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GUI DESIGN REGISTRATION IN INDIA: WHAT US AND EU IN-HOUSE COUNSEL NEED TO KNOW

For multinational technology, medical-device, automotive, consumer electronics and industrial-equipment companies, India has become too important a market to leave out of interface protection strategy. Recent Calcutta High Court decisions have materially improved the legal position for graphical user interfaces (GUIs) under Indian design law, making India newly relevant for companies that already protect GUI assets in the United States, the European Union, Japan and Korea.

The practical takeaway is straightforward: GUIs are no longer vulnerable to blanket rejection in India merely because they are digital, software-driven or visible only when the device is powered on. The Calcutta High Court has now recognised that GUI designs are, in principle, capable of protection under the Designs Act, 2000, provided the application is framed correctly and satisfies the statutory requirements of "design" and "article" on the facts of the case.

WHY THIS MATTERS NOW

Historically, foreign applicants often treated India as uncertain territory for GUI design filings. Indian designs office objections typically argued that a GUI was not applied to an "article," that it was merely software, or that it lacked permanence because it appeared only in the ON mode of a device. That conservative position created a gap between India and other major jurisdictions where interface protection had become more routine.

That gap has narrowed significantly. In *UST Global (Singapore) Pte Ltd v. Controller of Patents and Designs (20 March 2023),* the Calcutta High Court rejected the proposition that a GUI visible on a touch screen is outside the scope of the Designs Act. The Court went further in *NEC Corporation & Ors.v. Controller of Patents and Designs (*9 March 2026*),* where it held in a batch of appeals that GUIs are eligible for design registration under the Act and that the definitions of "article" and "design" must be interpreted broadly and purposively rather than through a technology-limiting lens.

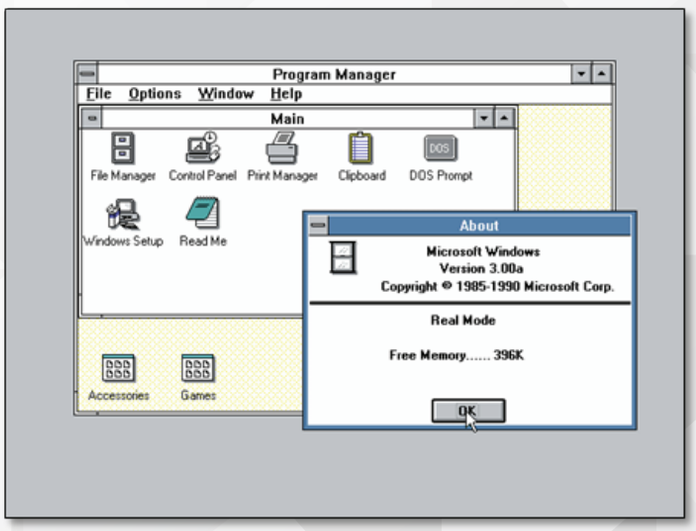
For in-house counsel, these rulings change filing behavior, disclosure timing and enforcement planning. India should now be assessed as a live jurisdiction for GUI design protection, particularly for devices and systems where the interface itself drives brand differentiation, usability perception and customer choice.

The statutory framework under the Indian Designs Act, 2000

The Indian design regime is built around two core definitions. Section 2(a) defines an "article" broadly as any article of manufacture and includes substances that are artificial or partly artificial and partly natural. Section 2(d) defines "design" as the features of shape, configuration, pattern, ornament or composition of lines or colours applied to an article in two-dimensional, three-dimensional or combined form by an industrial process or means, which in the finished article appeal to and are judged solely by the eye.

For GUI filings, the debates usually cluster around four issues:
1) whether the GUI is really a "design";
2) whether it is applied to an "article";
3) whether it is produced by an "industrial process or means"; and
4) whether something visible only during use can still be part of the finished article for purposes of visual appeal.

The Calcutta High Court's recent cases address each of these points directly.



UST GLOBAL CASE: THE FIRST MAJOR CORRECTION

In ***UST Global (Singapore) Pte Ltd v. Controller of Patents and Designs*** **[decided on 20 March, 2023],** the applicant sought registration for a "Touch Screen" GUI. The Controller had refused the application on the footing that the subject matter was not a registrable design and that its visibility depended on the device being switched on.

The Calcutta High Court set aside that approach. It accepted that a GUI displayed on a touch screen can constitute a two-dimensional design made up of a composition of lines and colours, and that such a display may amount to surface ornamentation on the screen. Crucially, the Court held that the novelty and visual character of the interface can be appreciated as soon as the device is powered on, even before any user interaction occurs. That observation is especially important for foreign applicants, because it shifts the analysis away from the old "static versus dynamic" objection and toward the ordinary visual impression created during normal use.

The Court also addressed the "industrial process" objection in a modern, technology-aware manner. It recognised that source code developed by software engineers becomes embedded in micro-controllers and micro-processors, and that the desired interface is rendered by illumination of pixels on the display. That was sufficient for the Court to conclude that the GUI is applied by an industrial process or means within Section 2(d).

Another commercially significant aspect of *UST Global* is the Court's recognition that GUIs may enhance the aesthetic appeal and perceived value of a product in retail display, marketing and product selection. That reasoning brings Indian law closer to how companies and consumers actually treat interfaces in commerce.

NEC CORPORATION: NO PER SE BAR TO GUI REGISTRATION

If UST Global opened the door, ***NEC Corporation & Ors. v. Controller of Patents and Designs*** **[decided on 9 March 2026]** pushed it fully open. In that 2026 judgment, the Calcutta High Court considered a batch of GUI design refusals and squarely rejected blanket objections premised on the supposed "non-physical" character of GUIs.

The Court held that GUIs are eligible for registration under the Designs Act, subject to satisfaction of Sections 2(a) and 2(d) on a case-by-case basis. That formulation is important because it avoids both extremes. It does not create automatic registrability, but it eliminates the more troubling idea that GUIs form an excluded class as a matter of law.

The Court also made several propositions of continuing practical significance:

1) there is no statutory or judicial basis for a categorical refusal of GUI designs;
2) the definitions of "article" and "design" must be interpreted broadly and purposively;
3) the relevant article for a GUI can vary from case to case and is not always limited to the display screen viewed in isolation;
4) the process by which the GUI is rendered on the device satisfies the "industrial process or means" requirement;
5) visibility during normal use is enough, and permanent visibility is not required.

The Court further acknowledged that iconography, layout, spacing, colour combinations and composition of lines are capable of being aesthetic choices that generate a distinct visual impression. That is a valuable proposition for applicants in sectors such as automotive dashboards, medical equipment, consumer devices and industrial control systems, where the interface often combines usability and brand language in a manner that is both functional and ornamental.

WHAT THESE CASES MEAN FOR FOREIGN APPLICANTS

For US and EU in-house counsel, the strategic implication is not simply that India now "accepts GUIs." The more important point is that India now offers a credible legal pathway for interface protection if the application is drafted with care. The cases reward applicants who identify the correct article, isolate the protectable visual features and avoid over-describing technical function.

This is particularly relevant where a company already has a coordinated international GUI filing programme. In-house teams often file design patents in the United States, registered Community designs or EU design applications, and parallel filings in East Asia. India has sometimes been omitted because of perceived unpredictability. After *UST Global* and *NEC Corporation,* that omission should be reconsidered, especially for products sold directly into India or manufactured there for export.

A second strategic implication concerns launch timing. Because GUI designs are frequently disclosed in product launches, app-store images, demos and marketing campaigns, novelty management becomes critical. If India is now a serious filing jurisdiction, interface teams should integrate Indian design filing into the same pre-launch decision tree used for the US, EU and UK.

HOW TO FRAME A GUI APPLICATION IN INDIA

Identify the right article

One of the clearest lessons from *NEC Corporation* is that the "article" must be identified thoughtfully. The article is not always just "screen," and it need not always be the entire device either. The best approach depends on how the representations are framed and how the product is used.

For example, where the GUI is specific to a specialised instrument, the title "DISPLAY SCREEN WITH GRAPHICAL USER INTERFACE FOR A BLOOD GLUCOSE TESTING DEVICE" may be more persuasive than a generic "Graphical user interface." In this scenario, the relevant design is tied to the glucometer and the claimed visual features can include the distinctive arrangement of large segmented numerals for the glucose value, the relative positioning of the "mg/dL" unit indication, the placement and style of the time and date fields at the top, the specific meal indicator icon in the lower corner, and the overall composition of icons, digits and indicators on the LCD panel. That is precisely the type of concrete article linkage and visually coherent composition Indian applicants should aim to show. *I have provided a sample GUI design as an example on above page of this article.*

Emphasise appearance, not technical effect

The Indian design regime protects appearance, not the underlying software logic. Applications should therefore foreground icon shapes, relative placement, colour coding, line structure, spatial rhythm, borders, panels and other visible aesthetic features. Overly technical descriptions risk inviting a functionality objection or shifting the examiner's focus away from the visual impression.

In practice, counsel should describe the GUI as a composition of lines, colours, patterns or ornamentation applied to the article, while keeping the technical explanation limited to what is necessary to show industrial application and normal display context.

Deal proactively with "ON mode" objections

Although *UST Global* and *NEC Corporation* are strong authorities, some examiners may still raise familiar objections. It is therefore prudent to build the answer into the filing narrative from the outset. The representations and statement of novelty should make clear that the GUI is visible in the finished article during ordinary operation and that the relevant visual impression is created in that normal-use state.

Prepare for mixed functionality arguments

Many GUIs are not purely decorative. That does not defeat design protection. The better question is whether the claimed arrangement contains protectable visual choices beyond mere technical necessity. The Calcutta High Court's recognition of iconography, colour combinations, composition and spacing as potentially aesthetic features gives applicants a strong basis to argue that interface design can be both useful and visually distinctive.

A PRACTICAL EXAMPLE: GUI FOR A BLOOD GLUCOSE SUGAR TESTING MACHINE:



A helpful illustration is a "DISPLAY SCREEN WITH GRAPHICAL USER INTERFACE FOR A BLOOD GLUCOSE TESTING DEVICE". The claimed design may reside in the specific visual composition appearing on the meter's LCD panel: the large segmented numerals indicating the glucose value, the relative positioning of the "mg/dL" unit indication, the placement and style of the time and date fields at the top, the distinctive meal indicator icon in the lower corner, and the arrangement of mode and memory indicators across the lower band of the display. Taken together, these elements form a particular pattern and composition of lines and shapes applied to the display screen, which in the finished device appeals to and is judged solely by the eye when the glucometer is in normal measuring mode. The GUI is rendered by embedded software driving the pixels of the LCD, thereby satisfying the "industrial process or means" requirement under Section 2(d), and - consistent with *UST Global* and *NEC Corporation* cases - the fact that the interface is visible only when the device is switched on does not detract from its character as a registrable design.

This fact pattern is particularly instructive because it shows how industrial and laboratory equipment can benefit from the Calcutta High Court's reasoning. The interface is not an abstract software screen floating independently of a device; it is surface ornamentation and visual composition applied to a finished industrial article. The rendering of the interface through embedded software and illuminated pixels satisfies the industrial process requirement, and the GUI's appearance during normal operation satisfies the visual-appeal requirement articulated in both *UST Global* and *NEC Corporation.*

For foreign applicants in medtech, diagnostics, lab equipment, automotive controls or industrial automation, that is a meaningful extension of the doctrine. It suggests that India's GUI design protection is not confined to smartphones and tablets.

REMAINING CAUTION POINTS

These Calcutta High Court decisions are highly persuasive, but applicants should remain realistic about practice. First, the registrability inquiry remains fact-specific. The Court did not eliminate novelty, originality or eye-appeal analysis; it removed categorical legal barriers. Second, representation strategy will matter greatly, particularly in relation to broken lines, article naming and the balance between claimed and unclaimed features.

Further, foreign applicants should coordinate design filings with copyright, trademark and unfair-competition strategy. GUI design rights are valuable, but they are time-limited and appearance-focused. They should be part of a layered protection programme rather than a standalone solution.

Finally, applicants should expect some continued friction at examination level while practice adjusts to the post-*NEC* position. That makes it even more important to cite the Calcutta High Court decisions directly and to prepare responses that are grounded in the statutory language of Sections 2(a) and 2(d).

FINAL REMARK

India has moved from uncertainty to conditional acceptance on GUI design protection. The Calcutta High Court's decisions in *UST Global* and *NEC Corporation* now provide a clear doctrinal basis for protecting GUIs as designs under the Designs Act, 2000, so long as the interface is framed as visual matter applied to an article by industrial process and judged by the eye in the finished article.

For US and EU in-house counsel, the key message is practical rather than theoretical: India should now be built into global GUI protection strategy where the interface has commercial significance. The filing should identify the correct article, isolate the protectable visual features, anticipate ON-mode and functionality objections, and rely expressly on the Calcutta High Court's modern and purposive interpretation of the Act.

That is not merely a doctrinal development. It is a portfolio-management opportunity.

Cases Referred:

1. *UST Global (Singapore) Pte Ltd v. Controller of Patents and Designs (dated 20 March 2023)*
2. *NEC Corporation & Ors. v. Controller of Patents and Designs (dated 9 March 2026)*

IP UPDATES

SAUDI ARABIA:
SAUDI ARABIA JOINS THE MADRID PROTOCOL: A NEW ROUTE FOR INTERNATIONAL TRADEMARK PROTECTION



Saudi Arabia has officially acceded to the Madrid Protocol, marking a significant development in the trademark protection framework. The Protocol is expected to enter into force in Saudi Arabia on **8 October 2026.** From that date, international trademark owners will be able to designate Saudi Arabia through the Madrid System, while eligible Saudi applicants will be able to seek trademark protection across multiple member jurisdictions through a single international application.

What does this mean for Trademark Owners?

The Madrid System offers a more centralized approach to international trademark portfolio management, including:

- **A single international application** to seek protection in multiple member jurisdictions.
- **Centralized portfolio management,** including renewals and certain recordal procedures.
- **Reduced administrative burden** compared with managing multiple national filings separately.
- Greater flexibility for businesses expanding their trademark portfolios internationally.

Saudi Designation does not mean automatic protection

An important point for trademark owners is that designation of Saudi Arabia through the Madrid System will **not automatically result in trademark protection.**

Each designation will remain subject to examination by the **Saudi Authority for Intellectual Property (SAIP)** under applicable Saudi trademark laws. The mark may also be opposed by third parties following publication. Saudi Arabia has declared an **18-month period** for notifying WIPO of a provisional refusal and will apply an **individual fee** to international designations and renewals. Further procedural guidance is expected ahead of the Protocol's entry into force.

UAE:
FEE & PROCEDURE FOR UAE-ORIGIN MADRID INTERNATIONAL TRADEMARK APPLICATIONS



For Madrid Protocol international trademark applications originating from the UAE, applicants are required to pay a complementary certification fee of AED 400 (approximately USD 110) to the UAE Office. This fee is separate from the international fees payable to WIPO and must be paid through the UAE online portal as part of the certification process.

PALESTINE:
FURTHER EXTENSION OF PENALTY-FREE TRADEMARK RENEWAL PERIOD UNTIL SEPTEMBER 10, 2026



The Palestinian Ministry of National Economy has issued a second administrative circular further extending the temporary waiver of late renewal fees for trademarks in Gaza until **September 10, 2026.** Accordingly, trademarks that became due for renewal during the period in which the Gaza Trademark Office was non-operational may continue to be renewed by paying the **standard renewal fees without any additional late-payment penalties until September 10, 2026.**

As previously communicated, Palestinian trademark law provides a **statutory one-month grace period** for renewing an expired trademark upon payment of the applicable late fee. In practice, however, a trademark may remain renewable even after the expiry of this statutory grace period, provided that the Registrar has not issued a formal cancellation notice.

The Registrar is required to serve a **mandatory cancellation notice on the trademark owner or the recorded agent for service,** following which the owner is given a further **one-month period from the date of notification** to file the renewal request. Thus, the possibility of renewal may continue beyond the statutory grace period until the prescribed cancellation process has been completed.

PATENT CASES

ESTEVE PHARAMACEUTICALS S.A. (Appellant) vs CONTROLLER OF PATENTS AND DESIGNS (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 118/2022

DECIDED ON: 07th August 2026

The appellant filed an appeal against the respondent for rejecting the appellant's patent application (subject application) under section 2(1)(ja), Section 3(d) and Section 3(e) of the Act. The appellant contended that none of the prior art cited by the respondent provides any motivation to PSITA nor makes the subject application obvious for rejecting under section 2(1)(ja). The respondent has errored while raising an objection under section 3(d) as none of the cited prior arts fails to disclose any content as disclosed in the subject invention. Further, the appellant argued that the respondent failed to provide any strong reasoning and analysis while objecting the subject application under section 3(e). The respondent countered that the subject application is well known in the cited prior arts document, its just a new form of the known substance and non-patentable, sufficient to reject the application under 2(1)(ja), Section 3(d) and Section 3(e).

The Hon'ble Delhi High Court observed the following matter and stated that the subject invention lacks inventive step while comparing with the prior art cited by the respondent. Therefore, the subject application is barred under section 2(1)(ja) of the Act. The Hon'ble Court concluded by dismissing the present appeal and upholding the objection raised by the respondent on the ground of lack of inventive step under section 2(1)(ja) of the Act.

ASTRAZENECA AB AND ANR (Plaintiffs) vs AJANTA PHARMA LIMITED (Defendant)

CASE NO: CS(COMM) 154/2020

DECIDED ON: 5th August, 2026

In the present case, the plaintiffs filed a suit against the defendant seeking permanent injunction for infringement of Indian Patent Nos. 205147 and 235625. During the pendency of the suit, the plaintiff and defendant settled their disputes amicably and entered into a Settlement Agreement. Both plaintiff and defendant jointly informed the Court about the settlement in terms of the Settlement Agreement. Further, the defendant also agreed to waive and not pursue the Rs. 5 lakh costs awarded in its favour in earlier proceedings.

The Hon'ble Delhi High Court examined the settlement terms and found them to be lawful. Therefore, the Hon'ble Court accepted and recorded the settlement between the plaintiff and defendant. Accordingly, the present suit was declared in terms of the settlement, making the settlement terms part of the decree and binding on both plaintiff and defendant. The counter-claim was withdrawn, and the plaintiffs were entitled to a refund of the entire court fee.

ENVIRO AMBIENT CORPORATION (Appellant) vs ASSISTANT CONTROLLER OF PATENTS (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 74/2024

DECIDED ON: 3rd August 2026

In present case, the appellant filed an appeal against the impugned order passed by the respondent for rejecting the appellant's patent application (subject application) on the grounds of lack of novelty and lack of inventive step. The appellant argued that the respondent failed to explain why the invention lacked novelty and inventive step. The appellant further argued that the respondent failed to provide the explanation on how the cited prior art documents are relevant when compared with the subject application. The respondent maintained that the essential features of the subject invention is already disclosed in the cited prior art D1 and adjacently the other cited documents supports the finding of lack of inventive step.

The Hon'ble Delhi High Court examined the following matter and stated that the respondent has failed to provide proper analysis or discussion in the impugned order while rejecting the subject application. The Hon'ble Court further noted that while considering the inventive step the respondent failed to explain how a person skilled in the art would arrive at the

subject invention from the cited prior art documents. The Hon'ble Court stated that the patent application cannot be rejected without proper reasoning and analysis. The Hon'ble Court concluded by setting aside the impugned order and directed a fresh consideration of the appellant's patent application.

SIGA TECHNOLOGIES INC (Appellant) vs THE CONTROLLER GENERAL OF PATENTS DESIGNS AND TRADE MARK CGPDTM AND ORS. (Respondent)

CASE NO.: IPDAID/45/2024

DECIDED DATE : 24th July, 2026

The present appeal is directed against the impugned order passed by the respondent rejecting the appellant's patent application under sections 2(1)(ja), 3(d) and 3(e) of the Patents Act. The appellant argued that the respondent relied on one of the document for the first time in their post hearing written submission, subsequently failing to provide an opportunity to the appellant to deal with the same. The impugned order also relied on the same document, leading to procedural irregularity. The respondent accepted that the appellant had not been given any opportunity to deal with said document submitted in post hearing written submissions.

The Hon'ble Calcutta high court noted that the said document submitted by the respondent was introduced for the first time in their post hearing submission, which failed to provide an opportunity to the appellant to deal with the same. The Hon'ble Court further stated that the impugned order was passed in violation of the principles of natural justice. The Hon'ble Court concluded by setting aside the impugned order and sent the matter back for fresh consideration.

TRADEMARK CASES

NOVIETS PHARMA & ORS. (Appellants) vs NOVARTIS AG & ORS. (Respondents)

CASE NO.: FAO(OS) (COMM) 143/2026 & CM APPL. 35368/2026

DECIDED ON: 17th August 2026

Mark of the respondents/plaintiffs	Mark of the appellants/defendants
NOVARTIS	NOVIETS
NOVARTIS	NOVIETS Serving Health Better

In the present case, the appellants filed an appeal against the respondents challenging the order of the Learned Single Judge dated 28 February 2026, whereby the respondent's application for temporary injunction was allowed and the appellants were restrained from using the mark **"NOVIETS"**, on the grounds that it was deceptively similar to the respondent's well-known mark **"NOVARTIS"**.

The appellants contended that the competing marks **NOVARTIS** and **NOVIETS** were visually, phonetically and conceptually dissimilar when compared as a whole, that the respondent could not claim monopoly over the common prefix **"NOV"** without separately registering it. The respondents submitted that **NOVARTIS** was a coined and well-known mark with goodwill built over decades, that the appellants had offered no plausible explanations for adopting a strikingly similar mark, and that even use as a trade mark amounted to infringement.

The Hon'ble Delhi High court observed that the prefix **"NOV"** was the dominant feature of both the marks, and that the appellant's plea that it was generic or common to the trade did not appeal to the court, given the respondent's long and reputed use of mark since 1996. The Hon'ble Delhi High court further noted that both parties dealt in allied pharmaceutical and veterinary products through similar trade channels, creating a 'triple identity' of similar marks, identical product category and similar consumer base, warranting a stricter approach given that confusion between pharmaceutical products could have serious or life-threatening consequences. The Hon'ble Delhi High court also observed that the appellant had failed to furnish any credible explanation for coining a mark so close to **NOVARTIS**, reinforcing the finding of dishonest adoption, and held that using **NOVIETS** merely as a trade name did not shield the appellant from a claim of infringement or passing off. The Hon'ble Delhi High court held dismissed the appeal and the impugned order passed by the learned Single Judge was upheld.

AMRIT SINGH MEHTA TRADING AS MEHTA COSMETICS (Petitioner) vs CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADE MARKS (Respondent)

CASE NO: W.P.(C)-IPD 5/2026
DECIDED ON: 4th August 2026

In the present case, the Petitioner filed a writ petition seeking a direction to the Respondent to restore and reinstate the trademark registration of the mark **'BLUE CHIP'** and to permit the Petitioner to file an appropriate application for renewal of the registration.

The Petitioner contended that Rule 64(3) of the 2002 rules entitled him to a six-month window from the actual date of registration to seek renewal, since registration had been granted after the original renewal date had already lapsed, and since the registration certificate was never received, he remained unaware of the registration and could not exercise this right. The Petitioner also contended that no notice was issued prior to removal. The Respondent submitted that the Petitioner had approached the Hon'ble Court belatedly and that, owing to the passage of time, physical records were untraceable, making it impossible to confirm whether the certificate or notice had been dispatched.

The Hon'ble Delhi High Court observed that Rule 64(3) affords a registered proprietor a six-month window from the actual date of registration to seek renewal where the mark is registered after the date on which renewal originally fell due, and held that the Petitioner's stand of non-receipt remained uncontroverted, and the Petitioner could not be blamed for failing to file the renewal application within the said window. The Hon'ble Court further held that it is well settled that issuance of notice under Section 25(3) of the 1999 Act is a mandatory statutory pre-condition to removal of a mark from the Register, and mere expiry of registration by lapse of time does not ipso facto justify removal, the Hon'ble Court held that removal of the mark was in clear violation of Section 25(3).

Accordingly, the Hon'ble Delhi High Court allowed the writ petition, holding that the Petitioner could not be faulted for non-filing of the renewal application, and directed the Respondent to restore and reinstate the trademark registration for the mark **BLUE CHIP.**

N. RANGA RAO & SONS PRIVATE LTD. (Appellant) vs SREE ANNAPOORNA AGRO FOODS (Respondent)

CASE NO.: O.SA. (CAD) No.3 of 2022
DECIDED ON: 28th July 2026



The present Appeal was filed by the appellant/plaintiff, challenging the judgment and decree dated 17.08.2021 passed by the learned Single Judge, whereby the plaintiff's suit for permanent injunction restraining infringement and passing off came to be dismissed. The appellant contended that its long, continuous and extensive use of **"CYCLE"** had conferred upon the mark a secondary meaning and reputation extending beyond agarbathies, entitling it to protection even against use on dissimilar goods. The respondent, on the other hand, contended that the plaintiff had never used **"CYCLE"** for edible oils, that its registrations were on a *"proposed to be used"* basis and liable to cancellation for non-use, that **"CYCLE"** was a common dictionary word incapable of monopoly, and that it had been the honest and continuous prior user of the mark for edible oils since 2009, with incense sticks and edible oils being neither allied nor cognate goods.

The Division Bench of the Hon'ble Madras High Court observed that the appellant's evidence of continuous use, and prior litigation in which **"CYCLE"** had repeatedly been recognized as well-known, established that the mark had acquired an independent reputation and distinctiveness not confined merely to ***"Cycle Brand Agarbathies".*** The Hon'ble Court found that the respondent had failed to furnish any satisfactory explanation despite trading under multiple other brand names such as *Annapurna, Thendral, Dr. Gold and Samyngold* for choosing the identical mark **"CYCLE"**, and held that such unexplained adoption could not be treated as honest or bona fide. Accordingly, the Hon'ble Court concluded that the respondent's use of **"CYCLE"** for edible oils was without due cause and was likely to take unfair advantage of, and be detrimental to, the distinctive character and reputation of the appellant's registered trademark, however, the Hon'ble Court held that the ingredients necessary to establish passing off were not made out, therefore declined the reliefs of passing off and rendition of accounts.

Accordingly, the Original Side Appeal was partly allowed, and the judgment and decree of the learned Single Judge were set aside. The suit was partly decreed by granting a permanent injunction restraining the respondent, from manufacturing, marketing, advertising, selling or dealing in edible oils or any other goods under the trademark **"CYCLE"**.

HAVELLS INDIA LIMITED & ANR. (Plaintiffs) vs HAVAI HOME PRODUCTS PVT. LTD & ORS. (Defendants)

CASE NO.: CS(COMM) 778/2024

DECIDED ON: 13th July 2026

PLAINTIFFS' REGISTERED HAVELLS MARKS	DEFENDANT NO.1's REGISTERED MARK IN CLASS 11	IMPUGNED MARKS ACTUALLY USED ON THE PRODUCTS
HAVELLS	HAVAI	HAVAI

In the present case, the Plaintiffs, proprietors of the well-known trade-mark **HAVELLS** filed an application seeking an ad interim injunction restraining Defendants from using the impugned marks **HAVAI** alleging infringement and passing off. The Plaintiffs alleged that Defendants, while holding registration for the word mark **HAVAI**, was actually using a stylised variant on its products in which the font of the final letter **'I'** was altered so as to be misread as **'L',** thereby creating an impression phonetically identical to **HAVELLS**. The Plaintiffs also contended that the goods, trade channels and consumer base were identical as well.

The Defendants contended that they were the registered proprietor of **HAVAI** in several classes, that one registered proprietor cannot sue another for infringement, that the marks **HAVELLS** and **HAVAI** were neither visually nor phonetically similar, and that the adoption of **HAVAI** was honestly derived from ***"HAVA" (air),*** relevant to their air-cooling products.

The Hon'ble Delhi High Court held that registration of a mark is not a defence to an action for passing off. The Hon'ble Court found that, while registered word mark **HAVAI** would ordinarily be pronounced distinctly from **HAVELLS**, the stylised font actually used in the marketplace caused the letter 'I' to be perceived as 'L', rendering the mark deceptively similar to **HAVELLS**, and held that this deliberate alteration amounted to a mala fide attempt to create an impression of association with the Plaintiffs. The Hon'ble Court further observed that identity of goods, copying of colour scheme and get-up, and the well-known status of the **HAVELLS** mark enhanced the likelihood of confusion. Accordingly, the Hon'ble Delhi High Court held that the Plaintiffs had established a prima facie case, in their favour, and restrained the Defendants and all others acting on their behalf from selling, marketing, advertising or offering for sale goods under the impugned trademarks **HAVAI** and its device marks.

ITC LIMITED & ANR. (Appellants) vs ADYAR GATE HOTELS LIMITED (Respondent)

CASE NO.: FAO(OS) (COMM) 207/2025 & CM APPL. 79554/2025

DECIDED ON: 01st July 2026

In the present case, the Appellants filed an appeal against the Respondent challenging the dismissal, by a learned Single Judge, of their application seeking an interlocutory injunction restraining the Respondent from using the " Dakshin " mark in respect of a restaurant in a hotel run by the Respondent under an ***Operating Service Agreement*** with the Appellants and continued by the Respondent even after expiry of that agreement in 2015.

The Appellants contended that they were the first adopters of the " Dakshin " mark and that, under the terms of the Agreement, all trademarks and associated goodwill belonged exclusively to them, with the Respondent's use being merely permissive and liable to cease on expiry of the Agreement. The Respondent contended that it had itself conceived the " Dakshin " mark, that the Appellants were merely a paid service provider under the Agreement, that it held its own registration for the mark, and that the Appellants had agreed in its continuous and open use of the mark for over three decades without objection.

The Hon'ble Delhi High Court observed that the Appellants were prima facie merely a service provider engaged for a service fee, and that the Agreement itself contemplated the Respondent as a beneficiary of the Appellants' goodwill. The Hon'ble Delhi High Court further observed that, since the " Dakshin " mark came into existence only after execution of the Agreement, there was no pre-existing goodwill of the Appellants in the mark, and that the Respondent's use of the mark was found to have commenced from the very inception of the restaurant, thereby defeating the first essential ingredient of passing off. The Hon'ble Delhi High Court held that the Appellants' decades-long silence despite the Respondent's open use of the mark amounted to acquiescence under Section 33(1) of the Trade Marks Act, 1999, barring an injunction. It further held that the Appellants' copyright registration did not establish ownership, as no written assignment from the third-party agency's employee was produced. Accordingly, the Hon'ble Delhi High Court declined to interfere with the finding of the learned Single Judge that no prima facie case for grant of interlocutory injunction was made out against the Respondent, and dismissed the appeal, thereby refusing the injunction sought by the Appellants restraining the Respondent's use of the " Dakshin " mark.

COPYRIGHT CASES

HOTEL APPOLO AND TOURS PRIVATE LIMITED (Petitioners) vs THE INDIAN PERFORMING RIGHT SOCIETY LIMITED (Respondent)

CASE NO.: Petition(s) for Special Leave to Appeal (C) No(s). 28489/2026
DECIDED ON: 20th August 2026

The present petition was filed by the petitioners/defendant, a hotel, challenging the impugned final judgment and order dated 04-08-2026 passed by the Hon'ble High Court where by the plaintiff/respondent alleged that the petitioner was communicating respondent member's literary and musical works to guests through cable-connected TV sets in hotel rooms, without a license or royalty payment. The respondent contended that this amounted to "communication to the public" under section 2 (ff) of the copyrights Act, 1957, requiring a license from them. The petitioners contended it had merely subscribed to a licensed cable operator's services and was not liable to pay a separate royalty.

The Hon'ble Calcutta High Court observed that section 2(ff) expressly deems cable communication to hotel rooms as "communication to the public" and that under the cable television networks (regulation) act, 1995, a "subscriber "cannot further transmit signals to other persons such as hotel guests. The Hon'ble Court also held that section 52(1)(k)'s exemption expressly excludes hotels and commercial establishments. Accordingly, the Hon'ble Court set aside the impugned order and granted an ad interim injunction restraining the petitioners from communicating the respondent's repertoire of literary and musical work to the public without a valid license.

Subsequently, the petitioners challenged the High Court's order before the Hon'ble Supreme Court. On 20 August 2026, the Hon'ble Supreme Court issued notice in the Special Leave Petition and granted an interim stay on the operation of the Calcutta High Court's judgment. Accordingly, the operation of the High Court's injunction presently stands stayed pending further proceedings before the Supreme Court.

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