword planner and advertising tool. The Court restrained defendants from permitting use of the plaintiff's mark "HINDWARE" as a keyword and awarded damages of ₹30 lakhs in favour of the plaintiff.

TOYOTA JIDOSHA KABUSHIKI KAISHA (Appellant) vs TECH SQUARE ENGINEERING PVT LTD & ANR. (Respondents)

CASE NO.: LPA 176/2023 & CM APPL. 11804/2023, LPA 177/2023 & CM APPL. 11807/2023, and LPA 178/2023 & CM APPL. 11810/2023
DECIDED ON: 4th May 2026

In the present appeal the appellant filed rectification proceedings seeking removal of the trademark **"ALPHARD"**, registered by the respondents. Appellant contended that it had adopted and extensively used the mark **"ALPHARD"** globally and that the mark had acquired trans-border reputation and goodwill in India prior to respondents 2015 registration. Appellant alleged that the respondent's adoption was dishonest and intended to capitalize on the goodwill associated with its globally reputed mark. Appellant argued that despite no formal launch in India, the **"ALPHARD"** vehicles had established spill-over reputation and consumer recognition in the Indian market.

Respondents, on the other hand, claimed to be the bona fide adopter and prior user of the mark in India since 2015, asserting that Appellant had never commercially used or launched the **"ALPHARD"** mark in India and therefore could not claim prior goodwill or protection under ***Section 11 of the Trade Marks Act.***

The Hon'ble Division Bench of the Delhi High Court extensively examined the doctrine of trans-border reputation and clarified that the absence of a formal commercial launch in India does not defeat a claim of goodwill where the mark enjoys recognition among the relevant consumer segment. The Hon'ble Court emphasized that in the case of luxury automobiles, market penetration cannot be judged by mass sales, and unsolicited imports by Indian consumers themselves constitute strong evidence of brand recognition and goodwill. Accordingly, the Hon'ble Court held that appellant had established sufficient trans-border reputation and goodwill in India and that the respondent's registration of the identical mark **"ALPHARD"** was unsustainable. The appeal was allowed, and the Hon'ble Court directed rectification/removal of the Respondent's impugned trademark registrations from the Register.

MEDECINS SANS FRONTIERES INTERNATIONAL (Plaintiff) vs DHARMA PRODUCTIONS PRIVATE LIMITED AND ORS (Defendants)

CASE NO.: CS(COMM)1134/2024
DECIDED ON: 30th April 2026

In the present suit, plaintiff filed an infringement suit against the defendants, alleging infringement and disparagement of its well-known trademarks **"Médecins Sans Frontières"** and **"Doctors Without Borders"** under Section 29(4) and 29(9) of the Trade Marks Act, 1999. The grievance arose from the use of the plaintiff's marks in defendants' film "Jigra", where fictional characters allegedly impersonated representatives of "Doctors Without Borders" to illegally cross international borders and escape from prison.

The plaintiff contended that its mark enjoys global reputation and goodwill. It argued that the defendants deliberately used the plaintiff's reputation to get credibility and realism to the film's narrative, thereby taking unfair advantage of its goodwill and causing detriment to the distinctive character and reputation of the marks. The defendants contended that the use was merely referential and part of a fictional storyline protected under artistic and creative expression. They argued that the use was minimal, non-commercial in the trademark sense, did not suggest endorsement by the plaintiff, and caused no actual dilution, confusion, or reputational harm to the plaintiff.

The Hon'ble Delhi High Court held that the plaintiff's marks possess substantial reputation in India and that the defendants had used the marks without due cause in the course of trade. While the Court found no prima facie evidence of "unfair advantage" being derived by the defendants, but it was also held that the use of the mark was likely to adversely affect the distinctive character and reputation of the plaintiff's mark. Accordingly, the Court declined to grant an injunction restraining the release of the film but directed the defendants to display an acknowledgment/disclaimer at the commencement of the film clarifying that no harm or detriment to the plaintiff's reputation in any way was intended.

COPYRIGHT CASES

VODAFONE IDEA LIMITED (Appellant) vs THE INDIAN PERFORMING RIGHT SOCIETY LIMITED & ANR. (Respondents)

CASE NO.: A.O (COM) No. 17 of 2024, CS-COM 140 OF 2024, IA NO. GA-COM 1 OF 2024, GA-COM 2 OF 2024, GA-COM 3 OF 2024
DECIDED ON: 8th May 2026

In the present suit the appellant filed appeals against the orders passed in suits instituted by the respondents concerning the commercial exploitation of musical and literary works embedded in sound recordings through appellant Value Added Services (VAS), such as caller tunes and ring tones. Appellant contended that its agreements with respondent no. 2 entitled it to commercially exploit the sound recordings without requiring any separate license from respondent no. 1.

Appellant argued that once a license for sound recordings was obtained from respondent no. 2, no separate royalty was payable to respondent no. 1 for the underlying literary and musical works. It relied on pre-2012 copyright jurisprudence and contended that the producer of the sound recording retained composite rights over the work. On the other hand, respondent no. 1 argued that after the Copyright (Amendment) Act, 2012, authors of literary and musical works retained an independent statutory right to royalties whenever such works were commercially exploited, and that appellant had no valid license from respondent no. 1 permitting such exploitation.

The Hon'ble Calcutta High Court extensively analysed the Copyright Act, 1957, particularly the amendments introduced in 2012, and observed that the amendments created a ***"paradigm shift"*** in favour of authors and composers. The Hon'ble Court held that copyright in literary and musical works subsists independently from copyright in sound recordings, and that *Sections 18 and 19 of the Act* expressly preserve the authors' right to receive royalties when their works are commercially exploited. The Hon'ble Court further clarified that any agreement contrary to these statutory protections would be void. Importantly, the Hon'ble Court held that music companies such as respondent no. 2 could not grant licenses for exploitation of underlying literary and musical works in derogation of respondent no. 1 rights.

The Hon'ble Court ultimately ruled in favour of respondent no. 1 and held that appellant could not commercially exploit the underlying musical and literary works incorporated in sound recordings without obtaining express permission from respondent no. 1. The appeals filed by appellant were dismissed, the interim protections granted earlier were continued in favour of respondent no.1

AMAN GUPTA (Plaintiff) vs JOHN DOE/ASHOK KUMAR AND ORS. (Defendants)

CASE NO.: CS(COMM) 462/2026
DECIDED ON: 7th May 2026

In the present case, the plaintiff filed a suit seeking protection of his personality and publicity rights, trademark rights, and reputation against various unidentified persons and online entities for the unauthorized commercial exploitation of his name, image, voice, likeness, catchphrases, trademarks, and digital persona across online platforms. The defendants primarily submitted that they would comply with the Court's directions and remove the identified infringing content and URLs.

The Hon'ble Delhi High Court extensively examined the scope of personality and publicity rights in the digital era, particularly in the context of AI-generated and deepfake content. The Hon'ble Court observed that the plaintiff had, over a short span of time, established significant commercial reputation, public recognition, and distinct personality traits uniquely associated with him. The Hon'ble Court emphasized that the unauthorized exploitation of a celebrity's persona, voice, image, slogans, and digital identity for commercial purposes constitutes a prima facie infringement of personality and publicity rights. Importantly, the Hon'ble Court noted that the creation and circulation of sexually explicit deepfake and AI-generated content using the plaintiff's identity required urgent judicial intervention, especially where such misuse was driven by unlawful financial gain and resulted in severe reputational injury.

Accordingly, the Hon'ble Court granted an *ex-parte ad-interim injunction* in favour of the plaintiff and restrained the defendants from using, exploiting, reproducing, or disseminating the plaintiff's name, likeness, image, voice, trademarks, GIFs, videos, or any aspect of his persona without authorization, including through AI and deepfake technologies.

RELIANCE INDUSTRIES LIMITED (THROUGH ITS MEDIA AND ENTERTAINMENT DIVISION, JIO STUDIOS) (Plaintiff) vs MASTERCHOW FOODS PRIVATE LIMITED & ORS. (Defendants)

CASE NO.: COMIP (L) NO. 14751/2026

DECIDED ON: 4th May 2026

In the present suit, the plaintiff filed an infringement suit against the defendants, seeking relief for copyright infringement arising from the unauthorized use of a character from the plaintiff's film in an advertisement and behind-the-scenes ("BTS") promotional content. The plaintiff contended that the impugned advertisement reproduced and exploited the visual depiction of the character and underlying works of the film without authorization, thereby violating its copyright.

The plaintiff further alleged that the infringing advertisement and BTS videos were subsequently reposted and disseminated across multiple social media platforms by unknown third parties (John Doe defendants), causing continued unauthorized circulation of the copyrighted content. Defendant no.1 entered into settlement negotiations with the plaintiff and agreed not to use, exploit, or utilize the film, portions thereof, or any underlying works without prior written approval of the plaintiff. The defendant no. 1 also acknowledged that the plaintiff and defendant no.2 were co-owners of all intellectual property rights in the film, including the concerned character.

The Hon'ble Bombay High Court recorded the consent terms and decreed the suit accordingly. The Hon'ble Court further held that continued dissemination of the impugned advertisement by third parties was liable to be restrained and directed the removal, disabling, and deletion of the infringing advertisement, hence relief granted against John Doe.

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