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IPR Law Judgments

A Monthly Wrap | **October 2026**

Title and Case details	Case Brief
Delhi HC Holds Trademark Rights Alone Do Not Establish Copyright Ownership Japan Tobacco Inc. and Ors. vs. The Central Wearhouse and Ors. (MANU/DE/7565/2026: 2026: DHC:8713)	The High Court of Delhi addressed a petition by Japan Tobacco Inc. and Worldwide Brands Inc. seeking rectification of **a copyright entry for an artistic work** registered by Veena R. Hinduja, claiming it infringed their **prior 'CAMEL' trademarks.** The court examined whether the petitioners were the 'First Owners' of the original artistic work under **Section 17 of the Copyright Act, 1957,** and found they failed to establish this ownership. The court noted that mere trademark registration **does not suffice to claim copyright ownership** and emphasizes the need for concrete evidence of first publication and ownership. Consequently, the petition was dismissed, and the copyright registration remained valid.
Delhi HC Sets Aside Patent Refusal, Cites Violation of Natural Justice in Glisten LLC's Case Glisten Llc vs. The Assistant Controller of Patents and Designs and Ors. (MANU/DE/7777/2026: 2026: DHC:8931)	The High Court of Delhi addressed the appeal by Glisten Llc against the Assistant Controller of Patents & Designs, **challenging the refusal of their patent application for lacking an inventive step.** The court found that the refusal was based on grounds not communicated in the hearing notice, violating principles of natural justice. The court emphasized the necessity of **notifying applicants of all objections before a hearing,** referencing precedents like Perkinelmer Health Sciences Inc. The impugned order was set aside, and the application was remanded for fresh consideration, ensuring compliance with procedural fairness. The appeal was disposed of, leaving all rights and contentions open.

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Delhi HC Restrains Misuse of Dr. Shetty's Persona and Hospital Trademark Devi Prasad Shetty and Ors. vs. Medicine Me and Ors. (MANU/DE/7786/2026: 2026: DHC:8897)	The High Court of Delhi addressed a suit filed by Devi Prasad Shetty and Narayana Hrudayalaya Ltd against Medicine Me and others, **concerning the misuse of Dr. Shetty's persona and the infringement of Narayana Hrudayalaya's trademarks** through fabricated online content. The court found that the defendants used **Dr. Shetty's likeness and the company's trademarks without authorization**, posing risks to public health. The court confirmed the interim injunction, granting a permanent injunction against the defendants and allowing the plaintiffs to request the removal of similar future content. The suit was decreed in favor of the plaintiffs, with damages and costs dismissed as not pressed.
Delhi HC Grants ₹5 Lakh Damages to Havells India for Trademark Infringement Havells India Limited and Ors. vs. Havells PVC Pipes Industry (MANU/DE/7833/2026l: 2026: DHC:8998)	The High Court of Delhi addressed the issue of trademark infringement involving **Havells India Limited and others against Havells PVC Pipes Industry.** The plaintiffs claimed that the defendant was using their **registered trademark "HAVELLS"** without authorization. Despite being served, the defendant did not appear or file a written statement, leading the court to proceed with an ex-parte. Citing precedents like ***Imagine Marketing Private Limited vs. Green Accessories and Ors. MANU/DE/0898/2022*** the court found sufficient evidence to rule in favor of the plaintiffs without requiring ex parte evidence. The court decreed the suit in favor of the plaintiffs, granting relief as sought and awarding damages of Rs. 5,00,000 to cover costs, including court fees and expenses for the Local Commissioner. The suit was disposed of, and a decree sheet was ordered to be drawn.

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Delhi HC Permanently Restrains Use of Deceptively Similar Marks in Domino's Trademark Dispute Dominos IP Holder LLC and Ors. vs. Domin'D Pizza and Ors. (MANU/DE/7965/2026: 2026: DHC: 9173)	The **High Court of Delhi** addressed whether the use of **deceptively similar marks,** including "DOMIN'D PIZZA," "DOMIND'S PIZZA" and "DOMZZ PIZZA," **infringed the trademark rights of Domino's IP Holder LLC and Jubilant Food Works Limited.** The Court observed that the impugned marks were **phonetically similar** to the plaintiffs' established **"DOMINO'S PIZZA"** trademark and were used for identical goods and services, creating a likelihood of consumer confusion and misrepresentation of commercial affiliation. It further noted that the defendants' listings on various food delivery platforms appeared in search suggestions when consumers entered the initial letters of the plaintiffs' mark, potentially diverting customers and exploiting the goodwill associated with the registered trademark. Finding no plausible justification for the defendants' conduct, the Court granted **summary judgment and a permanent injunction**, restraining defendants 5 to 7 from using the impugned marks or any identical or deceptively similar marks amounting to trademark infringement.
Delhi HC Restrains Unauthorized Streaming, Extends Protection to Mirror and Redirect Websites Sporta Technologies Pvt. Ltd. vs. John Doe and Ors. (MANU/DEOR/94290/2026 CS(COMM) 989/2026)	The High Court of Delhi addressed the issue of whether **Alaina Healthcare Pvt. Ltd. and A. Menarini India Pvt. Ltd. infringed upon Mankind Consumer Products Pvt. Ltd.'s** registered trademark **ACNESTAR** by using the mark **ACNE SCAR/ACNE+SCAR/ACNESCAR**. The court found that the impugned mark was **deceptively similar to ACNESTAR**, noting the **phonetic similarity** and the **likelihood of consumer confusion, especially given the products' similar market and consumer base.** The court granted an interim injunction restraining the defendants from using the impugned mark, allowing them two months to recall existing stock. The decision referenced the precedent set in **Mankind *Pharma Ltd. v. Brinton Pharmaceuticals Ltd. MANU/DE/7599/2025*** and emphasized the importance of protecting registered trademarks from infringement.

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Delhi HC Permanently Restrains Use of 'ANANTARA' Mark in Trademark Infringement Suit MHG IP Holding Singapore Pte Ltd. and Ors. vs. Evergreen Dealcom Pvt. Ltd. and Ors. (MANU/DE/8069/2026: 2026: DHC:9396)	The High Court of Delhi addressed a trademark infringement and passing off dispute between **MHG IP Holding Singapore Pte Ltd. and Evergreen Dealcom Pvt. Ltd.** The plaintiffs, part of the Minor Hotel Group, claimed that the defendants used the trademark **"ANANTARA" for real estate projects**, **infringing on their registered mark used for hotels and resorts.** The court found the defendants' use of the mark likely to **cause confusion and damage to the plaintiffs' goodwill,** as the defendants did not contest the suit. The court permanently restrained the defendants from using the "ANANTARA" mark or any similar variant. The plaintiffs waived claims for damages and costs, and the suit was disposed of accordingly.
Delhi HC Grants Permanent Injunction to Kiehberg GmbH, Upholds Prior User Rights Over 'KIEHBERG' Mark Kiehberg GMBH and Ors. vs. Capital Airgun Manufacturers Private Limited (MANU/DE/8085/2026: 2026: DHC:9381)	The High Court of Delhi addressed a dispute between **Kiehberg GMBH and Capital Airgun Manufacturers Private Limited** regarding the **unauthorized use** of the trademark **"KIEHBERG."** The court found that Kiehberg GMBH was the prior user of the trademark, having used it **since 2012,** and that the **defendant's registration of the mark in 2023** was on a **"proposed to be used" basis,** which did not defeat the plaintiffs' claim of passing off. The court granted a permanent injunction against the defendant, **restraining them from using the "KIEHBERG" mark**, and ordered the delivery of materials bearing the mark for destruction. The court also noted that the defendant's trademark registration had been canceled in a related proceeding. The suit was decreed in favor of the plaintiffs, with certain monetary claims dismissed as not pressed.
Delhi HC Orders Removal of 'THE BREW BUKHARA' Mark, Protects ITC's Well-Known 'BUKHARA' Trademark ITC Limited and Ors. vs. Umesh Arora and Ors. (MANU/DE/8177/2026: 2026: DHC:9359)	The High Court of Delhi addressed the dispute between **ITC Limited and Umesh Arora** regarding the trademark **"THE BREW BUKHARA,"** which ITC claimed was **deceptively similar to its well-known trademark "BUKHARA."** ITC sought cancellation of the registration under **Sections 47 and 57 of the Trademarks Act, 1999**. The court noted that Umesh Arora had not commercially used the trademark and expressed willingness to relinquish it. Citing precedents where non-use led to cancellation; the court directed the removal of the trademark from the register. The petition was allowed, and the Trademark Registry was instructed to act within six weeks.

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Delhi HC Revives Tetra Technologies' Patent Application, Finds No Proof of FER Communication Tetra Technologies, Inc. vs. Union of India and Ors. (MANU/DE/8198/2026: 2026: DHC:9379)	The High Court of Delhi addressed the issue of whether **Tetra Technologies, Inc.'s Indian Patent Application** No. 202017019804 was rightfully **deemed abandoned by the Union of India and others due to non-receipt of the First Examination Report (FER).** The court found that the FER was not effectively communicated to Tetra Technologies, **as there was no proof of delivery** to the provided email address, and the postal address was not used. Citing precedents like ***Telefonaktiebolaget LM Ericsson (PUBL) vs. Union of India (UOI) and Ors. MANU/DE/0683/2010,*** the court emphasized the need for effective communication and natural justice. Consequently, the court set aside the abandonment decision, directed the revival of the application, and ordered the respondents to resend the FER, granting **Tetra Technologies eight weeks to respond.** The petition was disposed of without addressing the merits of the patent application.
Madras HC Orders Transfer of Trademark Dispute to IP Division, Citing Section 125(2) Surya Hotels and Properties vs. Registrar of Trademarks and Ors. (MANU/TN/3148/2026)	The High Court of Madras addressed the issue of whether Rectification Proceeding No. MAS-279782, concerning Trademark Registration No. 2441920 in Class 43, **should be transferred from the Registrar of Trademarks, Chennai, to the Intellectual Property Division of the court.** The parties involved were Surya Hotels and Properties and the Registrar of Trademarks, among others. The court reasoned that **Section 125(2) of the Trademarks Act, 1999, allows for such a transfe**r, and the second respondent had no objection to it. The court ordered the transfer of the rectification proceeding to facilitate effective adjudication, with all other prayers in the writ petition dismissed as not pressed. The decision referenced the precedent set in ***Asia Match Company Pvt. Ltd. v. Deputy Registrar of Trademarks & GI (2023:MHC:5361)***.

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Madras HC Restores Deakin University's Patent Application, Citing Agent's Negligence Deakin University vs. The Controller General of Patents, Designs and Trademarks Intellectual property India (MANU/TN/3150/2026: WP(IPD) No. 22 of 2)	The High Court of Madras addressed whether Deakin University's **patent application for a "Firefighter Training Unit"** should be restored after being deemed abandoned due to a missed deadline for responding to the First Examination Report. The court found that the delay was caused by the negligence of the university's Indian patent agent, **STRAT IP, which failed to communicate crucial updates regarding deadline extensions during the COVID-19 pandemic.** Citing precedents from the Delhi High Court and its own past decisions, the court held that the mistake of a patent agent should not penalize the applicant. Consequently, the court restored the patent application, condoned the delay, and directed the respondent, the Controller General of Patents, Designs and Trademarks, to take the reply on record and proceed with the examination within six months.
Madras HC Directs Renewal of 'THOTHA' Trademark, Holds Delay No Bar While Mark Remains Registered R. Booma Rani vs. The Registrar of Trademarks (MANU/TN/3149/2026: WP(IPD) No. 14 of 2)	The High Court of Madras addressed whether the Registrar of Trademarks could refuse R. Booma Rani's **renewal application for her trademark "THOTHA" due to a delay,** despite the mark not being removed from the register. The court found that the Registrar had not removed the mark, and under **Rule 58(3) of the Trademarks Rules, 2017,** the Registrar must accept the renewal application as long as the mark remains registered. The court referenced ***Jaisuryas Retail Ventures Pvt. Ltd. vs. The Registrar of Trademarks MANU/TN/4567/2024*** which supports renewal applications if the mark is still on the register. The writ petition was allowed, directing the Registrar to process the renewal application and correct any data-entry errors.
Bombay HC Upholds Refusal to Register "ICE CREAM ROCKS" Trademark, Finds Mark Generic and Descriptive Graviss Foods Private Limited vs. The Registrar of Trademarks (MANU/MH/5877/2026: 2026: BHC-OS:20268)	The High Court of Madras addressed whether the Registrar of Trademarks could deem Opposition No. 1184483, filed by the **U.S. Department of Health and Human Services against Atul Bharat Singh**, abandoned under **Rule 45(2) of the Trademarks Rules, 2017**, despite the opponent having filed a request for an extension of time and an alternative request to rely on the grounds stated in the notice of opposition. The Registrar found that the earlier order had overlooked **Form TM-M**, which recorded the opponent's intention to pursue the opposition. Holding that the non-consideration of this material document constituted an **error apparent on the record**, the Registrar allowed the review of petition under **Section 127(c) of the Trademarks Act, 1999**. Accordingly, the abandonment order was recalled; the opposition was restored, and the opponent's evidence was taken on record.

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Madras HC Upholds Plaint Amendment in 'Acha Dholak' Trademark Dispute, Allows Trial to Proceed The President Match Company and Ors. vs. Sri Balamurugan Match Works and Ors. (MANU/TN/3175/2026: CRP(MD)No.933 of 2026)	The Madurai Bench of the High Court of Madras addressed whether **Sri Balamurugan Match Works** could amend its plaint in a **trademark infringement suit** concerning the registered trademark **"Acha Dholak"** and the **associated artistic work.** The Court found that the proposed amendments, relating to the origin and continuity of the business and the basis of the plaintiff's claimed trademark rights, did not introduce a new cause of action or fundamentally alter the nature of the suit. It held that the validity of the plaintiff's rights and the legal effect of the relevant registration and licensing documents could be examined during trial, particularly under **Sections 52 and 53 of the Trademarks Act, 1999**. Accordingly, the Court dismissed the civil revision petition and upheld the trial court's order permitting amendment of the plaint, allowing the trademark and copyright infringement dispute to proceed to adjudication.
Madras HC Upholds Injunction in 'ANNAPOORNA' Trademark Dispute, Citing Likelihood of Consumer Confusion Annapurna Swadisht Limited vs. GEF Foods India Private Limited (MANU/TN/3322/2026)	The High Court of Madras addressed the dispute between **GEF Foods India Private Limited and Annapurna Swadisht Limited** concerning alleged trademark infringement and passing off involving the marks **"ANNAPOORNA" and "ANNAPURNA"**. The Court found that the competing marks were phonetically similar and that their use for spices, masalas and packaged snacks was likely to cause consumer confusion regarding the commercial origin of the goods. It held that the plaintiff's **prior use and registered trademark rights** warranted protection under **Section 29(2) of the Trademarks Act, 1999**, and that the defendant's geographical market presence and business expansion did not justify continued use of the disputed mark. Accordingly, the Court made the interim injunction absolute, restraining the defendant from using the impugned mark for the goods in question, and dismissed the applications seeking to vacate the injunction.
Madras HC Dismisses 'TRUE VALLEY' Trademark Suit Against Amul, Citing Lack of Prior Notice Kaira District Co-Operative, Milk Producers Union Limited vs. Asian Beverage Private Limited (MANU/TN/3323/2026: A. No. 770 of 2023)	The High Court of Madras addressed whether the trademark infringement and passing-off suit filed by **Asian Beverage Private Limited** against **Kaira District Co-operative Milk Producers Union Limited (Amul Dairy)** over the marks **"TRUE VALLEY"** and **"AMUL TRU"** could be dismissed by summary judgment. The Court held that Section 167 of the Gujarat Co-operative Societies Act, 1961 required prior notice to the Registrar because the **alleged infringement concerned the defendant society's ordinary business of manufacturing and selling beverages**. As the plaintiff had instituted the suit without the prescribed notice and waiting period, the Court found the suit not maintainable as instituted. Accordingly, it allowed the summary judgment application and dismissed the suit under **Order XIII-A of the Code of Civil Procedure, 1908**. However, the Court clarified that it had not decided the merits of the trademark infringement or passing-off claims and that fresh proceedings could be instituted after compliance with the applicable statutory requirements, subject to limitation and other legal objections.

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Madras HC Upholds Refusal of 'FEDEXO' Trademark, Finds It Similar to Well-Known 'FEDEX' Mark Inexo Cast Metal Solutions Pvt. Ltd. vs. Federal Express Corporation and Ors. (MANU/TN/3386/2026: CMA(TM) No. 4 of 2025)	The High Court of Madras addressed the dispute between **Inexo Cast Metal Solutions Pvt. Ltd. and Federal Express Corporation** regarding the registration of the trademark "FEDEXO." The core issue was whether **"FEDEXO" was deceptively similar to the well-known mark "FEDEX,"** which could lead to **unfair advantage or detriment to the latter's reputation**. The court found that "FEDEXO" incorporated "FEDEX" entirely, with only the addition of an "O," and that **"FEDEX" had acquired well-known status in India before the appellant's application.** The court concluded that the appellant failed to establish honest concurrent use or due cause for adopting "FEDEXO," and that its use would unfairly benefit from "FEDEX's" reputation. Consequently, the appeal was dismissed, upholding the Assistant Registrar's decision to refuse registration of "FEDEXO.
Madras HC Sets Aside Refusal of 'EXPONENT' Trademark, Orders Fresh Review Within Three Months Exponent Energy Private Limited vs. The Registrar of Trademarks (MANU/TN/3387/2026: C.M.A.(TM). No. 5 of 2026)	The High Court of Madras addressed the appeal by **Exponent Energy Private Limited** against the **Registrar of Trademarks' refusal to register the word mark "EXPONENT"** due to **phonetic similarity** with existing marks, potentially causing confusion under Section **11(1) of the Trademarks Act, 1999**. The court found the Registrar's order lacked adequate reasoning and failed to consider the appellant's statutory requests under Sections 12, 18(4), and 20. Consequently, the court set aside the order and remanded the matter for fresh consideration, instructing the Registrar to provide a detailed examination and decision within three months.
Karnataka HC Upholds Injunction Against 'ACC Steel' for Infringing ACC Limited's Well-Known Trademark ACC Steel Pvt. Ltd. vs. ACC Limited (MANU/KA/4466/2026: COMAP No. 273 of 2025)	The High Court of Karnataka addressed the dispute between **ACC Limited and ACC Steel Pvt. Ltd.** regarding trademark infringement and passing off. ACC Limited claimed that ACC Steel's **use of "ACC"** in its **trade name and products infringed on its well-known trademark**, despite the different classes of goods involved (cement vs. steel). The court upheld the Commercial Court's findings that ACC Steel's use of the mark was not bona fide and **likely to cause confusion,** given ACC Limited's established reputation and the similarity in presentation. The appeal was dismissed, affirming t6he injunction against ACC Steel and requiring it to amend its trade name and account for profits, while denying the claim for damages.