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MISCONCEPTIONS AND MISTAKES ON IP RIGHTS BY BUSINESS OWNERS

In multiple articles we have discussed how important it is to protect one's Intellectual Property (IP) Rights, especially in today's competitive business environment. The vulnerable sector that has the biggest risk of exposing them to unwanted disputes arising from their IP are mostly the small and medium-sized enterprises (SMEs) and start-ups as they tend to overlook or be unaware of the full potential of their rights.

Outlined below are some of the most common intellectual property mistakes made by Sri Lankan businesses and practical steps that can be taken to avoid them.

Failing to register Trademarks

One of the most common mistakes is assuming that simply using a business name or logo is sufficient to protect it. While some limited rights may arise through use in certain circumstances, it cannot be emphasized enough that the strongest protection is obtained through trademark registration.

A registered trademark grants the owner the exclusive right to use the mark in relation to the registered goods or services and provides a stronger legal basis for preventing others from using identical or confusingly similar marks. Without registration, enforcing rights against infringers can be considerably more difficult and costly.

Businesses should consider registering not only their business name, but also their logos, product names, slogans and any other distinctive branding that identifies their products or services.

On the flip side of this lies conducting your due diligence before finalizing a brand name or logo, through a Trademark Search at the Intellectual Property Office, to ensure that in using a business name or logo you are not infringing the rights of a third party so that you are not embroiled in a legal dispute along the line.

Assuming company registration gives Trademark rights

Many entrepreneurs believe that once their company has been incorporated with the Registrar General of Companies, they automatically obtain exclusive rights to the company name. This is a common misconception.

Company registration and trademark registration serve entirely different purposes. Registering a company merely establishes a legal entity under company law. It does not grant exclusive intellectual property rights over the company's name or branding.

As a result, it is possible for a company to have a registered corporate name while another party owns or subsequently registers a similar trademark covering related goods or services. This may ultimately even require the company to rebrand, resulting in significant expense and loss of goodwill. This further substantiates the importance of conducting a Trademark search prior to before adopting Trademarks and logos for the business.

Failing to address Intellectual Property ownership in Employment Contracts

Businesses often invest considerable resources in developing software, marketing materials, technical drawings, databases, manuals, product designs and other creative works. However, many employment contracts fail to clearly specify who owns the intellectual property created by employees during the course of their employment.

Although Sri Lankan law provides certain protections regarding works created in employment, disputes can still arise where ownership is not expressly addressed, particularly where employees perform creative or technical roles.

Employment agreements should therefore include clear provisions confirming that intellectual property created within the scope of employment belongs to the employer, subject to applicable law. Confidentiality obligations should also survive termination of employment, and businesses should ensure employees understand their responsibilities regarding confidential information and trade secrets.

Similarly, businesses engaging consultants, freelancers or independent contractors should not assume that ownership automatically transfers upon payment. Unless there is a

written agreement assigning intellectual property rights, ownership may remain with the creator.

As is with all scenarios discussed under this topic, this one in particular should be considered an eye opener for both employers and employees to be aware of their rights and to educate themselves about the legalities of seeking necessary advice before entering into employment contracts.

Using images and online content without permission

Another frequent mistake is assuming that material available on the internet is free to use. This has become an extremely common mistake given the degree of access everyone has to what is available on the internet and the lack of knowledge behind the legality of usage of what is published.

Photographs, graphics, articles, videos, software and website content are generally protected by copyright from the moment they are created. Downloading images from search engines such as Google or copying content from another website without permission may constitute copyright infringement, regardless of whether the material was freely accessible online.

Businesses regularly use such material in websites, brochures, advertisements and social media posts without verifying whether they have the necessary license or permission.

To minimize legal risk, businesses should either create original content, purchase images from licensed stock image providers or obtain written permission from the copyright owner before use.

Business should be encouraged into developing an internal policy on the use of third-party content which can also help reduce inadvertent infringement.

Failing to monitor and enforce Intellectual Property Rights

Obtaining intellectual property rights is only the first step and in order to ensure continued protection, businesses must also actively monitor the marketplace to identify potential infringements. Many companies only discover that another party has adopted a similar trademark or copied their branding after significant damage has already occurred. Delayed enforcement can weaken a business's position and may result in customer confusion, reputational harm and lost revenue.

Businesses should periodically monitor:

a) newly filed trademark applications, which can be done by periodically Trademark Searches
b) competitors' branding and monitoring of social media platforms
c) online marketplaces investigations

Where infringement is identified, prompt legal advice should be sought to determine the most appropriate course of action, which may include issuing cease-and-desist letters, negotiate settlements or commencing legal proceedings where necessary.

Intellectual property should not be viewed solely as a legal compliance issue. Properly protected intellectual property enhances business value, strengthens brand recognition, attracts investors and creates commercial opportunities through licensing, franchising and strategic partnerships.

As businesses increasingly rely on digital marketing, technology and innovation, intellectual property protection becomes even more critical. Preventative measures taken at the outset are often significantly less expensive than resolving disputes after infringement has occurred.

Many intellectual property disputes faced by Sri Lankan businesses arise not because the law is inadequate, but because businesses fail to take relatively simple preventative steps which mostly is fuel by lack of awareness and knowledge.

Registering trademarks, distinguishing company registration from trademark protection, including robust intellectual property clauses in employment and consultancy agreements, respecting copyright in third-party content, and actively monitoring intellectual property rights can substantially reduce legal and commercial risks that may be thrust upon a business. A proactive approach to intellectual property management not only safeguards innovation and goodwill but also contributes to the long-term growth and competitiveness of Sri Lankan businesses.

IP UPDATES

UAE:
UAE ACCEDES TO THE LOCARNO AGREEMENT FOR INDUSTRIAL DESIGNS



The World Intellectual Property Organization (WIPO) has announced the accession of the United Arab Emirates to the **Locarno Agreement Establishing an International Classification for Industrial Designs.**

The agreement will officially enter into force for the UAE on **6 October 2026.** This accession marks an important step in strengthening the UAE's integration into the international intellectual property classification system and supports greater alignment with global design protection practices.

SAUDI ARABIA:
SAIP LAUNCHES "TAHAQAQ" PLATFORM FOR CUSTOMS TRADEMARK RECORDAL



The Saudi Authority for Intellectual Property (SAIP), together with the Zakat, Tax and Customs Authority (ZATCA), has launched **Tahaqaq**, a new digital platform for recording trademarks with Saudi customs, currently in a soft-launch phase and accepting registrations prefixed **"TM-"**. The platform replaces the traditional notification-based process with a structured digital recordal system and changes how suspected counterfeit shipments are handled at the border.

Key features include:

- **Recordal is effectively required for border alerts:** Registration is officially described as voluntary, but brand owners must record each trademark, per class, on Tahaqaq to receive automated alerts when customs intercepts suspected counterfeit goods.
- **A faster border workflow:** Instead of detaining shipments, customs conditionally releases goods to the importer once the importer signs an undertaking not to sell,distribute, or alter them pending investigation. Customs keeps physical samples and uploads photographs and shipping documents to Tahaqaq, prompting the brand owner's local agent to review the evidence remotely.
- **Two enforcement routes:** Under the **Public Prosecution Route,** SAIP and customs refer the matter directly to public prosecutors, and the brand owner has no further visibility. Under the **Parallel Litigation Route,** filing a civil action triggers parallel criminal proceedings, giving the brand owner and its counsel full visibility over the case.
- **Phased rollout:** A two-month transition period has been indicated verbally, though full implementation across all ports is expected to take up to **six months.** Onboarding requires the Trademark Registration Certificate and a legalized or apostilled Power of Attorney, and marks must be recorded under their managing agent.

Trademark owners with registrations in Saudi Arabia are encouraged to record their marks on Tahaqaq early, through their authorized legal representatives, to strengthen their border enforcement position.

LEGAL FRAMEWORK ESTABLISHED FOR GEOGRAPHICAL INDICATIONS

The Kingdom of Saudi Arabia has taken a further step in modernizing its intellectual property system. Following the enactment of the **Geographical Indications Protection System** under **Royal Decree No. M/102,** the Saudi Authority for Intellectual Property (SAIP) has formally approved the accompanying **Implementing Regulations** through **Board Resolution No. 2026/39/01.**

According to the Official Gazette (Umm Al-Qura), SAIP will begin accepting applications once the system and regulations come into force, though substantive examination will only begin once SAIP publishes the official fee schedule. The new framework sets out clear rules for protecting product names, signs, and characteristics tied to a specific geographical origin, and prohibits the registration of generic or misleading terms. The administrative infrastructure, including filing forms and official fees, is still being finalized.

TANZANIA:
NEW BILL PROPOSES MAJOR INTELLECTUAL PROPERTY REFORMS



The Government of Tanzania has published The **Written Laws (Miscellaneous Amendments) Act, 2026,** proposing wide-ranging updates to the national industrial property framework.

Key updates under the Bill include:

- **Banjul Protocol formalization,** incorporating the protocol into the Trade and Service Marks Act and confirming the statutory validity of ARIPO trademark designations at the national level.

- **Well-known marks protection,** introducing TRIPS-aligned protection for well-known trademarks regardless of local business presence or existing goodwill.
- **New mark registrations,** establishing statutory frameworks for collective and certification marks.
- **Patent and design alignment,** standardizing the national patent term at twenty years and aligning international industrial design recognition with national filings.

As the text remains a Bill before the National Assembly, these provisions have not yet entered into force.

BAHRAIN:
BAHRAIN FORMALIZES ACCESSION TO THE LOCARNO AGREEMENT



The Kingdom of Bahrain has enacted **Law No. (21) of 2026,** formalizing its accession to the **Locarno Agreement,** which establishes an international classification system for industrial designs and standardizes how design rights are registered worldwide.

The law was published in **Official Gazette Issue No. 3885** on Monday, **25 May 2026,** and entered into force the following day, making **Tuesday, 26 May 2026,** the formal effective date of accession. The law adopts the **15th edition of the Locarno Classification,** giving rights holders a standardized basis for defining and defending their industrial design assets in enforcement or litigation before domestic courts.

ALGERIA:
ALGERIA IMPLEMENTS THE APOSTILLE CONVENTION



Following its accession to the treaty on **5 November 2025,** Algeria will officially implement the **Apostille Convention** starting **9 July 2026.** As a result, consular legalization can be fully replaced by a single Apostille attestation, streamlining the legalization process and significantly reducing the administrative burden on applicants.

While the implementation date is set, an official circular or operational guidance from the National Algerian Office for Industrial Property (INAPI) on how it will accept apostilled documents in practice is still awaited. Further updates will follow in due course.

SUDAN:
TRADEMARK OFFICE REVERTS TO STRICT ENFORCEMENT FOR LATE RENEWALS



The Sudanese Trademark Office is now strictly enforcing **Article 19(3)** of the **Trade Marks Act of 1969,** ending its previous administrative flexibility on late trademark renewals. Under this article, owners have a strict **six-month** grace period after expiration to renew a mark, subject to a late fee.

If a mark is not renewed within the grace period, the Registrar will first issue a notice to the owner's registered local agent, then publish the non-renewal in the official gazette. If the owner does not respond within **two months** of that publication, the Registrar may remove the mark from the register, effective from the expiration date of the last registration, under **Rule 34(1).** However, if the renewal and late fees are paid afterward, the Registrar retains discretion to reinstate the mark.

Given this shift, brand owners are encouraged to audit their Sudanese trademark portfolios promptly, and to process any marks nearing or within their renewal window to prevent an irreversible lapse.

SYRIA:
SYRIA ELIMINATES CORPORATE DOCUMENT REQUIREMENTS FOR IP MATTERS



The Syrian Directorate of Industrial and Commercial Property Protection has eliminated the requirement to submit a copy of the certificate of incorporation, business license, commercial register extract, or articles of incorporation for intellectual property actions covering trademarks, patents, designs, utility models, and copyrights.

This update simplifies and speeds up the registration process across all IP categories.

PATENT CASES

DEEPAK NITRITE LIMITED (Appellant) vs THE ASSISTANT CONTROLLER GENERAL OF PATENTS AND DESIGNS

(Respondent)

CASE NO.: COMMERCIAL MISCELLANEOUS PETITION NO. 107 OF 2025
DECIDED ON: 06th July 2026

In the present case, the petition has been filed against the respondent for refusing the petitioner's patent application under section 2(1)(ja) for lack of inventive step. The petitioner states that the respondent refused the product claim of the said application for a reason that it is "common general knowledge" without disclosing the same in the cited prior art and the process claim was refused by isolating a single step. The petitioner argues that the respondent failed to pass a well-reasoned order and also failed to consider the invention as a whole. The respondent countered that the refusal order of the said application has been passed after due examination and application of mind.

The Hon'ble Bombay High Court observed the following matter and stated that a well-reasoned and speaking order is mandatory to demonstrate an independent application of mind. The Hon'ble Court further stated that the reasoning must fairly disclose the basis of conclusion recorded in the order. The Hon'ble Court concluded by setting aside the impugned order and directed the respondent to consider and decide the matter afresh within twelve weeks from the date on which a copy of this Order is communicated to the Controller.

INTRA-CELLULAR THERAPIES, INC. (Appellant) vs THE CONTROLLER OF PATENTS (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 24/2023
DECIDED ON: 06th July 2026

The Appellant has filed an appeal against the respondent for rejecting the appellant's patent application on the ground of lack of novelty under section 2(1)(j), inventive step under section 2(1)(ja) and non-patentability under section 3(d) of the Act.

The appellant argued that the respondent has errored while evaluating novelty and the invention should be considered as a whole while determining the inventive step, rather than relying on individual parts of the claims which are known or obvious. None of the cited prior arts render the claimed invention to be obvious. The appellant further argued that the respondent failed to identify "known" substance in the objections and incorrectly objected claims to be non-patentable without any foundation and an affidavit of the co-inventor was also submitted which was disregarded by the respondent. The respondent countered that the claimed invention has been correctly refused as it failed to comply with the requirement of novelty and the inventive step when compared with the cited prior arts. Further the compound formula claimed in the appellant's patent application is already disclosed in the prior arts, which is merely a discovery of a new form of a known substance, correspondingly making the claimed invention non-patentable.

The Hon'ble Delhi High Court noted that the appellants patent application is not novel when compared with the prior art cited by the respondent. Further, the Hon'ble Court stated that the affidavit of the co-inventor does not overcome the requirement of non-patentability, and the appellant has not been able to meet the requirement of proscription under Section 3(d). In the view of lack of novelty under Section 2(1)(j) and non-patentability under Section 3(d) of the Act, the Hon'ble Court concluded by upholding the impugned order passed by the respondent.

TRADEMARK CASES

ABHISHEK SHARMA (Plaintiff) vs ASHOK KUMAR & ORS. (Defendants)

CASE NO.: CS(COMM) 702/2026
DECIDED ON: 9th July 2026

In the present case, the Plaintiff filed a suit against the Defendants seeking protection of his personality and publicity rights against the unauthorized commercial exploitation of his name, image, voice, likeness, and other attributes of his persona across various online platforms. The Plaintiff alleged that the Defendants were disseminating AI-generated, morphed, and objectionable content and were using his identity for unlawful commercial gain.

The Plaintiff contended that he had acquired substantial goodwill, reputation, and public recognition through his achievements as an Indian international cricketer and that the impugned acts amounted to infringement of his personality rights and caused irreparable reputational harm. The Defendants submitted that they would comply with the directions of the Hon'ble Court and remove the identified infringing content and URLs.

The Hon'ble Delhi High Court observed that personality and publicity rights are well recognized under Indian law and extend to an individual's name, image, voice, likeness, and other distinctive attributes. The Hon'ble Delhi High Court

further noted that the unauthorized use of such attributes through AI-generated and deepfake content for commercial purposes constitutes a prima facie infringement of such rights.

Accordingly, the Hon'ble Delhi High Court granted an ex parte ad interim injunction in favour of the Plaintiff and restrained the Defendants from using, reproducing, exploiting, or disseminating the Plaintiff's name, image, voice, likeness, or any other attributes of his persona, including through AI-generated and deepfake content, without his authorization or consent.

FDC LIMITED (Plaintiff) vs WELLFORD PHARMACEUTICAL PRIVATE LIMITED AND ANR. (Defendants)

CASE NO.: CS(COMM) 707/2026
DECIDED ON: 7th July 2026

In the present case, the Plaintiff filed a suit before the Hon'ble Delhi High Court seeking permanent injunction restraining the Defendants from using deceptively similar trade dresses and packaging in respect of **Oral Rehydration Salt (ORS)** and electrolyte products. The Plaintiff alleged that the Defendants had dishonestly adopted packaging deceptively similar to its well-known **"ELECTRAL/**  " product, thereby infringing its copyright and passing off their products as those of the Plaintiff.

The Plaintiff contended that it is the registered proprietor of the trademark **"ELECTRAL"** and the copyright owner of its distinctive green-and-white trade dress and packaging, which has been extensively used for over five decades. The Plaintiff further submitted that the Defendants had adopted deceptively similar packaging **"ELECTROFORD/**  " for identical pharmaceutical products with the sole intention of misleading consumers and trading upon the immense goodwill and reputation associated with the **"ELECTRAL"** brand. Despite the issuance of cease-and-desist notices, the Defendants failed to cease their infringing activities.

The Hon'ble Delhi High Court observed that the Plaintiff had established a prima facie case for the grant of an ex parte ad interim injunction. The Hon'ble Delhi High Court held that confusion in pharmaceutical products such as **ORS** and **electrolytes** is not in public interest and that the Plaintiff's goodwill and proprietary rights warranted immediate protection.

Accordingly, the Hon'ble Delhi High Court granted an ex parte ad interim injunction restraining the Defendants from manufacturing, marketing, offering for sale, selling, advertising, or otherwise dealing in products bearing the impugned trade dresses or any packaging identical or deceptively similar to the Plaintiff's packaging amounting to copyright infringement and passing off.

INDUSTRIA DE DISENO TEXTIL, S.A. (Appellant) vs REGISTRAR OF TRADE MARKS & ANR. (Respondents)

CASE NO.: C.A.(COMM.IPD-TM) 52/2024
DECIDED ON: 6th July 2026

In the present case, the Appellant filed an appeal challenging the order passed by the Registrar of Trade Marks rejecting its opposition against the registration of the mark **"ZORA"** in Class 24. The Appellant, being the proprietor of the well-known trademark **"ZARA"**, sought protection of its reputed mark on the ground that the impugned mark was deceptively similar and likely to dilute its distinctive character and reputation.

The Appellant contended that the mark **"ZARA"** enjoys substantial goodwill and transborder reputation and is entitled to protection under Section 11(2) of the Trade Marks Act, 1999. The Respondents, on the other hand, contended that the competing marks were distinguishable and that the Appellant cannot claim exclusive rights over entire class.

The Hon'ble Delhi High Court observed that the Registrar failed to appreciate the statutory protection available to well-known trademarks under the Trade Marks Act, 1999. The Hon'ble Delhi High Court further noted that the protection contemplated under Section 11(2) extends beyond mere likelihood of confusion and includes protection against dilution and unfair advantage being taken of a reputed mark. The Hon'ble Delhi High Court held that the mark **"ZARA"** has acquired significant goodwill and recognition and is therefore entitled to a broader scope of protection.

Accordingly, the Hon'ble Delhi High Court allowed the appeal, set aside the impugned order passed by the Registrar of Trade Marks, and directed the removal of the mark **"ZORA"** from the Trade Marks Register.

COLUMBIA PICTURES INDUSTRIES, INC. (Appellant) vs REGISTRAR OF TRADE MARKS & ANR. (Respondents)

CASE NO.: C.A.(COMM.IPD-TM) 44/2025
DECIDED ON: 6th July 2026

In the present case, the Appellant filed an appeal challenging the order passed by the Registrar of Trade Marks rejecting its opposition against the registration of the mark **"GHOST BUSTER"** in Class 05. The Appellant, proprietor of the internationally renowned **"GHOSTBUSTERS"** trademark and franchise, sought protection of its mark under the provisions of the Trade Marks Act, 1999.

The Appellant contended that the mark **"GHOSTBUSTERS"** has acquired extensive goodwill and reputation across various jurisdictions and that the Respondent had dishonestly adopted the impugned mark. The Respondents, on the other hand, contended that the Appellant had no registration in Class 05 and had failed to establish prior use in relation to the goods in question.

The Hon'ble Delhi High Court observed that the Registrar had erroneously confined its analysis to the classification of goods and failed to consider the Appellant's claim of well-known trademark status under Section 11(2) of the Trade Marks Act, 1999. The Hon'ble Delhi High Court further noted that a trademark need not be formally declared as a well-known trademark to avail statutory protection, provided it satisfies the requisite parameters under the Act.

Accordingly, the Hon'ble Delhi High Court set aside the impugned order and remanded the matter to the Registrar of Trade Marks for fresh consideration in accordance with law.

LANDMARK CRAFTS LIMITED (Plaintiff) vs SHALINI GARG PROPRIETOR OF SHREE MANGE RAM AND SONS (Defendant)

CASE NO.: CS(COMM) 693/2026
DECIDED ON: 6th July 2026

In the present case, the Plaintiff filed a suit before the Hon'ble Delhi High Court seeking protection of its registered trademark **"HP"** in respect of self-drilling screws, blind rivets, and allied fastener products. The Plaintiff alleged that the Defendant had dishonestly adopted an identical and deceptively similar trademark in relation to identical and similar goods, thereby infringing the Plaintiff's statutory and common law rights.

The Plaintiff contended that it is the prior adopter and registered proprietor of the trademark **"HP"** since 1995 and has acquired immense goodwill and reputation through long, continuous, and uninterrupted use of the mark. The Plaintiff further submitted that the Defendant's adoption of the impugned mark **"ISI HP/**  **"** was likely to cause confusion amongst consumers and members of trade. The Defendant had earlier denied the allegations of infringement and passing off in its response to the cease-and-desist notice.

The Hon'ble Delhi High Court observed that the Plaintiff had established a prima facie case for consideration and that the matter involved urgent protection of valuable trademark rights. The Hon'ble Delhi High Court took note of the Plaintiff's longstanding use, registrations, substantial goodwill, and previous successful enforcement of its trademark rights.

Accordingly, the Hon'ble Delhi High Court issued summons in the suit and notice in the interim injunction application and directed the Defendant to file its written statement within the prescribed period. The matter has been listed for further proceedings before the Court.

ADIDAS AG (Plaintiff) vs MOHD. SIRAJ (Defendant)

CASE NO.:(CIVIL SUIT NO. 698/2022)
DECIDED ON: 6th July 2026

In the present case, the Plaintiff filed a suit before the Hon'ble District Court, Delhi seeking permanent injunction, damages, and protection of its registered trademarks and copyrighted artistic works against the Defendant dealing in counterfeit Adidas products. The Plaintiff alleged that the Defendant was manufacturing, stocking, and selling counterfeit goods bearing identical and deceptively similar Adidas trademarks, logos, and artistic works.

The Plaintiff contended that it is the registered proprietor of the trademarks **"adidas", "3-Stripes", "Three Bars",** and **"Trefoil"** and enjoys substantial goodwill and reputation worldwide. The Plaintiff further submitted that the Defendant had dishonestly adopted its trademarks and logos with the sole intention of trading upon its goodwill and reputation. The Defendant failed to contest the proceedings, hence proceeded ex parte.

The Hon'ble District Court observed that substantial quantities of counterfeit goods bearing the Plaintiff's trademarks and logos were seized from the Defendant's premises pursuant to the execution of the Local Commission. The Hon'ble Court further noted that the evidence adduced by the Plaintiff remained unchallenged and unrebutted throughout the proceedings. The Hon'ble Court held that the Defendant's unauthorized use of the Plaintiff's trademarks and copyrighted artistic works amounted to infringement and warranted the grant of appropriate relief.

Accordingly, the Hon'ble District Court partly decreed the suit in favour of the Plaintiff, awarded damages amounting to Rs. 6,45,000/- and permanently restrained the Defendant from using the Plaintiff's registered trademarks, copyrighted artistic works, or any deceptively similar marks or logos in relation to its products.

GEMINI EDIBLES AND FATS INDIA LTD. (Plaintiff) vs M/S HEMA INDUSTRIES (Defendant)

CASE NO.: CS(COMM) 674/2026

DECIDED ON: 2nd July 2026

In the present case, the Plaintiff filed a suit before the Hon'ble Delhi High Court seeking permanent injunction restraining the Defendant from using the deceptively similar trademark **"FREEDINE/**  " and an identical trade dress in relation to edible oil products. The Plaintiff alleged that the Defendant had dishonestly adopted the impugned trademark and packaging, thereby infringing its registered trademark **"FREEDOM/**  ", copyrighted artistic work, and passing off its goods as those of the Plaintiff.

The Plaintiff contended that it is the registered proprietor of the trademark **"FREEDOM"** and its formative marks and has acquired immense goodwill and reputation through their continuous and extensive use since 2009. The Plaintiff further submitted that the Defendant had slavishly copied its distinctive trade dress, including the colour combination, stylized representation of the mark, sunflower device, and packaging elements in respect of identical goods. The Defendant, despite being served with a cease-and-desist notice, denied the allegations of infringement, compelling the Plaintiff to approach the Hon'ble Court for urgent relief.

The Hon'ble Delhi High Court observed that the Plaintiff had established a prima facie case for the grant of an ex parte ad interim injunction. The Hon'ble Delhi High Court further noted that the impugned mark **"FREEDINE"** was phonetically, visually, and structurally deceptively similar to the Plaintiff's registered trademark **"FREEDOM"**. The Hon'ble Delhi High Court held that the Defendant had attempted to come as close as possible to the Plaintiff's well-established trademark and trade dress by adopting an almost identical colour scheme, stylization, and packaging, thereby causing a likelihood of confusion and irreparable harm to the Plaintiff's proprietary rights and goodwill.

Accordingly, the Hon'ble Delhi High Court granted an ex parte ad interim injunction restraining the Defendant from using the impugned trademark **"FREEDINE"**, the deceptively similar trade dress and packaging, or any other identical or deceptively similar mark or trade dress amounting to trademark infringement, copyright infringement, and passing off. The Hon'ble Delhi High Court further directed the Defendant to remove all references to the impugned mark and trade dress from third-party websites and advertisements within three weeks from the receipt of the order.

COPYRIGHT CASES

ATYATI TECHNOLOGIES PVT. LTD. (Plaintiff) vs COGNIZANT TECHNOLOGY SOLUTIONS U.S. (Defendant)

CASE NO.: COMMERCIAL IP SUIT (L) NO. 7958 OF 2024

DECIDED ON: 7th July 2026

In the present case, the Plaintiff filed a suit before the Hon'ble Bombay High Court seeking protection of its trademark, artistic work, and goodwill associated with its logo and composite mark against the Defendants. The Plaintiff alleged that the Defendants had adopted a deceptively similar logo and were thereby infringing its copyright and passing off their services as those of the Plaintiff.

The Plaintiff contended that it enjoys substantial goodwill and reputation in its marks and artistic works and that the Defendants' adoption of the impugned logo was likely to cause confusion and dilute its proprietary rights. The Defendants, on the other hand, contended that the competing marks were visually and conceptually distinct and that there existed no likelihood of confusion or misrepresentation. The Defendants further challenged the Plaintiff's claims of prior adoption and protectable goodwill.

The Hon'ble Bombay High Court observed that trademark infringement, copyright infringement, and passing off are distinct causes of action and must be independently examined on their respective legal requirements. The Hon'ble Bombay High Court further noted that composite marks must be compared as a whole and that the Plaintiff had failed to establish a prima facie case warranting the grant of interim relief. The Hon'ble Bombay High Court held that the rival marks and logos, when viewed in their entirety, were sufficiently

distinguishable and did not justify an ad interim injunction at the present stage. Accordingly, the Hon'ble Bombay High Court declined ad-interim relief in favour of the Plaintiff.

DESIGN CASES

CROCS INC USA (Plaintiff) vs M/S BATA INDIA LTD. & ORS. (Defendant)

CASE NO.: CS(COMM) 625/2018

DECIDED ON: 2nd July 2026



In the present case, the Hon'ble Delhi High Court adjudicated upon an application seeking the award of actual costs arising out of the long-standing design infringement proceedings instituted by the Plaintiff against the Defendants in respect of its registered footwear design. The application was filed subsequent to the cancellation of the Plaintiff's registered design and the disposal of the suit, wherein the Defendants sought recovery of the actual costs incurred during the course of the litigation.

The Plaintiff contended that its registered footwear design was entitled to protection under the Designs Act, 2000 and had acquired substantial goodwill and reputation worldwide. The Defendants, on the other hand, contended that the Plaintiff's registered design lacked novelty and originality and had already been published in the public domain. The Defendants further sought the award of actual costs incurred during the prolonged litigation.

The Hon'ble Delhi High Court observed that the Plaintiff's registered design had been cancelled by the Deputy Controller of Patents & Designs on the ground of lack of novelty and prior publication and that the term of the design had itself expired. The Hon'ble Delhi High Court further noted that the Plaintiff had pursued the present proceedings for over a decade, during which the Defendants had successfully defended the matter before multiple judicial forums. The Hon'ble Delhi High Court held that commercial litigation must be accompanied by realistic consequences in terms of costs.

Accordingly, the Hon'ble Delhi High Court directed the Plaintiff to pay actual costs amounting to Rs. 24,63,400/- to the Defendants within a period of three months and disposed of the application along with the connected execution proceedings.

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