AUDIRI VOX

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THE RISKS TO BRAND IDENTITY AND CONSUMER TRUST IN AN AI-DRIVEN WORLD

Artificial intelligence (AI) has rapidly become embedded in almost every aspect of our lives, transforming the commercial landscape and influencing how businesses operate, market their products and engage with consumers.

From AI-generated advertising campaigns to automated product recommendations, businesses are increasingly relying on intelligent systems to improve efficiency, enhance customer experiences and strengthen their market presence. While these developments offer significant opportunities for innovation, they also introduce new legal and commercial risks, particularly in the field of intellectual property.

Trademarks have traditionally served as indicators of commercial origin, enabling consumers to distinguish the goods and services of one business from those of another. Beyond this essential function, trademarks embody the reputation, goodwill and consumer trust that businesses have built over time.

However, in an increasingly AI-driven marketplace, a pertinent question arises: Are traditional trademark protection mechanisms sufficiently equipped to safeguard brand identity against the challenges posed by artificial intelligence?

AI-Generated Content and Trademark Infringement

One of the most immediate risks associated with generative AI is its ability to produce content that closely resembles existing trademarks.

Within seconds, AI-powered design tools can generate logos, brand names, slogans, packaging designs and promotional materials. Although this capability offers considerable commercial advantages, it also increases the possibility of businesses adopting marks that are identical or confusingly similar to existing trademarks.

Importantly, the absence of an intention to imitate another brand does not necessarily shield a business from liability. A business that unknowingly adopts an AI-generated logo resembling an existing registered trademark may still face infringement proceedings if the relevant legal requirements are satisfied.

The fact that a logo or other branding material was generated by AI does not automatically absolve the business using it of legal responsibility.

This reinforces the continuing importance of trademark clearance searches, due diligence and professional legal assessment before adopting AI-generated branding. The convenience of generating a brand identity within minutes should not replace the careful legal scrutiny traditionally undertaken before commercial use.

The Changing Role of Trademarks in Consumer Decisions

While unauthorised reproduction of trademarks presents a significant legal concern, an equally important challenge lies in the changing manner in which consumers discover, evaluate and select products.

Traditionally, brand recognition has played a substantial role in purchasing decisions. Consumers frequently associate particular trademarks with product quality, reliability, reputation and commercial origin.

However, AI-powered search engines, virtual assistants and recommendation systems are increasingly influencing how consumers interact with the marketplace.

Instead of searching for a particular brand, a consumer may simply ask an AI assistant to recommend the most suitable product within a specified price range. The system may then identify, compare and recommend products based on factors such as relevance, price, specifications, availability or other criteria.

In such circumstances, AI becomes an intermediary between businesses and consumers. Commercial visibility may therefore depend not only on brand recognition and traditional advertising but also on how AI systems identify, interpret, compare and recommend products.

This creates an important distinction between **legal trademark protection and commercial brand visibility.**

A trademark may remain legally protected even when AI-driven

recommendation systems give competing products greater prominence. Although reduced visibility does not, in itself, constitute trademark infringement, it raises broader questions about how established brands can preserve their commercial relevance and goodwill in an increasingly automated marketplace.

Who Bears Responsibility for AI-Generated Infringement?

Perhaps one of the most complex legal questions arising from generative AI concerns the allocation of responsibility when an AI system produces content that infringes an existing trademark.

Several parties may be involved in the process, including the developer of the AI system, the platform providing access to the technology, the business deploying it and the individual responsible for publishing or commercially using the generated content.

The question is: **Which of these parties should bear legal responsibility for the resulting infringement?**

The answer is unlikely to be uniform across jurisdictions or factual circumstances. Determining liability would require an examination of the conduct of each party, the degree of control exercised over the generation and use of the content, the nature of the allegedly infringing activity and the applicable legal framework.

Consider a business that knowingly adopts and commercially uses an AI-generated logo that infringes an existing trademark. The business may face liability under established trademark principles. However, determining whether the developer or provider of the AI system should also bear responsibility presents a more complicated question.

Would liability arise merely because the system was capable of generating an infringing logo? Or would additional factors, such as knowledge, participation, control or contribution to the infringing conduct, need to be established?

These questions demonstrate the difficulty of applying existing legal principles to increasingly autonomous technological systems.

Trademark laws have traditionally addressed identifiable acts of commercial use by individuals and businesses. Generative AI introduces additional complexity by separating the creation of potentially infringing content from its subsequent selection, publication and commercial exploitation.

Consequently, identifying the responsible party may become as important as determining whether infringement has occurred in the first place.

Are Existing Trademark Laws Adequate?

Despite these emerging challenges, it would be premature to conclude that existing trademark laws have become obsolete.

Fundamental principles relating to likelihood of confusion, unauthorised use in the course of trade, passing off and the protection of commercial goodwill remain relevant even where allegedly infringing content has been generated through artificial intelligence.

The more significant challenges may arise in applying and enforcing these principles in practice.

Identifying infringers, establishing jurisdiction, preserving digital evidence and pursuing remedies against content distributed across multiple online platforms can be particularly difficult. These challenges become even more pronounced when AI-generated content is created, modified and disseminated rapidly across national borders.

Internationally, these developments are likely to encourage further judicial interpretation, regulatory discussion and examination of the responsibilities of AI developers, service providers and commercial users.

Any legal reform must nevertheless strike an appropriate balance between protecting legitimate trademark rights and avoiding unnecessary restrictions on technological innovation, fair competition and lawful references to existing brands.

Rethinking Brand Protection in the Age of AI

There is little doubt that artificial intelligence will continue to influence commercial activities and consumer behaviour. Businesses must therefore reconsider how they approach trademark protection in this changing environment.

Trademark registration remains a fundamental component of brand protection. However, registration alone should no longer be regarded as a comprehensive strategy for safeguarding brand identity in the digital marketplace.

Businesses should increasingly consider incorporating AI-generated content monitoring, digital brand surveillance, online enforcement mechanisms and appropriate contractual safeguards into their intellectual property management practices.

Equally, organisations using generative AI for branding, advertising and marketing should ensure that AI-generated outputs undergo appropriate legal review before commercial deployment.

Such measures may include trademark clearance searches, verification of AI-generated brand elements, internal approval procedures and contractual allocation of responsibilities when engaging external technology providers or marketing agencies.

The objective should not be to discourage the adoption of artificial intelligence but to ensure that technological innovation does not undermine established intellectual property rights or consumer confidence.

Concluding Remarks:

In an AI-driven marketplace, trademarks do not become less relevant. Rather, the environment in which they operate is undergoing a fundamental transformation.

Their traditional functions - identifying commercial origin, distinguishing goods and services, and protecting business goodwill - remain as important as ever. What has changed is the manner in which those functions may be challenged.

From automated brand imitation and sophisticated digital impersonation to AI-mediated product discovery and purchasing decisions, trademark owners increasingly face risks extending beyond conventional infringement.

The challenge for trademark law is therefore not merely to respond to new technologies but to evolve alongside them while preserving the fundamental relationship between brand identity, commercial reputation and consumer trust.

As artificial intelligence increasingly influences what consumers see, believe and purchase, effective trademark protection must extend beyond securing exclusive rights over a name or logo. It must also encompass safeguarding the identity, reputation and credibility of the brand in an increasingly automated digital marketplace.

AUDIRI VOX AT GRUR ANNUAL MEETING AND AIPPI WORLD CONGRESS 2026

Hamburg, Germany | 30 September – 10 October 2026

Audiri Vox strengthened its engagement with the international intellectual property community through the participation of **Divyendu Verma, Global Head of Patents & Designs,** at two major IP gatherings in Hamburg, Germany: the GRUR Annual Meeting 2026 (30 September–3 October) and the AIPPI World Congress 2026 (7–10 October).



The GRUR Annual Meeting provided a forum for intellectual property professionals from legal practice, academia and the judiciary to exchange perspectives on developments in IP law and practice. The subsequent AIPPI World Congress brought together professionals from across the globe to examine emerging legal challenges, international harmonisation and the practical realities of protecting intellectual property across jurisdictions.



For Audiri Vox, participation in these gatherings reflects the importance of maintaining an international outlook in patent and design protection. As innovation becomes increasingly interconnected, businesses need IP strategies that account for different national legal frameworks, evolving technologies and the commercial realities of entering and operating in multiple markets.





The meetings also offered valuable opportunities to reconnect with established colleagues, build new professional relationships and exchange perspectives on the challenges faced by businesses and practitioners in securing and managing patent and design rights internationally.

Through its global IP operations and collaborative professional network, Audiri Vox remains committed to supporting clients and partners with coordinated, commercially focused intellectual property solutions across jurisdictions.

IP UPDATES

RWANDA:
INTRODUCES NEW INDUSTRIAL PROPERTY PROCEDURES AND FEE SCHEDULE



Rwanda's Ministerial Order No. 001/MINICOM/26 introduces significant changes to industrial property procedures and fees, effective from the date of publication. The Order establishes procedures for the Appeal Committee, introduces opposition procedures for patents, utility models, industrial designs and layout designs, and regulates industrial property agent licensing and conduct. It also prescribes an updated power of attorney format, provides for ex officio compulsory patent licences in specified circumstances, sets security requirements for certain enforcement measures, and revises the intellectual property fee schedule, including introducing a fee for copyright registration.

Trade marks, collective marks, certification marks & trade r

Service	Former (RWF)	New: resident (RWF)	New: abroad (USD)	Change
Application (incl. first class)	35,000	40,000	80	+14%
Each additional class	3,000	5,000	10	+67%
Assignment	50,000	50,000	100	Same
Contractual licence	50,000	50,000	100	Same
Updating details	20,000	30,000	50	+50%
Renewal (incl. classes)	80,000	100,000	150	+25%
Late renewal surcharge	20,000	20,000	50	Same
Reinstatement of rights	n/a	160,000	280	New
Extension of time limits	n/a	20,000	30	New
Register consultation/extract	5,000	10,000	20	Not like-for-like
Notice of opposition	20,000	Not listed	Not listed	Not carried over
Madrid Protocol transmittal	USD 150	Not listed	Not listed	Not carried over
Duplicate certificate	10,000	Not listed	Not listed	Not carried over

Patents

Service	Former (RWF)	New: resident (RWF)	New: abroad (USD)	Change
Application, provisional spec	10,000	10,000	30	Same
Application, final spec	30,000	30,000	100	Same
Annual fee, years 1–5	100,000	50,000	150	−50%
Annual fee, years 6–10	100,000	70,000	200	−30%
Annual fee, years 11–15	100,000	100,000	250	Same
Annual fee, years 16–20	100,000	150,000	300	+50%
Late annual fee surcharge	30,000	30,000	100	Same
Assignment	40,000	40,000	140	Same
Contractual licence	20,000	50,000	150	+150%
Compulsory licence request	100,000	200,000	300	+100%
Updating name/address/contact	10,000	20,000	50	+100%
Conversion to utility model	5,000	10,000	30	+100%
Reinstatement of rights	30,000	200,000	430	Different descriptions
Copy of patent title	10,000	10,000	30	Same
Filing at receiving office	USD 150	100,000	Not listed	Not directly comparable
National phase request	USD 150	Not listed	150	Same
Extension of time limits	n/a	20,000	30	New
Register consultation/extract	5,000	20,000	30	Not like-for-like

QATAR:
UPCOMING CHANGES TO .qa DOMAIN REGISTRATION REQUIREMENTS



Qatar is expected to introduce new eligibility requirements for **.qa domain registrations** alongside the launch of its new registry system, planned for **22 October 2026.** Applicants will be required to demonstrate a connection to Qatar, such as through a Qatari entity or a trademark registered in the country. Existing registrations are expected to remain renewable without additional eligibility checks. However, changes involving ownership, contact details, nameservers or registrar transfers may trigger the new requirements. The implementation date and detailed rules remain subject to confirmation.

PTO LAUNCHES OFFICIAL PROPRIETOR SEARCH SERVICE FOR PATENTS

The Qatari Patent Office has announced a major system update. An official proprietor search facility is now active for patents, enabling businesses and practitioners to retrieve a comprehensive list of all patent applications filed under a specific applicant's name. This service significantly improves portfolio visibility and clearance strategies in the region. The official registry fee for conducting this search is set at **400 QAR.**

SURINAME:
SURINAME INTRODUCES SERVICE MARK PROTECTION



Suriname's amended Industrial Property Regulations, effective 9 October 2026, now permit the registration and statutory protection of service marks. The amendments also introduce updated classification requirements, electronic filing specifications, online publication of registrations and revised fee arrangements.

Transitional deadline: 9 July 2027. Owners of trademark applications pending or registrations in force on 9 October 2026 may extend their existing rights to cover relevant service classes, subject to providing evidence of use and paying the applicable fees. The original filing or registration priority date will be preserved.

Action point: Brand owners should review their existing Surinamese trademark portfolios, identify relevant service classes and assess eligibility for the transitional procedure before the deadline.

IRAQ – BAGHDAD:
IMPORTANT UPDATE ON ANNUITY PAYMENTS (PATENTS & INDUSTRIAL DESIGNS)



The Iraqi Patent Office now requires a newly legalized original POA, plus an additional fee of **100,000 IQD (approx. 85 USD),** when a new agent handles patent or industrial design annuity payments. Renewals can be filed on time without the POA, but it must be submitted within 30 days of filing, or the fee payment remains blocked.

GAZA:
TRADEMARK RENEWAL PENALTY-FREE WINDOW EXTENDED TO 17 OCTOBER 2026



The penalty-free renewal window for Gaza trademarks has been extended to **17 October 2026** (Administrative Decision No. 154 of 2026). It applies only to marks that fell due while the TM office was not operational. Renewals remain possible afterwards until the Registrar serves a cancellation notice, with a one-month response period.

SAUDI ARABIA:
JOINS THE MADRID SYSTEM FOR INTERNATIONAL TRADEMARK PROTECTION



The Madrid Protocol entered into force in Saudi Arabia on 8 October 2026, enabling businesses to seek trademark protection in the Kingdom through the Madrid System. Applicants can now designate Saudi Arabia in international trademark applications, while eligible Saudi applicants can seek protection in other member jurisdictions. Saudi Arabia applies an 18-month period for notifying provisional refusals, with certain opposition-related refusals potentially notified later. Although the Madrid System streamlines the filing process, trademark protection in Saudi Arabia remains subject to local laws and examination procedures. Saudi Arabia has adopted an individual fee structure for designations, rather than the standard complementary fees. WIPO Information Notice No. 37/2026 confirms the individual fees payable to the KSA, effective **October 8, 2026.** These rates apply to all international designations and renewals processed on or after October 8, 2026.

Type of Fee	Fee per Class (CHF)	Approx. (USD)
Standard application and renewal	1,397	1,734
Collective or certification mark application	1,719	2,134
Late renewal (grace period)	1,612	2,001

UAE:
EXPANDS INCENTIVES FOR INVENTORS AS BROADER IP REFORMS GATHER PACE



The UAE introduced new industrial property fee exemptions for student inventors and people of determination, effective September 14, 2026, under Cabinet Resolution No. 136 of 2026. The exemptions cover patents, utility models, industrial designs and integrated-circuit layout designs, reducing costs associated with intellectual property protection and encouraging innovation. The move forms part of the UAE's broader efforts to modernize its IP framework, alongside opening trademark Class 33 filings for alcoholic beverages and acceding to the Locarno Agreement, which entered into force on October 6, 2026.

TANZANIA:
AMENDS TRADEMARK AND PATENT LAWS TO RECOGNISE ARIPO REGISTRATIONS AND WELL-KNOWN MARKS



The Written Laws (Miscellaneous Amendments) Act, 2026 (Act No. 6 of 2026), which came into force on 2 October 2026, introduces significant changes to the country's intellectual property framework.

Key amendments to the Trade and Service Marks Act include:

ARIPO trademarks designating Tanzania and registered on or after 1 September 1999 are deemed registered under Tanzanian law, unless the Registrar has notified ARIPO that the mark will have no effect in Tanzania. The definition of trademarks now covers non-traditional marks, including colours, three-dimensional shapes, get-ups and holograms. Well-known marks may receive protection even where their proprietors have no business presence or goodwill in Tanzania, subject to the applicable legal requirements. The amendments establish provisions for marks identifying goods or services associated with members of an association and marks certifying characteristics such as origin, quality or method of manufacture. The Registrar may advertise a trademark application before acceptance in exceptional circumstances.

Key amendments to the Patent and Design protection framework:

Patent protection now extends to 20 years from the filing date, while utility certificates are valid for 10 years, increased from seven years. Designs registered under regional or international instruments designating Tanzania have the same effect as national registrations, unless refused by the Registrar. Existing recognised designs are also covered by the amended provision. These amendments strengthen the statutory recognition of ARIPO registrations, broaden the scope of trademark protection and enhance safeguards for well-known brands in Tanzania.

EGYPT:
TRANSITIONS TO VIRTUAL APPEAL COMMITTEES FOR TRADEMARKS AND INDUSTRIAL DESIGNS



EGIPA has moved trademark and industrial design appeal committees to virtual hearings. Evidence must be filed both electronically and in physical form. Sessions are recorded and stored on EGIPA's servers, but external parties cannot access the recordings. The rollout is gradual.

KUWAIT:
TRADEMARK OFFICE UPDATES POA LEGALISATION REQUIREMENTS



Powers of Attorney for foreign trademark applications must now be legalised up to the Kuwait Ministry of Foreign Affairs (previously only up to the Kuwaiti Embassy or Consulate abroad). The legalised POA must be filed within 90 days of filing the application. Because such changes are often communicated verbally, applicants should confirm the requirement with local counsel at filing.

PATENT CASES

NOCIL LTD (Petitioner) vs FINORCHEM LTD AND ANR (Respondents)

CASE NO.: GA-COM/1/2024 In IP-COM/25/2024
DECIDED ON: 07th October 2026

The petitioner filed a suit against the respondent for patent infringement of petitioner's patent and breach of confidentiality. The petitioner alleged that respondent 2, a former employee who had been involved in developing proprietary manufacturing process of the said patent and had executed a non-disclosure agreement (NDA), joined respondent 1 (FINORCHEM LTD) after retirement and misused or disclosed the petitioner's confidential information and trade secret to facilitate the manufacturing of the same patented product. The petitioner further contended that the respondent's proposed manufacturing process was substantially similar to their patented processes and relied on the striking similarity between their environmental impact and risk assessment (EIRA) reports. The respondent 1 (FINORCHEM LTD) repeatedly changed its disclosed process to create an apparent distinction from the petitioner's patented processes and that respondent 2 had breached their contractual confidentiality obligations. The respondent 1 (FINORCHEM LTD) argued that the patent registration did not establish validity and it raised a credible challenge to the patent. Respondent 2 denied having access to or disclosing confidential technical information and contented that allegation against him were vague and

speculative.

The Hon'ble Calcutta High Court observed that although patent registration does not automatically established validity, due weight must be given to long standing patents that had undergone examination and commercial exploitation. The Hon'ble Court found that the EIRA reports were virtually identical and that the respondent 1's (FINORCHEM LTD) disclosed process was sustainably similar to the petitioner's patented processes, with only minor and inconsequential differences. The respondent 1 (FINORCHEM LTD) also failed to raise a credible challenge to the validity of the patents. Further, the NDA specifically covered the 4-ADPA project, and the surrounding circumstances prima facie indicated a breach of confidentiality and misuse of trade secrets. The Hon'ble Court concluded by disposing the present suit and held that the petitioner had established a strong prima facia case, with the balance of convenience in its favour and a risk of irreparable injury if interim protection were denied.

GLISTEN LLC (Appellant) vs THE ASSISTANT CONTROLLER OF PATENTS & DESIGNS. (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 21/2026 & I.A. 13012/2026
DECIDED ON: 01st October 2026

In the present case, the appellant filed an appeal against the respondent for rejecting the appellant's patent application for lack of inventive step under section 2(1) (ja) of the Act. The appellant contended that the impugned order violated the principle of natural justice, as the hearing notice confined the inventive step objection to Claim 18 which was subsequently withdrawn and did not specify any objection of inventive step against claims 1-17. The appellant argued that they (appellant)were not afforded an opportunity to address the ground ultimately relied upon for refusal. The respondent submitted that they (respondent) were empowered to examine all aspects of the application while passing the final order and maintained that the claimed invention lacked an inventive step.

The Hon'ble Delhi High Court observed that the controller's power under the Section 15 must be exercise in compliance with principle of natural justice and the Sections 14 and 80 of the Patent Act 1970. The Hon'ble Court emphasized that an applicant must be clearly informed of the objections relied upon for refusing a patent application and must be given a fair opportunity to respond. The Hon'ble Court noted that the hearing notice confined the inventive step objection to Claim 18, whereas the final refusal was based on the alleged lack of inventive step in Claims 1-17 in view of cited document. The Hon'ble Court further observed that the appellant had not been given an opportunity to address the alleged insufficiency of the wear-test data relied upon in assessing the unexpected technical effect. Accordingly, the Hon'ble Delhi High Court allowed the appeal and set aside the impugned order and directed the respondent to revive and restore the appellant's patent application for fresh consideration.

DR. ALOYS WOBBEN (Petitioner(s)) vs 1. INTELLECTUAL PROPERTY APPELLATE BOARD &ORS. (Respondents)

CASE NO.: WP No. 9729 of 2011 AND WP NO. 9730 OF 2011,WP NO. 9731 OF 2011,WP NO. 9732 OF 2011,WP NO. 9733 OF 2011,WP NO. 9734 OF 2011,WP NO. 9735 OF 2011,WP NO. 9736 OF 2011,WP NO. 9737 OF 2011,WP NO. 31136 OF 2013,WP NO. 31138 OF 2013,WP NO. 31139 OF 2013
DECIDED ON: 29th September 2026

The writ petitions were filed by the petitioner challenging the orders passed by the respondents concerning the revocation of the petitioner's patents and seeking their restoration to the register of patents. The petitioner sought to quash the impugned revocation orders and reinstate their patents, while the dispute concerning the validity of the Board of resolution of the respondent no. 2 was pending before the supreme court. During the proceedings, the petitioner submitted that the patents forming the subject matter of the writ petitions had expired and that nothing survived for further adjudication.

The Hon'ble Madras High Court the following matter and stated that in view of the expiry of the patents, no further orders were necessary in the writ petition. Further, considering that the related matter remained pending before the Supreme Court, the Hon'ble Court left it open to the petition and respondents to agitate their respective rights concerning the IPAB orders before the Supreme Court in the pending civil appeals. Accordingly, the Hon'ble Court concluded by dismissing writ petitions as infructuous, with no order as to costs.

IN RE EXORBITANT PRICING OF LIFE SAVING PATENTED MEDICINES (Petitioner) vs UNION OF INDIA &ORS. (Respondents)

CASE NO.: WP(C) NO. 18999 OF 2022
DECIDED ON: 28th September 2026

In the present case, the petitioner filed a writ petition against the respondent to seek government intervention under section 92 and 100 of the Patents Act, 1970, to make the patent cancer drug "Ribociclib" available at an affordable price. The petitioner contended that the exorbitant cost of the

medicine compromised patient's access to life-saving treatment. The respondents argued that the section 100 was limited to government purposes, and the pharmaceutical companies emphasized the need to protect patent rights and substantial R&D investments.

The Hon'ble Kerala High Court observed that the "purpose of Government" under section 100 includes the use of patented invention to manufacture medicines and sell them to needy patients on a non-commercial basis, recognizing the state's duty to protect public health under article 47 of the constitution. The Hon'ble Court further held that "Ribociclib" and "Palbociclib" were not interchangeable for the relevant stages of breast cancer. Accordingly, the Hon'ble Court disposed of the writ petition without mandating invocation of section 100, leaving the decision to the central government after collecting the necessary data and accessing the affordability of the medicine.

PANACEA BIOTEC LIMITED (Petitioner) vs THE CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADE MARKS & ORS. (Respondents)

CASE NO.: W.P.(C)-IPD 17/2026 & CM 99/2026

DECIDED ON: 18th September 2026

The petitioner challenged the order concerning the subject patent seeking permission to withdraw its form 13 application for amendment of claims and to proceed with the pending post-grant oppositions under section 25(2) of the Patents Act, 1970, on the basis of original granted claims. The respondent passed an impugned order rejecting the permission to withdraw its form 13.

The Hon'ble Delhi High Court permitted to withdraw its amendment application filed under section 57 of the Patents Act, 1970. The Hon'ble Court allowed the writ petition and directed the respondent to decide the pending post-grant oppositions and other pending applications.

ITC LIMITED (Appellant) vs PHILIP MORRIS PRODUCTS S.A. & ORS. (Respondents)

CASE NO.: C.A.(COMM.IPD-PAT) 24/2025 and I.A. 7074/2026

DECIDED ON: 10th September 2026

In the present appeal, the appellant challenged the rejection of its post-grant opposition against the respondent's patent alleging lack of novelty, inventive step and procedural irregularities in the opposition proceedings. The opposition Board had rejected the appellant's objections and found the respondent's invention to be novel and inventive. The appellant argued that the claimed features of the respondent's patent were disclosed in the prior art documents. The respondent maintained that the features of their patent was not disclosed in the prior art documents cited by the appellant.

The Hon'ble Delhi High Court analyzed the following matter that the features of the respondent's patent were not disclosed in the cited prior art documents. The Hon'ble Court stated that the cited prior-art documents did not provide sufficient motivation for a skilled person to arrive at the claimed invention. Accordingly, the Hon'ble Court dismissed the appellant's appeal and writ petition, leaving the patent in favour of the respondent.

PHILLIP MORRIS PRODUCTS S. A. (Appellant) vs ASSISTANT CONTROLLER OF PATENTS AND DESIGNS (Respondents)

CASE NO.: C.A.(COMM.IPD-PAT) 29/2025

DECIDED ON: 09th September 2026

In the present case the appellant filed an appeal against the impugned order passed by the respondent refusing the appellant's patent application on the ground of lack of inventive step under section 2(1)(j) and non-patentability under Section 3(b) and (e) of 1970 Act. The Appellant contends that the impugned order violated the principles of natural justice, as the respondents relied on several reports that had not been disclosed in either the First Examination Report (FER) or in the hearing notice, depriving them (appellant) of an opportunity to respond. The appellant further argued that the respondent failed to properly assess inventive step by explaining how the cited prior-art documents could be combined to arrive at the claimed invention, overlooked the synergistic effect of the claimed composition, and relied on prior-art documents published several decades earlier. The respondent maintained that the refusal was correctly justified on the grounds of lack of inventive step and non-patentability.

The Hon'ble Delhi High Court noted that the respondent violated the principles of natural justice by introducing new

reference reports in the impugned order without giving the appellant an opportunity to respond. The Hon'ble Court stated that merely citing prior-art documents was insufficient, the decision must explain how the cited teachings would motivate a person skilled in the art to arrive at the claimed invention. Further, the objection under Section 3(b) could not be based merely on the invention's association with tobacco or nicotine, without an objective assessment supported by scientific or technical evidence. The Hon'ble Court concluded by allowing the present appeal and setting aside the impugned order and remanded the appellant's patent application for fresh consideration.

ADELTA OPTEC (Petitioner) vs UNION OF INDIA & ORS. (Respondents)

CASE NO.: W.P.(C)-IPD 39/2026
DECIDED ON: 07th September 2026

The petitioner filed a write petition seeking directions from the respondents to issue a hearing notice under section 14 of the Patents Act, 1970 and accordingly grant a hearing in respect of petitioner's patent application which had been pending since 2022, along with a pre-grant opposition pending against the application.

The Hon'ble Delhi High Court observed the present matter and directed the respondents to issue a hearing notice to the petitioner within four weeks and to decide their patent application within eight weeks after duly considering the pre-grant opposition. The Hon'ble Court concluded by disposing off the present petition.

M/S. ARUNACHALAA ENTERPRISES (Petitioner) vs 1. M/s. R. Sukumar, Proprietor 2. M/S. THE OFFICE OF THE CONTROLLER GENERAL OF PATENTS (Respondents)

CASE NO.: W.P.(C)-IPD 39/2026
DECIDED ON: 07th September 2026

In the present petition, the petitioner filed a review petition seeking reconsideration of its order which had directed the transfer of a patent infringement suit pending before the District Court to be heard along with an independent patent revocation petition. The petitioner contended that the defendant had not filed a counterclaim seeking revocation of the patent in the infringement suit, so the transfer was legally impermissible and constitute a material error on the face of the record. The respondents opposed the review petition, arguing that no such error existed and that the Hon'ble Court had jurisdiction to transfer the infringement suit for joint adjudication with the revocation petition.

The Hon'ble Madras High Court observed that the section 64 of the Patents Act, 1970 permits to seek revocation either through an independent revocation petition or by way of a counterclaim in an infringement suit and that this statutory right cannot be curtailed by compelling a litigant to adopt only one mode of revocation. The Hon'ble Court further held that transferring the infringement suit to the High Court for joint consideration with the pending revocation petition would avoid parallel proceedings and serve the interests of justice. The Hon'ble Court found no material error on the face of record warranting review and further concluded by dismissing the review petition.

TRADEMARK CASES

H.RAJAGOPLAN (Petitioner) vs THE REGISTRAR OF TRADE MARKS AND K. HARIHARAN (Respondents)

CASE NO.: WP(IPD) No. 26 of 2026
DECIDED ON: 30th September 2026

In the present case, the Petitioner filed a writ petition seeking a Writ of Mandamus directing 1st respondent to transfer Rectification No. 268705, filed against the 2nd Respondent's trademark Application to the IP Division of the Madras High Court. The Petitioner's family has run the **"Sri Mangalambika Vilas Coffee Hotel"** at Kumbakonam since 1914. He alleged that the 2nd Respondent, who was entrusted with looking after the hotel in his absence, started a separate hotel and obtained registration of a similar device mark. The 2nd Respondent objected to the maintainability of the writ, contending that no order or refusal of the Registrar was challenged, that the Petitioner ought to have invoked Section 24 CPC, and that no prior demand was made to the Registrar, which is a pre-requisite for a mandamus.

The Hon'ble Madras High Court observed that since the rectification was filed before the suit, Section 125(1) of the Trademarks Act has no application and the case falls under Section 125(2), which permits the Registrar to refer a pending rectification to the High Court at any stage. Section 24 CPC governs transfer between Courts and not a statutory proceeding before the Registrar. The Hon'ble Court held that the absence of prior demand was only a rule of practice, whose

purpose was served as the Registrar was impleaded and represented, and that further delay would result in a matter pending since 2020. Accordingly, the Hon'ble Madras High Court allowed the writ petition in favour of the Petitioner and directed the Registrar to transfer Rectification No. 268705, with entire records, to the IP Division within four weeks. The rectification is to be decided independently on its own merits, uninfluenced by the observations in this order.

ONESTO LABS PRIVATE LIMITED (Plaintiff) vs ASHOK KUMAR & ORS. (Defendants)

CASE NO.: CS(COMM)1287/2025, I.A. 30259/2025 & I.A. 22384/2026
DECIDED ON: 28th September 2026

In the present case, the Plaintiff, which sells personal care products under its house mark **"Innovist"** and the registered mark **"CHEMIST AT PLAY/** Chemist at Play **"**, filed a suit seeking a permanent injunction against infringement of its trade mark, logo, trade dress and domain name, and against passing off. The suit was filed on a John Doe basis against the operators of the impugned website www.chemistatplay.com, which was imitating the Plaintiff's mark and its official website www.chemistatplay.in.

The Hon'ble Delhi High Court noted that, since Defendant No. 4 had agreed to transfer the domain name, it could be directed to do so, and that there was no contest to the suit by Defendant No. 1. Accordingly, the Hon'ble Delhi High Court directed Defendant No. 4 to transfer the domain name www.chemistatplay.com to the Plaintiff within four weeks of the Plaintiff providing its account information and completing the formalities. Defendant No. 4 was deleted from the array of parties. The interim injunction dated 04.12.2025 was made absolute and the suit was decreed in favour of the Plaintiff against Defendant No. 1.

TOPLAND ENGINES PRIVATE LIMITED (Petitioner) vs TOPLAD PRIVATE LIMITED & ANR. (Respondents)

CASE NO.: W.P.(C) 9341/2023
DECIDED ON: 25th September 2026

In the present case, the Petitioner owning the registered trademark **"TOPLAND",** filed a writ petition challenging the order dated 15.05.2023 of Respondent No. 2, which rejected its application seeking a direction to Respondent No. 1 to change its name **"TOPLAD".** The Petitioner contended that **"TOPLAD",** when seen as a whole, too nearly resembles its registered trademark **"TOPLAND".** Respondent No. 2 contended that the names must be compared as a whole, that **"TOP"** is common and cannot be monopolised, that **"LAND"** and **"LAD"** are distinct words, and that the parties' businesses are different, so there is no likelihood of deception.

The Delhi High Court clarified that Section 16 sets a stricter standard than usual trademark disputes. If a name is identical or very similar to a registered trademark, that alone is enough, and it is not necessary to prove that anyone is likely to be confused or deceived. Splitting **"TOPLAND"** and **"TOPLAD"** into separate parts was inaccurate, as the names must be compared as a whole. The difference in the nature of the parties' businesses was therefore not relevant. Accordingly, the Hon'ble Delhi High Court allowed the petition in favour of the Petitioner, set aside the impugned order, and directed Respondent No. 1 to change its name from **"TOPLAD PRIVATE LIMITED"** to any name not resembling **"TOPLAND".**

COPYRIGHT CASES

MRS. SHAKTI SAGAR (Plaintiff) vs THE DELHI LAW HOUSE AND OTHERS (Defendants)

CASE NO.: WP(IPD) No. 26 of 2026
DECIDED ON: 07th October 2026

In the present case, the Plaintiff filed a suit against Defendant Nos. 1 to 4 seeking an interim injunction restraining them from publishing, selling, or dealing in 47 literary titles in which she claimed copyright, along with relief against passing off. She alleged that Defendant Nos. 1 to 4, running **"The Delhi Law House (TDLH) ",** were selling her titles without a licence and diverting the business of the family firm "**Delhi Law House (DLH)".** Defendant Nos. 1 to 4 contended that the Plaintiff is not the author, that no written assignment from any author was produced, that the Wills were disputed and unproved, and that the Plaintiff had no goodwill of her own.

The Hon'ble Delhi High Court observed that the author is the first owner of copyright, and any other person can derive title only through a written assignment signed by the owner. The Plaintiff did not disclose how the root of title passed from the authors to her father-in-law, and no assignment by any author was placed on record. A claim resting on disputed testamentary documents, with the root of title undisclosed, does not

establish a prima facie right. Accordingly, no prima facie case of passing off was made out the Hon'ble Delhi High Court dismissed the application for interim injunction, holding that the Plaintiff failed to satisfy the trinity test, while clarifying that the observations are only prima facie and the issues of authorship, assignment and validity of the Wills are left open for trial.

JAPAN TOBACCO INC AND ANR (Petitioners) vs THE CENTRAL WEARHOUSE AND ANR (Respondents)

CASE NO.: C.O.(COMM.IPD-CR) 814/2022
DECIDED ON: 05th October 2026

In the present case, the Petitioners filed a petition seeking rectification of the entry in the Register of Copyrights with respect to the copyright registration for the Artistic Work " 

. The Petitioners alleged that the registered work was merely a copy of their prior **"CAMEL**, 

, 

, etc." artworks and trademarks, superimposed to create the impugned work. They claimed that the registration was wrongly made and remained on the Register, and that they were "persons aggrieved".

Respondent No. 1 contended that it had adopted and first published the ***"CAMEL COLLECTION"*** label in 1992 and held various registrations for it. It argued that the Petitioners had never sold garments in India under the mark, had exited the Indian market in 2011 and were not "persons aggrieved".

The Hon'ble Delhi High Court observed that the main question in a copyright dispute is whether the work is an original artistic work, and the person claiming copyright must prove that they are its "First Owner." The Hon'ble Court held that having a trademark registration may add some credibility, but it is not enough to prove first ownership of the copyright in the artwork. Section 17 of the Act does not presume first ownership, so it must be proved as a fact. Accordingly, the Hon'ble Delhi High Court held that the Petitioners failed to prove that they were the *"First Owner"* of the original artistic work in **"CAMEL" or "CAMEL COLLECTION"** and dismissed the petition. Respondent No. 1's copyright registration therefore remains on the Register.

M/S. VIANET PVT. LTD. & ANR. AND M/S. SHUBHAM AUDIO VIDEO PVT. LTD. (Plaintiffs) vs SH. MEHMOOD HASAN AND ORS. (Defendants)

CASE NO.: CS(COMM) NO. 558/2022
DECIDED ON: 30th September 2026

In the present case, the Plaintiffs filed a suit for permanent injunction against the Defendants for alleged infringement and passing off of their copyright in three songs, ***"Patthar Ke Sanam," "Wo Aata Hoga"*** and ***"Tum Mere Baad Mohabbat Ko."*** The Plaintiffs alleged that Defendant No. 1 was uploading and monetising these songs on his YouTube channels, ***"Golden Eye True"*** and ***"Golden Eye Studio".*** They claimed exclusive rights under a License Agreement with the Defendant No. 3. Defendant No. 1 contended that he was the sole owner of the songs. He relied on prior recording and release of the songs on YouTube, and on written agreements.

The Hon'ble Commercial Court of Karkardooma, Delhi observed that a copyright registration certificate is only *prima facie* evidence of ownership. It is not conclusive proof, and it can be challenged by showing that the work was created or published earlier. The Hon'ble Court noted that Defendant No. 1 had released all three songs on YouTube before the Plaintiffs did. The Hon'ble Court held that Defendant No. 1's agreements were valid even though they were notarised only in 2021. Section 19 of the Copyright Act requires an assignment to be in writing and signed, not notarised or registered. It further noted that the singer and the lyricist had signed documents in favour of both the Plaintiffs and Defendant No. 1 and had not respected the IPR in their own work. The Hon'ble Court also observed that when an assignment agreement does not state a time period, Section 19(5) treats it as valid for five years only. Since this period has ended for the agreements of both the Plaintiffs and Defendant No. 1, neither side is currently the rightful owner of the songs. They would need fresh assignments from the original authors. Accordingly, the Hon'ble Commercial Court ruled in favour of Defendant No. 1 and dismissed the suit with no order as to costs. The Plaintiffs did not get an injunction, takedown of the songs, delivery up or damages.

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