



## IPVERSE: CREATE. CLAIM. CONTROL.

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# INTRODUCTION

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The first quarter of 2025 has brought into sharp focus the multifaceted and rapidly shifting terrain of Intellectual Property law in India. From trade mark clashes involving household names to judicial reckonings with generative AI and digital impersonation, this period reflects the evolving response of Indian courts to both - the traditional infringements and the emerging technological threats.

Courts—particularly the Delhi High Court—have delivered a series of incisive rulings affirming brand exclusivity and consumer trust. Whether in House of Masaba's successful assertion of its trade mark rights, or in Novartis' continued efforts to safeguard its branding, judicial intervention has upheld the sanctity of trade mark ownership. Meanwhile, the contentious battles over labels like 'INDIA GATE' and 'ZEPTO' remind us that the marketplace remains a high-stakes arena for IP enforcement and protection. Alongside

these disputes, the case involving 'PETER ENGLAND' also highlights the legal process by which a brand seeks and obtains formal recognition as a "well-known" trade mark, demonstrating another facet of trade mark law. Further, the Indian courts are actively engaging with the implications of AI-generated content, as in the matter involving OpenAI, and also the personality rights infringement caused by deepfake technology. These matters not only test existing legal frameworks but are also shaping the contours of future jurisprudence.

This edition of our newsletter highlights some key judicial pronouncements and ongoing disputes that are defining the Indian IP ecosystem. We hope these updates serve as a valuable reference for practitioners, academicians, and industry leaders alike, as we collectively navigate this transformative era for Intellectual Property law.



# SHORT FORM

## THE DELHI HIGH COURT ISSUES A CANCELLATION ORDER OF THE REGISTERED 'ZEPTO' TRADE MARK BY A THIRD-PARTY

The Delhi High Court recently ordered the cancellation of the "Zepto" trade mark, which had been registered in 2014 by an individual, following a rectification petition filed by Kiranakart Technologies Private Limited ("**Kiranakart**")<sup>1</sup>. Kiranakart operates Zepto, a consumer goods delivery service, and sought the cancellation of the trade mark on the grounds of non-use. Kiranakart argued that it began operations under the "Zepto" brand in July 2021 and has since established over 350 (three hundred and fifty) stores and delivery hubs across 10 (ten) cities. The company further claimed that the Zepto" trade mark is now exclusively associated with its business, owing to its extensive advertising and consumer reach. The court noted that the respondent failed to file a response to the petition. Referring to Section 47(1)(b) of the Trade Marks Act, 1999, which permits the removal of a trade mark if it has not been used commercially for 5 (five) consecutive years, the court concluded that there was no evidence of the impugned mark being used. As a result, the court directed the Trade Marks Registry to remove the trade mark from the Register of Trade Marks.

## DELHI HIGH COURT GRANTS INTERIM RELIEF TO HOUSE OF MASABA IN TRADE MARK INFRINGEMENT SUIT

The Delhi High Court has granted interim relief to House of Masaba Lifestyle Private Limited ("**House of Masaba**") in a trade mark infringement suit concerning the unauthorized use of its trade marks.<sup>2</sup> The court issued an injunction, restraining the defendants from using the marks "MASABA" and "MASABA COUTURE". House of Masaba argued that the defendants were deceiving consumers by falsely associating themselves with its established brand. The court found merit in House of Masaba's claim, recognizing that the use of similar marks by the defendants could harm the distinctiveness and reputation of its brand. Additionally, the court ordered Instagram to remove the infringing accounts and demanded the defendants' full contact information.

## MADRAS HIGH COURT AFFIRMS REFUSAL OF AI-INTEGRATED PERSONA PATENT

The Madras High Court dismissed an appeal filed by Mr. Caleb Suresh Motupalli ("**Mr. Motupalli**") against the Controller of Patents ("**Controller**"), upholding

the rejection of his patent application (*Indian Patent Application no. 5606/CHENP/2012*) for a technology designed to integrate human and Artificial Intelligence ("**AI**") capabilities.<sup>3</sup> The court ruled that the invention lacked clarity, innovation, and failed to meet the requirements set out in the Patents Act, 1970 ("**Patents Act**"). Mr. Motupalli had applied for a patent for an invention titled "*Necktie Persona-Extender/Environment-Integrator and Method for Super-Augmenting a Persona to Manifest a Pan-Environment Super-Cyborg*," which he claimed would enhance human cognitive and physical abilities through AI. The Controller had rejected the application, citing vague claims, insufficient technical clarity, and the absence of a clear innovative step. Even after Mr. Motupalli made amendments and filed a review petition, the objections remained unresolved. While he argued that the invention was unique and required expert evaluation from various fields, the court noted that the invention lacked a tangible technical effect and was too abstract to qualify for patent protection. Resultantly, it held that the appeal failed under Sections 10(4), 10(5), and 3(k) of the Patents Act, and thus, no interference was warranted.

## DELHI HIGH COURT DIRECTS BLOCKING ACCESS OF IPTV WEBSITES INFRINGING STAR INDIA'S CONTENT

The Delhi High Court has granted an ex-parte ad-interim injunction in favour of Star India Pvt. Ltd. ("**Star India**") to prevent the unauthorized streaming of its copyrighted content by rogue streaming applications.<sup>4</sup> Star India, which operates under the "STAR" brand and runs platforms like Disney+ Hotstar and JioCinema, filed a trade mark and copyright infringement lawsuit against several defendants. The suit accused the defendants of hosting and broadcasting Star India's content without permission, causing financial losses and diverting viewers. The court found a prima facie case of infringement and concluded that Star India would suffer irreparable harm if no relief was granted. As a result, the Court instructed domain name registrars, internet service providers, and government authorities to block access to the infringing websites. The next hearing is scheduled for 14th July 2025.

1. Kiranakart Technologies (P) Ltd. v. Mohd. Arshad, 2025 SCC OnLine Del 1401.

2. House of Masaba Lifestyle Private Limited v. Masabacoutureofficial.Co and Others, 2025 SCC OnLine Del 964.

3. Caleb Suresh Motupalli v. Controller of Patents, C.M.A. (PT) No. 2 of 2024.

4. Star India Pvt. Ltd. and Another v. Ashar Nisar and Others, 2025 SCC OnLine Del 685.

## DELHI HIGH COURT RESTRAINS INFRINGEMENT OF NBFC'S 'SVAMAAN' TRADE MARK BY IDENTICAL BUSINESS USING 'SAMMAAN' NAME

The Delhi High Court has granted a temporary injunction in favour of Svamaan Financial Services Private Limited ("**Svamaan**"), a non-banking financial company ("**NBFC**") specializing in microfinance loans, in a trade mark infringement case against businesses using the name "SAMMAAN" for similar financial services.<sup>5</sup> Svamaan initiated the suit against Sammaan Capital and its associated entities, which were previously part of the Indiabulls group and had recently rebranded to incorporate "SAMMAAN" in their corporate names. The court found that the defendants' "SAMMAAN" mark was phonetically, structurally, and conceptually similar to Svamaan's registered "SVAMAAN" trade mark, as both names convey the concept of 'respect' in Hindi. The court further observed that the addition of words such as "Capital," "Finance," or "Finsserve" to the defendants' brand did not sufficiently mitigate the potential for consumer confusion. Subsequently, the parties settled the matter and filed an application for recording of compromise arrived at between the parties. Vide an order dated 19th March 2025, the court took the settlement drawn between the parties on record, noting that the parties shall remain bound by the terms of the settlement.

## DELHI HIGH COURT RESTRAINS USE OF RATAN TATA'S NAME, PICTURE AND THE TATA LOGO FOR AN AWARD CEREMONY

The Delhi High Court has issued an injunction preventing Dr. Rajat Srivastava ("**Srivastava**"), founder of Delhi Today Group, from hosting an event by the name of "Ratan Tata Icon Award" following an intellectual property infringement suit filed by the Sir Ratan Tata Trust and Tata Trusts ("**Plaintiffs**").<sup>6</sup> The injunction followed an observation by the court that Tata is a well-known trade mark and Late Ratan Tata is a well-known figure and, therefore, the name itself is liable for protection. The court also held that Srivastava could not use the logo or images associated with Ratan Tata and Tata Trusts.

The Plaintiffs also apprised the court that there was a nomination fee attached to the aforesaid award and Srivastava also alleged that the award was supported by the Tata Trust. It was held that the bad faith and infringement of Plaintiffs' exclusive rights was apparent, and Srivastava was clearly attempting to benefitting

from the public persona of Late Ratan Tata. It was basis an undertaking by the defendants to file an affidavit to not use the mark Tata or Tata Trust in future that the suit was decreed in favour of the Plaintiffs and the prayer for costs and damages was given up.

## COURTS CAN CLAIM JURISDICTION WHEN GOODS ARE BEING SOLD IN THE TERRITORY ONLINE – DELHI HIGH COURT

The Delhi High Court ruled in favour of Johnson & Johnson Pvt. Ltd. ("**Johnson**") in a trade mark infringement case, *Johnson & Johnson Pte. Ltd v. Mr. Abbireddi Satish Kumar & Ors*,<sup>7</sup> against a third-party selling electrolyte drink under the mark "ORSL" on IndiaMart and other e-commerce platforms. The defendant argued that the court lacked territorial jurisdiction, as their business operations were limited to Andhra Pradesh, Odisha, Tamil Nadu, and Telangana. However, the court determined that the online availability of infringing goods constitutes "use" under trade mark law, even if no physical sale occurs in a specific region. Johnson successfully showed that the defendant's products were advertised, promoted, and available for order from Delhi, thus establishing a cause of action within the court's jurisdiction. The court dismissed the defendant's application to reject the plaint and allowed the lawsuit to proceed.

## DELHI HIGH COURT PROHIBITS THE USE OF "NOVITAS" FOLLOWING A TRADE MARK INFRINGEMENT CLAIM BY PHARMACEUTICAL GIANT NOVARTIS

The Delhi High Court has granted an ad interim injunction in favour of Novartis AG ("**Novartis**"), restraining Novitas Lifesciences Private Limited from using the mark 'NOVITAS' for pharmaceutical products.<sup>8</sup> Novartis argued that the phonetic and visual similarity between 'NOVITAS' and its well-known 'NOVARTIS' mark created consumer confusion, infringing upon its trade mark rights. The plaintiff had been using the 'NOVARTIS' mark internationally and in India since 1996 for pharmaceutical products and services. The court acknowledged that

5. Svamaan Financial Services Private Limited v. Sammaan Capital Limited and Others, 2025 SCC OnLine Del 701.

6. Sir Ratan Tata Trust and Another v. Dr Rajat Shrivastava and Others, 2025 SCC OnLine Del 633.

7. Johnson & Johnson Pte. Ltd v. Mr. Abbireddi Satish Kumar & Ors, 2025 SCC OnLine Del 688.

8. Novartis AG v. Novitas Lifesciences, 2025 SCC OnLine Del 627.



confusion with regard to trade mark in pharmaceuticals poses a greater risk to public health than in other sectors. Finding a prima facie case, it ruled that failing to grant an injunction would cause irreparable harm to Novartis. The defendant was restrained from using 'NOVITAS' in their trade name, branding, or domain names. However, they were permitted to operate under a different, non-deceptive mark. The matter is scheduled for a hearing on 14 July 2025.

### COMPOSER CAN'T ASSIGN RIGHTS OF MOVIE SONG: DELHI HIGH COURT REJECTS ILAIYARAJAA'S COPYRIGHT CLAIM FOR THE SONG EN INIYA PON NILAVE'

The Delhi High Court ruled in favour of Saregama India Limited ("**Saregama**") in a copyright dispute with Vels Film International Limited ("**Vels Film**") and composer Ilaiyaraja over the song 'En Iniya Pon Nilave' from the 1980 Tamil film Moodu Pani.<sup>9</sup> Saregama claimed ownership of the song's copyright, alleging that Vels Film used and recreated it in their film 'Aghathiyaa' without permission. The court stated that under the Copyright Act, 1957, the producer of a film is the initial owner of its soundtrack unless stated otherwise. Since the film's producer had transferred the song's rights to Saregama in 1980, Ilaiyaraja could not grant these rights to Vels Film. However, considering Vels Film's financial investment, the court allowed the film's release on the condition that they pay INR 30 lakh (thirty lakh Indian rupees) to Saregama as royalties.

### SUPREME COURT ALLOWS PUNE EATERY TO USE BURGER KING TRADE MARK

The Supreme Court of India has granted interim relief to a Pune-based eatery named 'Burger King' by staying a Bombay High Court order that had restrained it from using the trade mark. The dispute began when Burger King Corporation filed a trade mark infringement suit against the Pune eatery before a Pune district court. The U.S. company sought a permanent injunction against the use of the 'Burger King' trade mark and claimed damages of INR 20 lakhs (twenty lakh Indian rupees). In August 2024, the district court dismissed the suit, recognizing the Pune-based Burger King as the prior user of the trade mark in India. The U.S. company then appealed to the Bombay High Court, which in December 2024, stayed the district court's order and restrained the Pune eatery from using the name 'Burger King' during

the appeal process. Challenging this decision, the proprietors of the Pune eatery approached the Supreme Court of India, which has now stayed the Bombay High Court's restraining order until the appeal is decided.

### DELHI HIGH COURT CONTINUES TO HEAR ANI'S COPYRIGHT INFRINGEMENT CASE AGAINST OPENAI

The Delhi High Court continues to hear the Asian News International ("**ANI**") v. OpenAI, a significant case concerning copyright infringement and AI-generated content.<sup>10</sup> ANI has accused OpenAI of unauthorized use of its news content to train ChatGPT and is seeking damages along with an injunction to prevent further usage.

ANI argued that OpenAI's use of its news articles without permission constitutes commercial exploitation of its intellectual property. The news agency contends that public availability does not equate to free use, asserting that OpenAI ignored its licensing offer and used ANI's proprietary content to generate responses, potentially reducing media subscriptions and advertising revenue. OpenAI, in its defence, argued that its AI models do not store or replicate ANI's content verbatim but generate responses by analysing linguistic patterns across publicly available datasets. It further claims that AI training on open-access information aligns with global industry standards and does not constitute infringement. OpenAI has also challenged the court's jurisdiction, citing its U.S.-based operations and lack of physical presence in India. The matter remains pending, with the next hearing scheduled for 17th April 2025.

As per publicly available sources,<sup>11</sup> several prominent Indian digital news outlets, including Network18, NDTV, Indian Express, Hindustan Times, and others, have sought the court's leave to join the copyright lawsuit. The Indian publishers have criticized OpenAI for not having local licensing agreements, pointing out that while the company has established partnerships with global media outlets like Time Magazine and Financial Times, it has failed to do the same with Indian media

9. Saregama India Limited v. Vels Film International Limited and Others, 2025 SCC OnLine Del 469.

10. ANI Media Pvt Ltd v. Open AI INC & anr., CS(COMM) 1028/2024.

11. Niharika Sharma, OpenAI to Face Digital News Firms of Ambanis' News18, Adanis' NDTV in Copyright Battle, ECON. TIMES (Mar. 24, 2025), <https://economictimes.indiatimes.com/industry/media/entertainment/media/openai-to-face-digital-news-firms-of-ambanis-news18-adanis-ndtv-in-copyright-battle/articleshow/117593948.cms?from=mdr>.

organizations. The publishers argue that this lack of agreements puts Indian media at a disadvantage and harms their economic interests, as OpenAI profits from their content without compensating them.

### DELHI HIGH COURT GRANTS RELIEF TO RAPIDO AGAINST REGISTRATION OF ITS TRADE MARK BY ANOTHER PARTY

The Delhi High Court granted relief to Roppen Transportation Services Pvt. Ltd. ("**Roppen**"), the operator of Rapido bike and taxi services, by allowing its rectification petitions against the registration of the trade mark 'RAPIDO' by a third party.<sup>12</sup> Roppen argued that it had been using the RAPIDO mark since 2015, with multiple trade mark registrations (the earliest dating back to November 2017), and emphasized its substantial market presence. It claimed that the respondent's mark was identical and intended to capitalize on Roppen's established goodwill. The court noted that the respondent failed to file a reply and concluded that the respondent's use of the mark was likely to cause consumer confusion and was dishonest.

### DELHI HIGH COURT PASSES JOHN DOE ORDER AGAINST ROGUE WEBSITES INFRINGING ONLINE GAMING COMPANY BAAZI GROUP'S TRADE MARK

The Delhi High Court has granted a John Doe order in favour of Moonshine Technology Private Limited ("**Moonshine**"), the parent company of Baazi Group, against several unauthorized websites infringing its trade marks.<sup>13</sup> The court has prohibited the unknown defendants from accessing or using domain names such as baaziadda, baazi247, baazi365, and lotusbaazi, which closely resemble Baazi's registered trade marks. Moonshine argued that it has been using the 'BAAZI' mark since 2014 and owns various other BAAZI-related trade marks. The court observed that the rogue websites were engaging in cyber-squatting and misleading users into thinking that they were connected to Moonshine. As a result, the court issued an *ex-parte ad-interim* injunction, preventing the defendants from altering, transferring, or using the infringing domain names.

### DELHI HIGH COURT PERMANENTLY RESTRAINS DOMAIN NAMES/WEBSITES FROM INFRINGING TATA GROUP'S 'CROMA' TRADE MARK

The Delhi High Court in the case, *Infinity Retail Limited v. M/S Croma Wholeseller & Ors.* granted a permanent injunction in favour of Infiniti Retail Limited ("**Infinity**

**Retail**") by restraining several domain names.<sup>14</sup> Infinity Retail, a subsidiary of the Tata Group and the owner of the 'CROMA' trade mark, argued that the various third parties had been using its trade mark in their respective domain names, viz., [www.cromawholeseller.in](http://www.cromawholeseller.in), [www.cromawholesellers.in](http://www.cromawholesellers.in), [www.cromawholesellers.com](http://www.cromawholesellers.com), [www.cromawholesale.in](http://www.cromawholesale.in). Vide an interim order dated 25th July 2022, the said domain names used by the defendants were enjoined by the court and the defendants were also directed to temporarily suspend the UPI IDs in the name of 'infinity retail'. Subsequently, as Infinity Retail became aware of other infringing websites, domain names were impleaded, and the injunction order was extended. Upon an application for summary judgement filed by Infinity Retail, the defendants filed no response. Thus, considering the facts and circumstances of the case at hand and the requirements of a summary judgement, the court agreed that the disputed domain names were misleading the consumers and violated Infiniti's trade mark rights. As a result, the Court ordered a permanent injunction, instructing domain registrars to transfer the infringing domains to Infiniti Retail, and mandated that mobile operators permanently suspend the defendants' mobile numbers.

### DELHI HC DIRECTS AMAZON TO PAY INR 339.25 CR. IN A TRADE MARK INFRINGEMENT CASE

The Delhi High Court has ruled in favour of Lifestyle Equities CV and Lifestyle Licensing B.V., owners of the Beverly Hills Polo Club ("**BHPC**") brand, in their trade mark infringement suit against Amazon Technologies Inc. ("**Amazon**") and its affiliates.<sup>15</sup> The court held that Amazon's private label brand "Symbol" used a horse rider logo deceptively similar to BHPC's registered mark, misleading consumers into believing they were purchasing genuine BHPC products.

The court imposed INR339.25 crore (approx. USD 38.78 million) (approx. three hundred and forty crore Indian rupees of approx. thirty nine million US dollars) in damages on Amazon and issued a permanent injunction, restraining it from using any marks or designs that could create brand confusion.

12. Roppen Transportation Services Private Limited v. Nipun Gupta and Another, 2025 SCC OnLine Del 221.

13. Moonshine Technology Private Limited v. Ashok Kumar and Others, 2025 SCC OnLine Del 1036.

14. Infiniti Retail Limited v. Croma Wholeseller and Others, 2025 SCC OnLine Del 1038.

15. Lifestyle Equities CV and Another v. Amazon Technologies, Inc. and Others, 2025 SCC OnLine Del 1122.

# LONG FORM

## DELHI HIGH COURT INJUNCTS IMPOSTER DOMAIN NAMES FROM INFRINGING TRADE MARK OF TATA POWER

Tata Power Solar Systems Ltd. ("**Tata Power**"), one of India's leading solar energy companies, uses the trade mark "TATA POWER SOLAR" since February 2020.<sup>16</sup> The company argued that the defendants had registered several misleading domain names, including 'tatapowersolardealership.co.in', 'tatapowersolars.com', 'tatapowersolars.org', and 'tatapowersolarroof.com', to create confusion among consumers and falsely associate themselves with Tata Power. The defendants were using these domain names to mislead potential customers into believing they were affiliated with the well-established brand, a practice that could have serious implications for both the company's reputation and consumer trust.

Tata Power further claimed that the use of these domain names was part of a broader scheme to profit from its hard-earned reputation and goodwill. The company argued that the defendants' actions were an attempt to take unfair advantage of Tata Power's established brand presence in the solar energy industry. The Delhi High Court acknowledged the strength of Tata Power's argument, noting that the defendant's actions were causing confusion and deception in the marketplace. The defendants had not only copied Tata Power's trade marks but were also misrepresenting themselves as being affiliated with the company.

In its ruling, the Delhi High Court found that the defendants' actions constituted a clear case of trade mark infringement and passing off. By registering domain names that were confusingly similar to Tata Power's trade mark, the defendants sought to exploit the brand's recognition and consumer trust. The Court emphasized that such practices could harm the interests of both Tata Power and its customers, potentially resulting in financial losses and damage to the brand's reputation.

The Delhi High Court granted a permanent injunction in Favor of Tata Power against multiple domain name registrants for trade mark infringement and passing off. The Court restrained the defendants from using domain names that unlawfully exploited Tata Power's trade marks to deceive consumers.

## TUSSLE BETWEEN ITC AND ADYAR GATE HOTELS OVER THE TRADE MARK 'DAKSHIN'

ITC Limited and ITC Hotels Limited (collectively "**ITC**") have approached the Delhi High Court seeking injunction

against Adyar Gate Hotels Limited ("**Adyar Gate**") over their use of the trade mark 'Dakshin'.<sup>17</sup> ITC argued that it is the registered proprietor of the trade mark 'Dakshin' since 2000 and had entered into an operating services agreement with Adyar Gate in 1985 which conferred limited rights to Adyar Gate to use the trade mark in relation to ITC's new hotel.

The said agreement was renewed from time to time and finally expired in 2015 when ITC withdrew from the hotel. ITC claimed that despite the fact that the agreement stood terminated, it did not object to the use of the trade mark by the hotel after 2015 on account of their long relationship. This changed when the hotel was shut down and ITC learnt that Adyar Gate had opened a standalone restaurant under the trade mark 'Dakshin'. It was also claimed that ITC did not object to Adyar Gate's registration of the 'Dakshin' device mark filed in 2004 in view of the existing license.

Pursuant to hearing the arguments advanced by ITC, the single judge bench of the Delhi High Court granted an *ex-parte ad-interim* injunction restraining Adyar Gate from using the name and trade mark 'Dakshin' ("**Impugned Injunction**"). It was shortly after the passing of this order that Adyar Gate approached the division bench of the court ("**Division Bench**"), appealing against the Impugned Injunction. The appeal has been decided in favour of Adyar Gate, allowing it to continue using the trade mark only for its existing outlet and not expanding the use. The matter has been remanded for further consideration by the single judge.

Without getting into the merits of the matter, the Division Bench appreciated the fact that Adyar Gate had admittedly been independently using the trade mark 'Dakshin' since the year 2015, without any objection from ITC and, hence, a case for *ex-parte ad-interim* injunction was not made out. The Division Bench reiterated the well-settled principle that a notice of application seeking ad-interim injunction shall be served upon the opposite party before granted the same, unless it appears that the object of granting the injunction would be defeated by such notice or delay.

16. Tata Power Solar Systems Limited and Another v. www.tatapowersolardealership.co.in and Others, 2025 SCC OnLine Del 965.

17. Adyar Gate Hotels Limited v. ITC Limited and Another, 2025 SCC OnLine Del 1209.

## DELHI HIGH COURT REFERS TOO YUMM V. HALDIRAMS PACKAGING DISPUTE TO MEDIATION

The dispute<sup>18</sup> between Guiltfree Industries and Anantjeet Industries LLP (third party manufacturer of Haldiram's snacks) ("**Anantjeet Industries**") has been referred by the Delhi High Court to mediation. Guiltfree Industries had accused Anantjeet Industries of copying the distinctive packaging of its 'Bhoot Chips'. The lawsuit claims that the packaging of Anantjeet Industries' 'Takatak Bhoot Chilli' is a "slavish imitation" of Guiltfree Industries' snack, 'Too Yumm's' artistic trade dress, which the company argues has become strongly associated with its brand.

### Plaintiff's products



### Defendant's products



The dispute began in January 2025 when Guiltfree Industries discovered that Anantjeet Industry has started manufacturing 'Takatak Bhoot Chilli' under the infamous Haldiram's brand, with packaging strikingly similar to that of its own chips packets. In response, Guiltfree Industries filed the lawsuit to safeguard its intellectual property, arguing that the unique packaging had become an identifying feature of the brand. They further claimed that the latter's similar packaging could confuse consumers and flood the market with imitative products, damaging Too Yumm's market position.

Vide an order dated 04th February 2025, the court directed Anantjeet Industries to stop manufacturing and distributing the products under the disputed packaging. However, the court allowed the latter to continue selling

existing stocks that were already in circulation. The Court also ruled that Haldiram's could retain its trade marks and branding elements, provided that the packaging design was sufficiently different from Too Yumm's to avoid consumer confusion. The Court has now referred the matter to mediation.

## DELHI HIGH COURT DECLARES PETER ENGLAND AS WELL-KNOWN TRADE MARK

Aditya Birla Fashion and Retail Limited ("**ABFRL**") approached the Delhi High Court seeking recognition of "PETER ENGLAND" as a well-known trade mark under Section 2(1)(zg) of the Trade Marks Act, 1999 ("**TM Act**").<sup>19</sup> ABFRL argued that "PETER ENGLAND" has been in continuous use in India since 1997 and has acquired distinctiveness due to extensive promotional efforts and nationwide consumer recognition.

The trade mark "PETER ENGLAND" was originally conceived and adopted in 1889 by Carrington Viyella Garments Limited ("**CVGL**"), England. The brand was later introduced in India in 1997 by the plaintiff's predecessor and subsequently acquired by ABFRL in 2000 through an assignment deed. Presently, the plaintiff operates over 382 (three hundred and eighty-two) stores across more than 180 (one hundred and eighty) towns and cities in India.

ABFRL submitted evidence demonstrating substantial investments in brand promotions, including endorsements by Ayushmann Khurrana and partnerships with Chennai Super Kings. The plaintiff further emphasized that "PETER ENGLAND" has consistently been advertised across leading media platforms such as The Times of India, reinforcing its association with the plaintiff.

Pursuant to hearing the arguments, the court ruled in favour of ABFRL, recognizing that "PETER ENGLAND" had acquired secondary significance and was exclusively associated with the plaintiff's goods and services. The court emphasized that the mark had become a single-source identifier and had satisfied all criteria under Section 2(1)(zg) of the TM Act, for well-known trade mark recognition.

18. Guiltfree Industries v. Anantjeet Industries LLP, CS(COMM) 98/2025

19. Aditya Birla Fashion and Retail Ltd. v. Friends Inc, 2025 SCC OnLine Del 634.



## GURUGRAM COURT AWARDS INR 55 LAKH DAMAGES TO MICROSOFT IN TRADE MARK INFRINGEMENT AND FAKE CALL CENTRE CASE

A commercial court in Gurugram has awarded Microsoft Corporation and its Indian subsidiary, Microsoft Corporation India Private Limited, (collectively, "**Microsoft**") damages worth INR 55 lakh (fifty five lakh Indian rupees) along with legal costs in a trade mark infringement suit.<sup>20</sup> The suit was filed by the Plaintiffs against Retnec Solutions Pvt. Ltd. ("**Retnac**"), its directors and certain US-based entities (collectively, "**Retnac and Ors.**"), for misusing Microsoft's trade marks including 'HOTMAIL', 'OUTLOOK', and 'OFFICE 365' to misrepresent themselves as Microsoft. Retnac and Ors. were carrying on a fraud by deceiving customers into believing that they were associated with Microsoft and extracting money for fake technical support.

Microsoft alleged that Retnac and Ors. were conducting these illegal activities atleast since 2016 and investigations conducted by Microsoft revealed that Retnac and Ors. operated a fake call centre in Gurugram to give effect to the frauds. Microsoft further produced records of their complaint portal which included direct evidence against Retnac and Ors. It was basis the extensive evidence procured by Microsoft through its internal investigations that a criminal complaint was filed and the Gurugram Police conducted searches at different premises to seize 18 (eighteen) CPUs, 17 (seventeen) hard drives, 1 (one) server and several other types of incriminating evidence. The 2 (two) directors of Retnac were also arrested from one of these premises.

Pursuant to hearing both the sides and reviewing the evidence on record, the court held that Microsoft was clearly the owner of the Microsoft trade marks, which had acquired the status of 'well-known' trade mark within the meaning of Sections 2(1)(zg) and 11(6) of the Trade Marks Act, 1999. It was further held that there was sufficient evidence to prove that Retnac and Ors. have continuously and dishonestly used the Microsoft marks for deceiving customers and making wrongful gains. Resultantly, a decree of permanent injunction and damages was granted by the court in favour of Microsoft.

## INDIA GATE & BHARAT GATE TRADE MARK DISPUTE ON PHONETICAL SIMILARITY

The Delhi High Court allowed an appeal in the case, *KRBL Limited v. Praveen Kumar Buyyani & Ors*, in regard to the trade mark dispute between KRBL Limited's ("**KRBL**")

registered trade mark 'INDIA GATE' and Praveen Kumar Buyyani's ("**Praveen Buyyani**")'s trade mark, 'BHARAT GATE'.<sup>21</sup>

### Plaintiff's products



### Defendant's products



KRBL was established in 1889 and evolved as a global leader in the rice industry and is popularly known for its '**INDIA GATE**' basmati rice. The company holds a registered trade mark for 'India Gate' and has been using it since 1993. Vide an order dated 09th October 2020 ("**Injunction Order**"), the learned Commercial Court granted an ex-parte ad interim injunction in favour of KRBL and against the Praveen Buyyani and Ors., restraining them from using the trade mark 'BHARAT GATE' in respect of rice or any other associated or allied product.

It was the case of Praveen Buyyani and Ors. that there was no phonetic or visual similarity between the marks INDIA GATE or BHARAT GATE and that KRBL could not claim a monopoly over the words - INDIA GATE, as these were words of common usage. Subsequently, the court, vide its order dated 09th January 2024 ("**Impugned Order**"), vacated the Injunction Order. The court noted that there is no phonetic similarity between BHARAT

20. Microsoft Corporation & Anr. Versus Retnec Solutions Private Limited & Ors, CNR No. HRGR01-000081-2022, CIS No. CS-01-2022.

21. KRBL Limited v. Praveen Kumar Buyyani and Others, 2025 SCC OnLine Del 198

GATE and "INDIA GATE" as the rival marks were distinct in packaging, colour and design with blue and green colours predominating the appellant's mark and red predominating the respondent's mark.

The Delhi High Court, upon reviewing the Impugned Order in the appeal, observed that deceptive similarity between the 'INDIA GATE' and 'BHARAT GATE' marks is starkly apparent. The court noted that both 'India' and 'Bharat' refer to the same country and convey identical meanings. When combined with the word 'Gate,' both trade marks create a similar phonetic impression. Given that both marks are used for rice products, the court concluded that the 'triple identity test' after assessing similarity in goods, mark, and consumer base was satisfied indicating clear infringement. The court emphasized that the deceptive similarity between 'India Gate' and 'Bharat Gate' is likely to cause confusion or suggest an association between the two brands. Consequently, the court allowed KRBL's appeal, reinforcing the protection of well-established trade marks against potential infringements that could mislead consumers. In view of the above finding, the court quashed and set aside the Impugned Order and restored the Injunction Order, till the pendency of the suit.

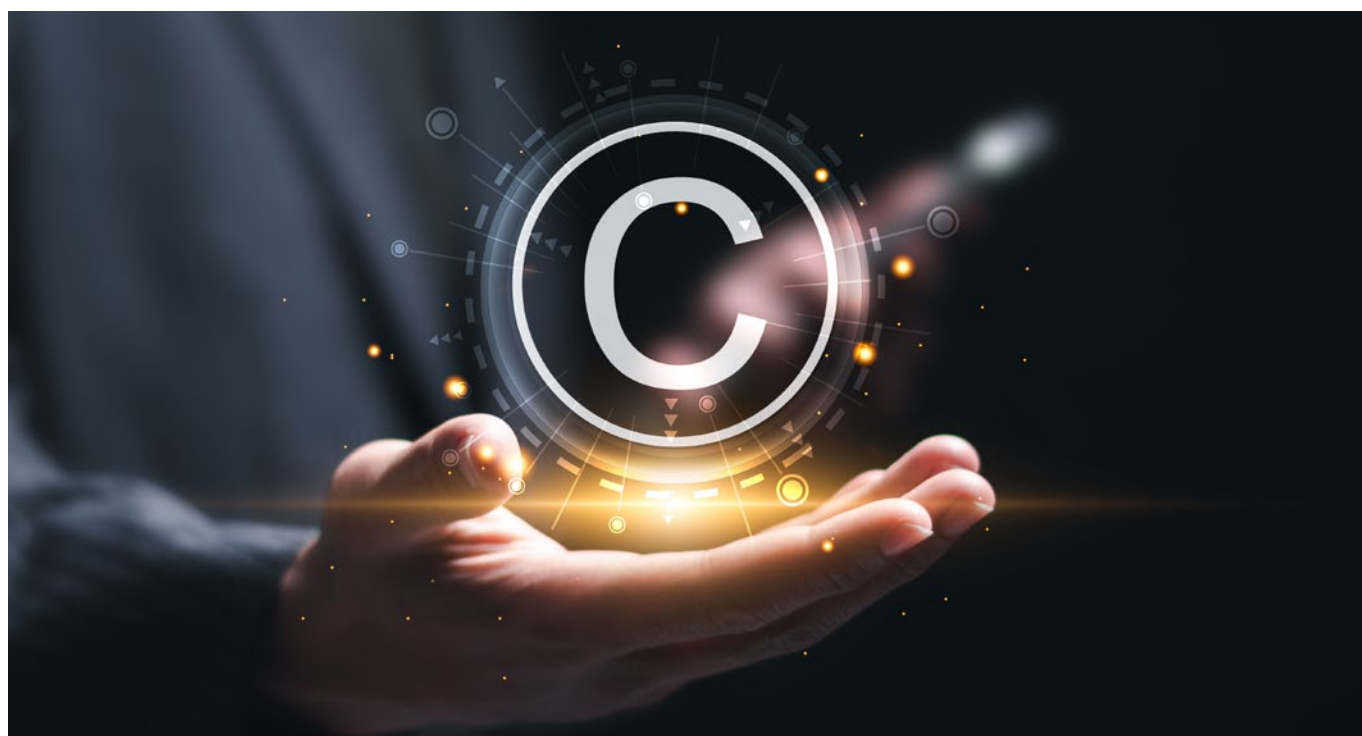
## DELHI HC ORDERS REMOVAL OF DEEPFAKE CLIPS OF MEDANTA'S DR TREHAN ON SOCIAL MEDIA

The Delhi High Court has granted an ex-parte ad-interim injunction directing the immediate removal of deepfake videos from Facebook that falsely depict Dr. Naresh Trehan ("Dr. Trehan"), Chairperson of Medanta Hospital, endorsing unverified natural remedies for urological conditions.<sup>22</sup> The order highlights the unauthorized use of AI-generated deepfakes that infringe upon intellectual property and personality rights.

The plaintiffs argued that the videos, created using sophisticated AI technology, falsely portrayed Dr. Trehan promoting treatments for conditions such as prostatitis and erectile dysfunction, despite having no association with such endorsements. It was contended that these misrepresentations not only misled the public but also damaged Dr. Trehan's credibility and Medanta Hospital's reputation in the medical community.

Recognizing the imminent harm posed by these deepfakes, the court ruled in favour of the plaintiffs, noting that the balance of convenience lay with the plaintiffs, as failure to act immediately would cause irreparable damage. Accordingly, the court granted a dynamic injunction, ensuring the swift removal of any future deepfake content featuring Dr. Trehan.

22. Global Health Limited and Anr. v. John Doe and Ors., CS(COMM) 6/2025.



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