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COLLECTIVE MANAGEMENT AND THE UAE'S NEW COPYRIGHT REGIME

Music is one of the world's most consumed forms of intellectual property, yet its legal infrastructure is almost completely invisible to the person consuming it. A song can be playing in a restaurant, hotel lobby, shopping mall, gym, airline cabin, television programme or radio broadcast without the listener ever thinking about the chain of legal rights beneath those few minutes of sound. No doubt, there is a remarkable amount of intellectual property involved in a single song and so are the economic beneficiaries, such as the composer, lyricist, publisher, singer, musicians, a record producer, a phonogram owner, marketing companies etc. Sometimes several publishers, performers and producers across different territories are involved, each of which may have a distinct legal or economic interest in the work.

One of the most persistent misunderstandings in music licensing is the assumption that a "song" is a single intellectual property object, whereas it is not. At least conceptually, a commercial recording can contain several layers of rights, including, the musical work; the underlying composition; the performance; neighbouring or related rights; the sound recording; the producer or record company's rights and the commercial exploitation etc. A work capable of reaching millions of people may be used by thousands of businesses and platforms across hundreds of territories and through an almost limitless number of commercial transactions. It will be economically irrational, impractical and unworkable, if each creator is required to negotiate separately with every individual user and every user to identify and negotiate separately with every rights holder.

Collective management is the institutional solution to this problem of scale. A Collective Management Organization addresses this issue and performs a function that is fundamentally economic as well as legal. Instead of thousands of creators negotiating independently with thousands of users, the system creates an intermediary capable of aggregating rights and users. That seemingly simple chain is one of the most important pieces of infrastructure in the modern creative economy. It is the machinery that converts a multitude of individual rights into a workable licensing market. WIPO's historical materials describe the role of collective management organizations as intermediaries connecting creators and users, particularly where the sheer volume of uses makes individual clearance impractical. The extraordinary scale of the contemporary system demonstrates how far the concept has travelled. CISAC's 2025 Global Collections Report, based on data from its network of 228 societies in 111 countries and territories, reports that creators' royalty collections reached €13.97 billion in 2024. Music alone accounted for €12.59 billion, approximately 90% of total collections across the repertoires covered by CISAC. Digital collections exceeded €5 billion for the first time. Music's digital collections grew by approximately 10.8% in 2024, while live and background music collections also grew strongly.

The United Arab Emirates has now built a more sophisticated version of this machinery. The Ministry of Economy and Tourism's Collective Management in Music Guide, adopted pursuant to Ministerial Resolution No. 136 of 2026, was issued in June 2026 and is scheduled to take effect in December 2026. The Ministry has described the Guide as establishing an integrated framework for the collective administration of music rights and announced that collection under the new pricing system will commence in December 2026. The significance of this development is greater than the introduction of just another licensing regime. The UAE has built the infrastructure through which music rights can become measurable, licensable, collectible, distributable and, ultimately, economically investable.

The UAE's regulatory framework expressly recognizes the interests of authors, performers, sound recording producers, music publishers and other copyright and neighbouring rights holders. This recognition is essential because the modern music market is not a single right market, rather is composed of the whole ecosystem. CISAC's global network illustrates the scale of this infrastructure, with collective management organizations operating across more than a hundred countries and representing millions of creators. This international dimension is particularly important for the UAE as it is a major tourism destination; an international aviation hub; a hospitality market; a retail centre; a global events destination; a regional media market; and a gateway between Asia, Africa, Europe and the Middle East. The UAE therefore consumes an extraordinary quantity of international music.

The UAE's collective management framework sits within the country's broader copyright architecture, principally Federal Decree Law No. 38 of 2021 on Copyright and Neighbouring

Rights and Cabinet Resolution No. 47 of 2022 concerning its Executive Regulations. The 2026 Ministry Guide expressly identifies those instruments, together with international good practice materials, as part of its regulatory foundation. The Guide applies to licensed collective management organizations, right holders wishing to join them, entities using protected works and other entities brought within its scope by the Ministry. It therefore addresses both sides of the market.

The most consequential aspect of the UAE framework may be the introduction of a structured pricing architecture. The Guide provides an approved tariff matrix covering different categories of music use. The Ministry has made clear that collection under the new pricing system is to commence in December 2026. The UAE matrix recognizes that not all music use has the same commercial character and hence each use is assessed according to its category, with separate treatment for restaurants, hotels, shops, shopping malls and entertainment facilities etc. This is not merely bureaucratic categorization and reflects an important economic principle, that the value and intensity of music use depend upon the commercial environment in which the music is exploited. The tariff schedule is therefore not just a mechanism for collecting fees from businesses, rather, it serves the broader and more fundamental purpose of making licensing scalable and commercially viable.

The UAE Guide requires transparency concerning tariff application, prohibits discrimination between users in equivalent circumstances, links tariffs to actual music use and permits Ministry access to relevant records and data. Licensed collective management entities are also required to submit approved and audited annual reports. The UAE's framework is notable because it attempts to establish rules before the market becomes significantly more complicated. The Guide provides for Ministry supervision, inspection powers, access to records and technical and financial systems, complaint mechanisms, regulatory intervention and administrative sanctions, including the possibility of permit cancellation for serious noncompliance. That supervisory framework matters because collective management is ultimately a delegated form of economic administration where the State permits a specialized institution to operate between rights holders and users. The legitimacy of that institution therefore depends upon accountability.

The UAE Guide expressly recognizes that existing contracts and contractual obligations continue according to their terms to the extent that they do not conflict with UAE law and regulations. At the same time, the Guide encourages rights holders to register their works with the Ministry, expressly linking registration with stronger protection and documentation of ownership.

Perhaps the most intellectually interesting element of the UAE model is its treatment of collective management as more than a royalty collection exercise. The 2026 Guide provides for a Cultural Support Fund for Music intended to support talent, music projects, production, heritage, innovation and the international development of music. The governance model includes government representation, a representative of the collective management organization and independent experts, with conflict of interest safeguards. Most significantly, the Guide provides for 10% to be allocated to the Fund before returns are distributed to members, within the broader regulatory framework governing collections.

The UAE's 2026 Guide marks a significant step in providing a formal institutional architecture to collective management. It establishes rules for licensed collective management, creates an approved tariff framework, introduces transparency and reporting requirements, establishes supervisory mechanisms and provides for cultural reinvestment through a dedicated fund. The ultimate measure of success will not be the number of licences issued or the amount collected, rather, it will be whether a composer in the UAE can create with greater confidence; whether an international rights holder can enter the UAE market without navigating an impossible maze of individual negotiations; whether a restaurant can lawfully use music without uncertainty; whether a broadcaster can account for its repertoire accurately; whether royalties can move efficiently across borders; and whether the creative economy can recycle part of today's commercial success into tomorrow's talent. If those objectives are met, collective management would achieve something remarkable. It will transform copyright from a collection of individual legal entitlements into functioning economic infrastructure and that infrastructure may ultimately prove to be as important to the UAE's creative economy as the physical infrastructure that made the country's global commerce possible.

In essence, music may be invisible as intellectual property to those who hear it, but the legal and commercial framework supporting it determines whether the creators behind it can build sustainable careers from their work. That is the real promise of collective management and in the UAE, that architecture is now in place.

IP UPDATES

UAE:
CLASS 33 NOW OPEN FOR TRADEMARK REGISTRATION



For the first time, the UAE is accepting trademark applications covering **alcoholic beverages (Class 33)**, reversing a long-standing public-policy restriction that had put the country out of step with international filing practice and forced beverage brand owners onto indirect workarounds to gain any local protection.

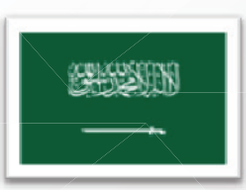
What this means in practice:

- Brand owners no longer need workaround filing strategies — they can now align UAE specifications directly with their international filings.
- Spirits, wine, and beer brands that previously had no formal protection route in the UAE can now pursue full portfolio coverage.
- Expect a surge of new Class 33 filings, so beverage, luxury, and hospitality brand owners should set up dedicated watch services to catch conflicting marks early.

One important caveat: this is a UAE-specific change, not a regional trend. Class 33 (and alcohol-related goods in Class 32) remain restricted in other GCC markets, including Saudi Arabia and Kuwait, so filing strategy elsewhere in the Gulf should stay unchanged.

Bottom line: Beverage and hospitality brand owners should review their UAE trademark portfolios now, file for previously unprotected marks in Class 33, and put watch services in place to manage the coming wave of applications.

SAUDI ARABIA:
INDIVIDUAL FEES UNDER THE MADRID PROTOCOL



Further to our previous circular regarding Saudi Arabia's accession to the Madrid Protocol, WIPO has issued **Information Notice No. 37/2026,** confirming the individual fees payable to Saudi Arabia with effect from **October 8, 2026.** The applicable fees are as follows:

- **Standard applications and renewals:** CHF 1,397 (approximately USD 1,734) per class.
- **Collective and certification marks:** CHF 1,719 (approximately USD 2,134) per class.
- **Late renewal during the grace period:** CHF 1,612 (approximately USD 2,001) per class.

These fees will apply to international designations and renewals processed on or after **October 8, 2026.**

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



The Palestinian Ministry of National Economy has issued a third administrative circular, **Administrative Decision No. 154 of 2026,** dated September 16, 2026 and published on September 17, 2026. The decision further extends the **penalty-free renewal window for trademarks in Gaza until October 17, 2026.** The penalty-free window applies to trademarks whose renewal became due during the period in which the relevant Trademark Office was not operational. Palestinian trademark legislation provides for a statutory **one-month grace period.** In practice, trademarks may continue to be renewed after the expiry of the penalty-free window until the Registrar formally issues a cancellation notice to the applicant or the recorded agent for service. A further **one-month response period** runs from the date of such notification.

IRAQ:
BAGHDAD - POWER OF ATTORNEY NOW REQUIRED FOR PATENT & DESIGN RENEWALS



Baghdad's Registrar of Patents and Industrial Designs has tightened the rules on who can file annuity (renewal) applications for patents and industrial designs. Renewals must be filed by the same IP agent who originally filed the application. If a different agent is filing, they now need a legalised Power of Attorney that includes the required boycott declaration. A new fee of **IQD 100,000** applies for submitting a PoA and recording the new agent. Applicants get a **30-day grace period** from filing to submit the fully legalised PoA — but

annuity fees can't be paid until the PoA is on file. The Directorate will run year-end audits and flag any un-renewed patents/designs for permanent cancellation if proper renewal isn't filed.

Takeaway: Rights holders using a different agent for renewals in Iraq should build the PoA legalisation timeline into their renewal process now, to avoid missing the payment window or risking cancellation at year-end audit.

KURDISTAN - TRADEMARK VALIDITY PERIODS

The Directorate of Trademarks in the Kurdistan Region has refined its administrative practice concerning the validity period of registered trademarks, with **the original filing date** now serving as the determining factor for the applicable protection term.

Under the current practice:

- Trademark applications filed **on or after January 1, 2023** will receive a **15-year validity period** upon registration and will be eligible for 15-year terms upon subsequent renewal.
- Trademark applications filed **before January 1, 2023** will continue to receive **10-year registration certificates,** and renewal certificates currently being processed will likewise reflect a 10-year protection term.

This administrative practice will remain in effect pending any formal legislative action by the Regional Parliament.

OMAN:
STRICTER STANDING REQUIREMENTS FOR TRADEMARK OPPOSITIONS

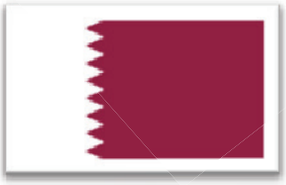


Oman's Trademark Office (under the Ministry of Commerce, Industry and Investment Promotion) has significantly tightened who is allowed to oppose a trademark application.

- Brand owners can no longer rely on international fame or prior unregistered local use to oppose bad-faith filings — that route is gone.
- To oppose a mark, the opposer must already hold a registered trademark or a pending application in Oman in the same class as the contested mark.
- If a brand owner has no existing registration or pending application when a copycat mark is published, they cannot file an opposition at all.
- The workaround: file a new "contingent application" in the relevant class in Oman *at the same time* as the opposition. Without a filing receipt or registration number to point to, the registry will refuse to even accept the opposition.

Takeaway: Brand owners active in Oman should review their local filing coverage now, rather than waiting for a conflict to arise — by the time a copycat mark is published, it may be too late to establish standing in time.

QATAR:
NEW E-SERVICES FOR INDUSTRIAL DESIGNS



Qatar's Ministry of Commerce and Industry (MOCI), via its Intellectual Property Rights Protection Department, has launched four new online services for industrial designs, moving key filings off paper and onto a digital portal.

IP agents can now file the following online:

- Registration
- Preliminary examination
- Appeals
- Oppositions

Applications filed before the launch will continue to be processed manually under the old paper-based system through to completion.

Takeaway: A welcome efficiency gain for agents handling Qatari design filings — new matters should move faster, though existing paper-filed cases won't be migrated.

ZAMBIA:
TRANSITION TO DIGITAL ISSUANCE OF IP REGISTRATION CERTIFICATES



Effective **August 19, 2026,** the Patents and Companies Registration Agency (PACRA) in Zambia has discontinued the issuance and printing of physical certificates for **new registrations**

across the principal intellectual property categories, including Copyrights, Trademarks, Patents, and Industrial Designs. Going forward, certificates for new registrations will be issued electronically and will be recognized by the Zambian Trademarks Registry in electronic form. At this stage, the transition applies specifically to **original registration certificates.** PACRA will continue to issue physical certificates for **renewals and recordal-related documents** in the standard printed format until further notice.

CHINA:
CNIPA AM ENDMENTS TO THE ADMINISTRATIVE MEASURES FOR PRIORITIZED PATENT EXAMINATION



CNIPA has issued a revised version of its *Administrative Measures for Prioritized Patent Examination,* adopted on July 16, 2026 and effective September 1, 2026. The updated rules span 24 articles across six chapters and make three main changes:

- Priority examination will now focus more closely on high-quality applications in emerging and future industries, with updated eligibility rules aligned to recent amendments to the Patent Law, and clearer grounds on which priority status can be denied.
- Stronger coordination between central and provincial IP authorities, clearer rules for how priority requests are recommended and allocated, and new incentive/disciplinary mechanisms. Patent agencies also take on greater responsibility for application quality, with penalties introduced for bad-faith conduct.
- Easier submission of prior-art materials, an express rule that no extra fee applies to priority examination, and various process refinements based on issues identified in practice.

STATE COUNCIL REVISES IC LAYOUT-DESIGN PROTECTION RULES

The State Council has issued a revised version of the *Regulations on the Protection of Layout-Designs of Integrated Circuits,* taking effect October 15, 2026. The updated regulations (six chapters, 54 articles) aim to strengthen protection for IC layout-designs and encourage innovation in the sector. Key changes include:

- Clarified overall requirements, an expanded scope of protection, and greater emphasis on good faith.
- Improved application and examination procedures, including stricter controls on fraudulent applications, refined documentation requirements, and new rules on rejection, revocation, and rights restoration.
- Stronger enforcement, with clearer criteria for determining the scope of rights and higher compensation for infringement.
- Measures to encourage use of registered layout-designs, including clearer incentive/remuneration rules and improved procedures for assignment, licensing, security interests, and co-ownership.

SPC AMENDS JUDICIAL INTERPRETATION ON COPYRIGHT CIVIL DISPUTES

On August 20, 2026, the Supreme People's Court issued a decision amending its judicial interpretation on civil copyright disputes (Judicial Interpretation [2026] No. 18), adopted May 25, 2026 and effective September 1, 2026. Notable changes:

- **"Made public" redefined** — a work now counts as made public simply by being disclosed to an unspecified audience, even without the copyright owner's involvement — including disclosure resulting from someone else's infringement.
- **Fair use for public-place artworks refined** — the rule now covers artistic works in any public place, not just outdoor ones, matching the 2020 Copyright Law amendment. A new proviso allows reasonable follow-on use of photos/recordings of such works, but bars reproducing, displaying, or publicly distributing them in the same manner without the owner's permission.
- **Statutory license for reprinting narrowed** — the definition of "newspapers and periodicals" now expressly covers digital versions matching the print content and layout. However, reprinting between traditional media and internet platforms (or between internet platforms) no longer qualifies for the statutory license — it now requires the copyright owner's authorization and payment.

CNIPA RELEASES JULY 2026 IP STATISTICS

CNIPA's latest figures show China's total valid patents (invention, utility model, and design combined) reached **21,419,405** as of July 2026. For January–July 2026, year-on-year:

- **Invention patents:** +67,034 grants (+14.05%)
- **Utility model patents:** -46,257 grants (-5.23%, a narrowing decline)
- **Design patents:** +49,270 grants (+13.46%)

Domestic invention patent grants rose 14.82% overall, driven by research institutions (+40.15%) and higher education institutions (+41.23%); enterprise grants rose more modestly (+7.71%), while grants to individuals fell sharply (-60.24%). Utility model grants showed a similar pattern — down for individuals (-17.54%) and enterprises (-5.04%), but up for universities (+6.33%) and research institutions (+12.33%).

CNIPA reports its invention patent examination accuracy rate now exceeds 95% and says it will continue tightening quality controls — including stricter good-faith enforcement, inventive-step assessment, and an upcoming intelligent examination system.

Trademark registrations fell 5.36% year-on-year (down 132,658). Invalidation applications dipped slightly (-1.15%), refusal-review applications rose (+3.61%), and cancellation-review applications declined (-4.01%).

PATENT CASES

CONQUEROR INNOVATIONS PRIVATE LIMITED. & ANR. (Appellants) vs XIAOMI TECHNOLOGY INDIA PRIVATE LIMITED (Respondent)

CASE NO.: FAO(OS) (COMM) 147/2025 & CM APPL. 60385/2025 CM APPL. 72055/2025
DECIDED ON: 08th September 2026

The present appeal has been filed by the appellant against the judgement passed by the learned Single Judge concluding that the appellant failed to establish prima facie case of infringement against the respondent from infringing their patent. The appellant alleges that the respondent has been selling the impugned devices incorporating the technology of the suit patent. The appellant had also sent a legal notice to the respondent asserting their statutory rights in the suit patent also offered the Respondent a non-exclusive license on FRAND royalty rates. However, no response was received by the respondent, thereafter the respondent instituted the suit seeking interim restraint against the respondent which was dismissed.

The appellant states that the impugned judgement proceeded on erroneous construction of the suit patent and the granted claims, the respondent's 'Find Device' feature maps onto the essential features of the suit patent, corresponding to the independent claim 1. The appellant argued that the learned Single Judge imported features from the complete specification which do not form part of the granted claims and consequently concluded that the impugned devices do not map with the suit patent. The appellant further argued that learned Single Judge finding of non-working of the suit patent is not a statutory defense to infringement and delay in filing the suit cannot defeat their patent rights. The respondent argued that part of the claimed mechanism in the suit patent is absent in the impugned device. The respondent stated that the appellant cannot adopt different construction in appeal only because their original construction failed to establish infringement before the learned Single Judge. The respondent submitted that the appellant assertion that they became aware of the infringement in 2023 is unsatisfactory as the suit patent was granted in 2010 and the appellant have been filing form 27 showing that they were aware of other smartphones using similar technology, the appellant failed to satisfy any of the requirements for interim infringement.

The Hon'ble Delhi High Court analyzed the following matter and noted no error in the reasoning of the learned Single Judge. The Hon'ble Court states that the respondent's 'Find Device' do not infringe the independent claim 1 of the suit patent. And the learned Single Judge has provided substantial reasons for concluding the balance of convenience in favour of the respondent. The Hon'ble Court found no infirmity in the impugned judgment warranting interference in the present appeal. The Hon'ble Court concluded by dismissing the present appeal.

DR. TARKESHWAR CHANDRAKANT PATIL (Petitioner) vs 1. INDIAN INSTITUTE OF TECHNOLOGY, BOMBAY; 2. CONTROLLER GENERAL OF PATENTS, DESIGNS & TRADEMARKS; 3. PROF. SIDDHARTHA PRAKASH DUTTAGUPTA; 4. RAMESH PUSHPAGANDHA (Respondents)

CASE NO.: COMMERCIAL MISCELLANEOUS PETITION (L) NO. 12000 OF 2026
DECIDED ON: 11th August 2026

The petitioner filed a petition which is essentially a statutory appeal challenging the rejection of patent application by the respondent 2. The petitioner is an original inventor of the subject patent application which was filed by the respondent 1. The petitioner stated that respondent 1 executed a Worldwide Deed of Assignment, transferring their rights in the invention to the him, authorizing him to file the patent application anywhere in the world. The respondent had been repeatedly changing the applicant name between the respondent 1

and petitioner which proper explanation. The petitioner argued that the respondent 2 rejected the subject patent application without considering petitioner's claim of ownership or merits of the subject patent application. The respondent 1 countered that the invention primarily belonged to them as the petitioner's research was undertaken as a part his association with them. Further the assignment relied upon by the petitioner is in connection with the US patent proceedings and not to transfer the Indian rights. The respondent 2 countered that they treated petitioner as an employee whose duty was to conduct research and invent, therefore did not accept petitioner's claim to ownership. Also, the respondent 2 didn't not meaningfully examine the subject application's merits and accordingly refused it.

The Hon'ble Bombay High Court observed the following matter and stated that the Deed of Assignment transferred the full and exclusive right, title and interest in the invention to the petitioner including rights in India. The Hon'ble Court found no basis for treating the assignment limited to USA and other foreign countries. Further, the Hon'ble Court noted that the respondent 2 failed to properly adjudicate the ownership dispute and wrongfully rejected the opposition under section 25(1)(a) filed by the petitioner. The Hon'ble Court settled the ownership issue and concluded by setting aside the respondent 2's rejection and restoring the patent application for examination on its substantive merits.

UPL CORPORATION LIMITED & ANR. (Appellants) vs ASSISTANT CONTROLLER OF PATENTS AND DESIGNS (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 6/2025

DECIDED ON: 10th August 2026

The present appeal has been filed by the appellant against the respondent for refusing the appellant's patent application under the ground of lack of novelty. The respondent cited seven new documents which were not cited in FER or hearing notices. The appellant argued that the respondent failed to provide an opportunity to respond to the objection and documents. The appellant states that the respondent has not correctly analyzed the inventive step or explained how the cited prior art documents would lead to a person skilled in the art.

The Hon'ble Delhi High Court observed the following matter and stated that the respondent cannot revive a dropped novelty objection or rely on new document for the first time in final order without giving an opportunity to respond to the Also, the respondent failed to provide adequate inventive step analysis violating the principle of natural justice. The Hon'ble Court concluded by setting aside the impugned order passed by the respondent and directed to consider the subject patent application a fresh considering the factual and legal pleas raised.

9449710 CANADA INC (Appellant) vs DEPUTY CONTROLLER OF PATENTS AND DESIGN (Respondent)

CASE NO.: C.A.(COMM.IPD-PAT) 69/2024

DECIDED ON: 06th August 2026

The appellant filed the present appeal against the impugned order passed by the respondent rejecting the appellant's patent application under the ground of lack of clarity under Section 10(5), lack of inventive step under Section 2(1)(ja) and non-patentability under Section 3(d) of 1970 Act. The appellant argued that the respondent errored in understanding the scope of the claims and also failed to provide any reasoning as to how the claims are unclear. The appellant further states that none of the document D1-D6 teach or suggest the features as disclosed in the subject patent application, the respondent has simply cherry picked the features and mosaiced them together with the benefit of hindsight which is impermissible in law. The respondent countered that the appellant filed the amended claims along with the written submission, yet the amended claims were unclear, lack inventive step and is non-patentable.

The Hon'ble Delhi High Court noted that the respondent has errored in not looking into the factual and legal points highlighted by the appellant in respect of the prior art, which were crucial for determining the objection under Section 2(1)(ja) as also Section 3(d). the Hon'ble Court further states that the impugned order is wholly unreasoned on material aspect. The Hon'ble Court concluded by setting aside the impugned order passed by the respondent and by partially allowing the appeal.

TRADEMARK CASES

METRO BRANDS LIMITED (Petitioner/Plaintiff) vs MET BRANDS PRIVATE LIMITED (Respondent/Defendant)

CASE NO.: Leave Petition (L) No. 12067 of 2025 in Comm IPR Suit (L) No. 12028 of 2025

DECIDED ON: 3rd September 2026

In the present case, the Petitioner/Plaintiff, sought an injunction against the Respondent/Defendant, alleging infringement of its registered trademark "**METRO**" through the use of **"METBRANDS/METBRANDS SHOES & BAGS.".** The Plaintiff contended that the Bombay High Court had jurisdiction over the trademark infringement claim under Section 134 of the Trade Marks Act, 1999, as its registered office was situated in Mumbai. Since the alleged cause of action for passing off had arisen in Kerala, the Plaintiff sought leave under Clause 14 of the Bombay High Court Letters Patent to join the passing-off cause of action with the trademark infringement claim, primarily to avoid multiplicity of proceedings.

The Respondent opposed the grant of leave, arguing that it was a Kerala-based entity and that the passing-off cause of action had arisen in Kerala. It further pointed out that the Plaintiff itself operated 18 Metro stores in Kerala and contended that allowing the suit to proceed in Mumbai would cause hardship and would amount to an unjustified choice of forum.

The Hon'ble Bombay High Court observed that, under Clause 12 of the Letters Patent, its jurisdiction over the passing-off claim depended upon the cause of action arising within its jurisdiction or the defendant residing or carrying on business there. Neither condition was satisfied in the present case. The Hon'ble Court further observed that, although Section 134 of the Trade Marks Act provided the Plaintiff with an additional forum for a trademark infringement claim, the passing-off claim continued to be governed by the applicable principles of territorial jurisdiction. The Hon'ble Court held that both the trademark infringement and passing-off claims could be pursued in Kerala, where the cause of action had arisen and where the Defendant carried on business and granted the Plaintiff liberty to take appropriate steps in accordance with law.

ZEE LEARN LIMITED (Petitioners) vs PRAGATI SHIKSHA SHROT TRUST (Respondent)

CASE NO.: COMM ARBITRATION PETITION (L) NO.21131 OF 2026

DECIDED ON: 1st September 2026

In the present case, the Petitioner filed a petition seeking interim reliefs against the Respondent following the termination of their contractual arrangements. The Petitioner alleged that, despite termination on 24th March 2026, the Respondent continued to use its registered trademarks **"MOUNT LITERA ZEE SCHOOL"** and **"MLZS"** and implement its proprietary MLZS Program. The Respondent disputed the termination and relied upon Government directions concerning the use of prescribed textbooks. It also challenged the territorial jurisdiction of the Bombay High Court, contending that the school was situated in Dehradun and that no part of the cause of action had arisen in Mumbai.

The Hon'ble Bombay High Court held that Mumbai was the agreed juridical seat of arbitration and rejected the Respondent's jurisdictional objection. The Hon'ble Court further observed that the Government directions did not prohibit the use of supplementary educational material and that the relevant directions pre-dated the contractual arrangements. The Hon'ble Court held that, pending arbitration, the Respondent could not claim a continuing contractual right to use the Petitioner's trademarks or represent an ongoing association with it. However, the validity of the termination was left open for determination by the Arbitral Tribunal. Accordingly, the Hon'ble Court partly allowed the petition and restrained the Respondent from using the Petitioner's trademarks and MLZS Program or representing any continuing association with the Petitioner.

ASR MARKET VENTURES PRIVATE LIMITED (Petitioner) vs FITSHIP PRIVATE LIMITED & ANR. (Respondents)

CASE NO.: C.O. (COMM.IPD-TM) 93/2025 & I.A. 9159/2025

DECIDED ON: 31st August 2026

In the present case, the Petitioner sought cancellation of the Respondent's registered " Fit Feast " trademark on various grounds under the Trade Marks Act, 1999. The Petitioner claimed prior and continuous use of **"FITFEAST"** since 2017 for nutrition and wellness services and alleged that the Respondent had dishonestly adopted an identical mark for protein-rich snacks. The Respondent contended that the Petitioner predominantly operated under the trademark **"FITPASS"** and had not used **"FITFEAST"** as an independent source identifier. It further submitted that Fit Feast was honestly adopted in 2021 after conducting trademark and market searches.

The Hon'ble Delhi High Court held that the Petitioner failed to establish independent goodwill and reputation in **"FITFEAST",** as the mark was predominantly used under **"FITPASS"** and did not function as an independent source identifier. The Hon'ble Court also held that **"FITFEAST"** could not be treated as an "earlier trademark" under Section 11(1), and found no bad faith in the Respondent's adoption after due diligence. Accordingly, the Hon'ble Court dismissed the rectification petition, holding that the Petitioner had failed to establish the grounds necessary for cancellation of the Respondent's registration.

HAHNEMANN SCIENTIFIC LABORATORY INDIA PVT. LTD. (Appellant) vs MEERA RASTOGI TRADING AS HAHNEMANN MEMORIAL LABORATORY (Respondent)

CASE NO.: FAO (COMM) 182/2026 CM APPL. 43491/2026
CM APPL. 43489/2026
DECIDED ON: 20th August 2026



In the present case, the Appellant challenged the order refusing an interim injunction against the Respondent's use of its device/label mark. The Appellant claimed that it had adopted and used the word mark **"HASLAB'S DIGESTO"** since 1971 and contended that the Respondent's mark was deceptively similar. It further argues that **"DIGESTO"** was suggestive rather than descriptive and fully capable of distinguishing the Appellant's goods from those of others. The Respondent, on the other hand, contended that the Appellant's earlier registration had expired in 1993 and that the dispute was therefore one of passing off. It argued that the Appellant had failed to show continuous use between 1981 and 2007, whereas documents established its use of the mark **"DIGESTO PLUS"** since 1980. The Respondent further contended that **"DIGESTO"** was descriptive, common to the trade and that the Appellant had agreed to disclaim exclusive rights over the word.

The Hon'ble Delhi High Court rejected the appeal and agreed with the Trial court's decision and observed that the Appellant had not produced any clear evidence establishing use since 1971, while the Respondent had prima facie established use since 1980. It further held that **"DIGESTO"** appeared common to the trade and that the rival marks and trade dress were not deceptively similar. Accordingly, the Hon'ble Court dismissed the appeal.

NUGENESYS PHARMACEUTICALS PVT. LTD. & ANR. (Appellants/Defendants) vs CELAGENEX RESEARCH (INDIA) PVT. LTD. (Respondent/Plaintiff)

CASE NO.: FAO(OS) (COMM) 167/2026 CM APPL. 43226/2026
DECIDED ON: 20th August 2026

In the present case, the Appellants challenged an ex-parte injunction restraining their use of the mark **"RewireX".** The appellants challenged this on the ground that the Respondent had suppressed material facts while obtaining it. The Appellants contended that the Respondent had known about the **'RewireX'** mark since October 2025 but did not disclose this fact in the plaint. Instead, the Respondent had stated that it first came to know about the Appellants' use of the mark in May 2026 and then obtained an ex-parte injunction on that basis. The Appellants further argued that the omission was not accidental, as the Respondent did not disclosed in the plaint that the Respondent had already issued a cease-and-desist notice on 29.10.2025 and filed a formal opposition to the Appellants' trademark application on 27.01.2026 - both almost seven months prior to the date it claimed to have first become aware of the mark. The Respondent, however, stated that the non-disclosure was a bona fide oversight and that the Appellants had actually started using the mark only in March 2026.

The Hon'ble Delhi High Court allowed the appeal and held that the Respondent had wilfully suppressed material facts relating to the earlier notice and trademark objection. The Hon'ble Court observed that these facts were important because they showed that the Respondent had knowledge of the Appellants' mark much before May 2026. The Hon'ble Court further held that such non-disclosure had affected the decision to grant an ex-parte injunction without hearing the Appellants.

SANJAY BHATT (Petitioner) vs STATE OF RAJASTHAN & ANR. (Respondents)

CASE NO.: S.B. Criminal Miscellaneous (Petition) No. 1728/2016
DECIDED ON: 17th August 2026

In the present case, the Petitioner sought quashing of an FIR registered against him in connection with the alleged unauthorized sale of **"Dandi Salt"** using an imitational trademark, allegedly infringing the complainant's copyright and trademark rights.

The Petitioner contended that the dispute concerning the right to use **"Dandi Namak"** or **"Dandi Salt"** was already the subject of civil and intellectual-property proceedings and involved disputed questions of fact. He further argued that the Respondent No. 2 did not possess the requisite trademark or copyright rights and that continuation of the criminal proceedings amounted to an abuse of the process of law. The Respondent No. 2, on the other hand, claimed ownership of the **"Dandi Salt"** and **"Dandi Namak"** marks and argued that copyright registration was not mandatory. It was also contended that the issues raised by the Petitioner involved disputed questions of fact and therefore could not appropriately be determined in proceedings under Section 482 Cr.P.C.

The Hon'ble Rajasthan High Court observed that the dispute concerning ownership of **"Dandi Salt"** and **"Dandi Namak"** involved questions of fact requiring consideration of evidence. The Hon'ble Court further held that registration of copyright is not mandatory and that the absence of registration, by itself, did not prevent a person claiming rights in an original work from initiating proceedings for alleged infringement. The Hon'ble Court also noted that the police investigation had been concluded and that a charge-sheet had been drawn against the Petitioner, although, due to the interim order, it had not been filed against him. Importantly, the Hon'ble Court held that the dispute was not merely civil in nature, observing that infringement under the Copyright Act and Trade Marks Act may attract both civil and criminal remedies. It therefore declined to quash the FIR under Section 482 Cr.P.C.

DR. REDDY'S LABORATORIES LIMITED (Petitioner) vs M/S RAZENTA PHARMACEUTICALS PRIVATE LIMITED & ANR. (Respondents)

CASE NO.: C.O. (COMM.IPD-TM) 122/2025
DECIDED ON: 17th August 2026

In the present case the petitioner filed a petition seeking cancellation of the respondent's trademark **"DAPLOGIN",** alleging that the mark is deceptively similar to the petitioner's earlier trademark **"DAPLO".**

The Petitioner contended that it is the prior adopter and registered proprietor of the trademark **"DAPLO"** since 2020, which is used for a drug treating Type-2 Diabetes Mellitus. The petitioner further argued that both marks were used for pharmaceutical products containing the same active ingredient and, therefore, their concurrent use was likely to create confusion among consumers. The respondent countered that **"DAPLOGIN"** had been honestly and bona fide adopted from the API *"Dapagliflozin",* as it is common in the pharmaceutical industry to derive brand names from the relevant molecule or salt. The Respondent further submitted that the suffix "*GIN*" rendered the mark sufficiently distinctive.

The Hon'ble Delhi High Court allowed the petition and cancelled the registration of **"DAPLOGIN".** Comparing the marks as a whole, "**DAPLOGIN**" subsumes all five letters of "**DAPLO**" in entirety and the suffix "**GIN**" is insufficient to diminish the similarity. Phonetically, **DAP-LO** is prominently pronounced within **DAP-LO-GIN**, and even on the dominant mark test the dominant part of "**DAPLOGIN**" is "**DAPLO**", identical to the Petitioner's mark. Applying the initial interest confusion doctrine and an average purchaser with imperfect recollection would perceive "**DAPLOGIN**" as another variant from the Petitioner's house, a confusion heightened by identical goods, shared API and common trade channels the Hon'ble Court concluded by allowing the petition, cancelling the registration of the mark "**DAPLOGIN**" and directing the Registrar of Trade Marks to rectify the Register within six weeks.

M/S FREEELECTIVE NETWORK PRIVATE LIMITED (Appellant) vs M/S MATRIMONY.COM LIMITED (Respondent)

CASE NO.: OSA(CAD) No.159 of 2022 and CMP Nos. 20676, 20680 of 2022 & 19720 of 2024
DECIDED ON: 11th August 2026

In the present case, the Appellant filed an original side appeal challenging the judgment of the learned Single Judge dismissing its suit seeking, inter alia, a permanent injunction restraining the Respondent from using the trademark "**Jodii**", which was alleged to be deceptively similar to the Appellant's registered trademark "**Jodi365**".

The Appellant contended that it had been using "**Jodi365**" since 2009 and that the learned Single Judge had erred in treating "**Jodi**" separately from the composite mark and holding it to be non-distinctive. It was submitted that trademarks must be considered as a whole and that Section 17 of the Trade Marks Act, 1999 did not require separate proof of distinctiveness of individual elements. The Respondent contended that "**Jodii**" was used under its house mark "**BHARATMATRIMONY**", and that "**Jodi**" was descriptive and commonly used in relation to matrimonial and dating services.

The Hon'ble Madras High Court held that questions relating to the validity of a registered trademark could be raised only in rectification proceedings and, since the Respondent had not initiated such proceedings, its right to challenge the validity of the Appellant's registration stood abandoned. The Hon'ble Court further held that phonetic similarity could not be ignored while comparing the rival marks and found that the Respondent had failed to establish its defence that "**Jodi**" was common to trade or publici juris through sufficient qualitative evidence. Accordingly, the Hon'ble Court allowed the appeal, set aside the impugned judgment and decree, and granted the reliefs relating to infringement, passing off and destruction of infringing materials. However, the claim for ₹1 crore in damages was not granted for want of sufficient evidence.

RITES LIMITED FORMERLY RAIL INDIA TECHNICAL AND ECONOMIC SERVICE LIMITED (Appellant) vs THE REGISTRAR OF TRADE MARKS (Respondent)

CASE NO.: C.A.(COMM.IPD-TM) 19/2026 & I.A. 9420/2026
DECIDED ON: 6th August 2026

In the present case, the Appellant challenged the order, treating its trademark application for "**RITES**" as 'abandoned' under Section 132 of the Trade Marks Act, 1999. The Appellant claimed use of the trademark **"RITES"** since 2008 in relation to construction, infrastructure consultancy and allied services and had filed Trademark Application in 2023. The Appellant contended that the supporting documents proving use since 2008 had been uploaded on the day after the hearing but were inadvertently filed against a related application due to a technical error. It further argued that the Trade Marks Registry had previously granted multiple registrations for the mark "**RITES**" in Classes 37 and 42, recognizing its longstanding use and distinctiveness. The Appellant also contended that Section 132 required the Registrar to issue a notice to remedy any default and provide an opportunity of hearing before treating an application as abandoned. The Respondent, on the other hand, contended that the Appellant had been given time to furnish documents supporting its claimed use but failed to do so.

The Delhi High Court allowed the appeal and set aside the impugned order. It held that the Respondent's action in treating the application as 'abandoned' was passed in violation of, rather than in compliance with, Section 132 of the 1999 Act, since no notice of default had been given to the Appellant before the application was treated as abandoned. The Respondent was directed to grant the Appellant an opportunity to furnish the requisite supporting documents substantiating its claim of user, within a stipulated timeline, and thereafter proceed in accordance with law. The appeal was disposed of along with the pending application, without any expression on the merits of the underlying trademark claim.

COPYRIGHT CASES

VIPUL MUSIC COMPANY PROPRIETORSHIP FIRM OF MS. SANTOSH GOSWAMI (Petitioner) vs REGISTRAR OF COPYRIGHT & ANR. (Respondents)

CASE NO.: C.O.(COMM.IPD-CR) 21/2025 & I.A. 9511/2025
DECIDED ON: 08th September 2026

In the present case, the Petitioner filed a rectification petition seeking a direction to the Registrar of Copyright to expunge the impugned sound recording titled ***'Radhey Radhey Barsane Wali Radhey'*** in favour of Respondent No. 2. The Petitioner claimed ownership of the copyright in the underlying Bhajan ***'Radha Naam Sang Brij 84 Kosh Yatra',*** created between 2006-2007 and registered with the Copyright Office in 2008, and alleged that Respondent No. 2 had infringed the said work by uploading it on YouTube despite repeated takedown requests, compelling the Petitioner to also institute a separate suit for permanent injunction before the Trial Court. The Petitioner contended that the impugned registration was liable to be set aside as no notice under Rule 16(3) of the Copyright Rules, 1958 (pari materia to Rule 70(9) of the 2013 Rules) was issued to it prior to grant of registration to Respondent No. 2.

The Hon'ble Delhi High Court observed that issuance of notice under Rule 16(3) of the 1958 Rules to persons claiming interest in the copyright is a statutory mandate, and non-compliance therewith vitiates the registration granted. Accordingly, the Hon'ble Delhi High Court partially allowed the petition and set aside/revoked the impugned Registration, while reviving Respondent No. 2's original application for fresh consideration.

PARES CHANDRA DAS & ANR. (Plaintiffs) vs NEW CENTRAL BOOK AGENCY PRIVATE LIMITED & ORS. (Defendants)

CASE NO.: G.A. No. 1 of 2023 in I.P. (COM) No. 11 of 2024
DECIDED ON: 27th August 2026

In the present case, the Plaintiffs sought an interim injunction restraining the Defendants from printing, publishing, reproducing, adapting, distributing and otherwise dealing with two English grammar books, claiming copyright ownership over the works.

The Plaintiffs contended that the publication agreements executed in 2001 and 2002 did not specify any period and, by virtue of Section 19(5) of the Copyright Act, 1957, the assignment was deemed to be for five years. They therefore contended that the agreements had expired by efflux of time in 2006 and 2007, respectively, and that the Defendants had no continuing right to publish the books. They further contended that the Co-Publishing Agreement executed in 2020 was for a period of three years and had also expired in August 2023.

The Defendants, on the other hand, contended that they had continuously published, printed, marketed and distributed the books for more than two decades pursuant to the original agreements. They relied upon the Plaintiffs' conduct in permitting such continued publication. The Defendants also relied on the continued payment of royalty under the original agreements.

The Hon'ble Calcutta High Court observed that although the five-year period under Section 19(5) had expired in 2007, the Plaintiffs had thereafter allowed the Defendants to continue as publisher and had subsequently consented to the Co-Publishing Agreement. The Hon'ble Court further held that there was no document showing that the original publication agreements had been substituted or extinguished, and the continued royalty arrangement indicated that the original agreements continued to govern the relationship between the parties. Accordingly, the Hon'ble Court held that the Plaintiffs failed to establish a prima facie case and balance of convenience in their favour and also found no irreparable loss or injury. The interim injunction was therefore refused and dismissed.

THE INDIAN PERFORMING RIGHT SOCIETY LIMITED (Appellant) vs HOTEL APPOLO & TOURS PRIVATE LIMITED (Respondent)

CASE NO.: FMA 322 of 2025 with CAN 1 of 2025
DECIDED ON: 04th August 2026

In the present case, the Appellant filed an appeal challenging the rejection of its application for interim injunction against the Respondent, for allegedly communicating and publicly performing literary and musical works belonging to the Appellant's members. The Appellant contended that providing cable television services to guests in hotel rooms amounted to "communication to the public" under Section 2(ff) of the Copyright Act, 1957 and constituted copyright infringement. The Respondent contended that it had obtained cable connections from a cable operator who had already secured the necessary rights and therefore no separate licence or royalty was payable to the Appellant.

The Hon'ble Calcutta High Court observed that although the cable operator was licensed to broadcast the works to its subscribers, the Respondent hotel could not rely upon such licence for commercially making the content available to its hotel guests. The Hon'ble Court noted that the guests staying in the hotel rooms were not "subscribers" within the meaning of Section 2(i) of the Cable Television Networks (Regulation) Act, 1995, a subscriber could not further transmit the cable services to any other person, whereas the Respondent was providing the services to its guests. The Hon'ble Court further observed that the television services provided in the hotel rooms constituted an additional commercial amenity and therefore amounted to commercial exploitation and communication to the public of the copyrighted works. The cable operator's licence, being limited to its own subscriber (the respondent), could not be stretched to cover onward transmission to guests as a commercial amenity. This amounted to infringement under Section 51, and the appellant made out a strong prima facie case with balance of convenience in its favour

Accordingly, the Hon'ble Calcutta High Court set aside the order of the Trial Court, held that the Respondent was restrained from publicly performing or communicating to the public the Appellant's repertoire of literary and musical works without the requisite licence and payment of statutory royalty.

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