



# INTELLECTUAL PROPERTY UPDATES FROM INDIA

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**Authors:** Bharadwaj Jaishankar | Kshitij Parashar | Meetal Agarwal | Sana Singh  
Lavanya Anand | Ruchika Bhaskar | Parag Rai | Ishita Goyal

# INTRODUCTION

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Dear Readers,

As we embark on the second quarter of 2023, we are delighted to present to you our next edition of the newsletter, focused entirely on the world of Intellectual Property Rights. India has been making conscious efforts in building and growing its innovation framework which is evident from the fact that the Indian Government recently acquired 127 patents for 6G technology. The Courts have also been vigilant in protecting the rights of creators and brand owners to usher the wave of innovation and drive business growth. This is rightly evident from the Court's coming of age ruling in the 'Subway v. Suberb' case, and the recent 'Swiggy domain name dispute'. Simultaneously, the High Court of Delhi declaring the stylized logo of the French luxury brand, Hermes as a well-known trade mark also indicates the Courts sheer eagerness in recognising and safeguarding the trans-

border reputation enjoyed by notable international marks. This edition also tracks an interesting litigation centred around design infringement where the Court passed injunction in order to protect the registered keyboard design of the Japanese company, Casio. The judgement is likely to have a positive impact on the existing framework concerning Industrial Design in India. A few snippets of this edition that are worth reading include the underlying tussle between Zee Music and Spotify, Joan Mitchell Foundation issuing Cease and Desist to Louis Vuitton over use of paintings in handbag advertisements, and NFT and Metaverse related trade mark filings of Yves Saint Laurent and Amazon. So, without further ado, let's dive into this edition!

We appreciate your readership and wish you happy reading!



# CASE ANALYSIS

## DELHI HIGH COURT RULES IN FAVOUR OF CASIO IN DESIGN INFRINGEMENT CASE

### Plaintiff's Design (Model no: SA 46/ SA 47)



### Defendant's Design (Model no: NEXUS – 32)



The High Court of Delhi ("Court"), recently, upheld an interim order passed by an Additional District Judge ("ADJ") restraining the firm, Riddhi Siddhi Retail Venture ("Defendant") from selling and manufacturing musical keyboards with a design deceptively similar to that of Japanese electronics company, Casio Keisanki Kabushiki Kaisha D/B/A Casio Computer Co. Ltd.'s keyboard ("Plaintiff").<sup>1</sup>

The Plaintiff is a well-known entity engaged in the manufacture of musical keyboards. The Plaintiff is the owner and proprietor of a registered design for an "Electronic Keyboard" vide design registration No. 224547, with effect from September 2009. The registration is valid and subsisting, till September 02, 2024. The Defendant, in the present matter, argued that the Plaintiff's design suffers from lack of novelty and is similar to the design of several other keyboards available in the market.

The Court stated that by conjoint operation of Sections 22(3) and 19(1) of the Designs Act, 2000, lack of novelty or originality can constitute a ground of defence against an allegation of design piracy where the lack of novelty or originality can constitute a ground for cancellation of the registration granted to the design. As such, the lack of novelty or originality has to be seen on the date of registration of design. If a design, when registered, does not suffer from lack of novelty or originality, the mere fact that, after it is registered, several persons chose to copy the said design shall not constitute a ground to cancel the registration of the said design.

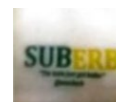
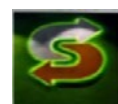
The Court further stated that the Defendant had not produced any document to show that the design was published prior to September 2009 or that it lacks originality. Therefore, the Court upheld the ad interim injunction granted by the learned ADJ, vide its order dated June 15, 2021.

## "SUBWAY" V. "SUBERB" - EXCLUSIVITY OVER WORD 'SUB'

Subway IP LLC ("Plaintiff") filed a suit against Infinity Foods & Ors. ("Defendants") before the High Court of Delhi ("Court"),<sup>2</sup> alleging deceptive similarity between the marks, "SUBWAY" v. "SUBERB", "VEGGIE DELITE" v. "VEGGIE DELICIOUS" and "SUBWAY CLUB" v. "SUB ON A CLUB". The Plaintiff alleged that the Defendants also adopted an identical 'green and yellow' colour combination on impugned mark, similar signage, similar look and feel of the restaurants, and other merchandise / products available at outlets and used for publicity / marketing.

### Plaintiff's Trade Marks and other related merchandise / products

### Defendants' Trade Marks and other related merchandise / products



Initially, the Defendants sought adjournment and approached the Plaintiff for settlement and suggested slight modifications, which the Plaintiff vehemently rejected.

The Court relying upon the "anti-dissection" rule, held that "SUBWAY" and "SUBERB", in relation to 'submarine sandwiches' are not deceptively similar trade marks. The Court stated that the prefix "SUB" is publici juris

1. Casio Keisanki Kabushiki Kaisha D/B/A Casio Computer Co. Ltd. V. Riddhi Siddhi Retail Venture, 2023 SCC OnLine Del 677

2. Subway IP LLC v. Infinity Food, 2023 SCC OnLine Del 150

and is a common word in the food industry. The Court further stated that the suffixes in question "WAY" and "ERB" were neither phonetically nor visually similar in any manner whatsoever. Further, the Plaintiff's claims with respect to infringement of registered trade marks, "VEGGIE DELITE" and "SUBWAY CLUB" basis the Defendants' use of trade marks "VEGGIE DELICIOUS" and "SUB ON A CLUB" respectively, were not a matter of concern anymore since the Defendants altered the same to "VEG LOADED REGULAR" and "TORTA CLUB". The Court held them not being deceptively similar with "VEGGIE DELITE" and "SUBWAY CLUB".

The Court further held that the "S" logos were not deceptively, visually, or structurally similar, since the Defendants altered their mark by changing the colour combination to 'red and white' colour combination. Lastly, the Court held that considering that the Defendants made various modifications in respect of its restaurants, no exclusivity could have been granted to the Plaintiff on the look and feel. Accordingly, the Court refused to grant an injunction against the Defendant vide its order dated January 12, 2023.

Aggrieved by the same, the Plaintiff filed an appeal in the said matter, wherein a Division Bench of the Court set aside the order of the Court. While setting aside the order of the Court, Division Bench of the Court directed the Defendants to make various alterations in its trade marks and branding styles. The Defendants were directed to change the name of the restaurant to "HUBERB" from "SUBERB", along with the following:

- i. The domain name www.suberb.in was directed to be pulled down and deleted.
- ii. The new logo of "H" was to be designed and used.
- iii. The 'red and white' colour combination was to be used for the "H" logo, the "HUBERB" trade mark and for any sign boards.
- iv. Instagram account name to be changed to "HUBERB".

Accordingly, the aforesaid modifications and directions were taken on record by the Division Bench of the Court, and subsequently the said appeal was disposed of.

### **APPROBATION AND REPROBATION OF THE STANCE TAKEN BEFORE THE TRADE MARKS REGISTRY IS NOT PERMITTED.**

Raman Kwatra & Anr. ("**Appellants**") filed an intra-court appeal before the High Court of Delhi ("**Court**"),

challenging the order dated May 17, 2022 ("**Impugned Order**") passed by the Learned Single Judge of the Court.<sup>3</sup> Based on the application made by the KEI Industries Ltd. ("**Respondent**"), the Appellants were restrained from using their trade mark '' in relation to electrical and allied goods. The Respondent alleged that the Appellants' trade mark infringed its already registered word mark, '**KEI**' and device mark, ''. The injunction was granted based on the deceptive similarity between the Appellants' and Respondent's respective trade marks. Moreover, the rival marks were being used in respect of similar and allied goods.

The Single Bench of the Court had disregarded the Respondent's response to the examination report issued by the Trade Marks Registry. At the examination stage, upon being confronted with the Appellants' trade mark, the Respondent argued that its mark was "distinctive of its service" and because of the rival businesses being different, "there was no likelihood of confusion" between the rival marks. In light of the same, the Appellants asserted that the Respondent must not claim the contrary now. The Single Bench of the Court rejected this argument, holding that just because the Respondent had taken a stand at the registration stage, that assertion could not stop it from exercising its statutory and natural rights at a later date.

The Division Bench ("**DB**") of the Court, in the appeal, apart from noting the inherent dissimilarity in the rival goods, also dismissed the ruling of the Learned Single Judge. It observed that the Respondent shall not be allowed to make representation and assertions contrary to the ones made in a proceeding before the Trade Marks Registry. The DB held that once a party has made an assertion – that "its mark is dissimilar to a cited mark" – and obtained a registration on the basis of that assertion, it is not entitled to obtain an interim injunction against the proprietor of the cited mark, on the grounds that the "mark is deceptively similar" to its own. In other words, when seeking registration before the Trade Marks Registry, a party must be held to its statements and cannot be permitted to make a "factual", contrary assertion subsequently before the court.

Accordingly, the DB set aside the Impugned Order, vide its order dated January 06, 2023. With respect to the Respondent's claim of infringement of its trade marks

<sup>3</sup> Raman Kwatra and Ors. vs. KEI Industries Limited, 2023 SCC OnLine Del 38

on grounds of dissimilar goods, the DB remanded the matter to the Learned Single Judge for a prima facie examination.

### THE HIGH COURT OF DELHI EMPHASISES ON THE IMPORTANCE OF DETAILED REASONED ORDER IN CASE A PATENT APPLICATION IS REFUSED.

In the recent case of *Dolby International AB v. The Assistant Controller of Patents and Designs*,<sup>4</sup> before the High Court of Delhi (“**Court**”), the Court deliberated over a dispute concerning the grant of a patent to Dolby International AB (“**Plaintiff**”) for a technology used in audio encoding and decoding.

The Assistant Controller of Patents and Designs (“**Defendant**”) passed an order dated January 29, 2021 (“**Impugned Order**”) refusing to grant the patent to Plaintiff, citing prior art and lack of inventive step. Aggrieved by the Impugned Order, the Plaintiff challenged the same before the Court. Upon perusing the same, the Court noted that it was impossible to understand as to where the reference to the claims for the patent application began, what part referred to the First Examination Report and where one could find the reasoning given by the Defendant.

In passing its judgement on March 14, 2023, the Court noted that the Impugned Order must be set aside as it cannot be said to satisfy even the most fundamental requisites of an order adjudicating on a claim for registration of a patent. It further held that the Defendant had not properly considered the evidence presented by the Plaintiff and had not given sufficient reasons for refusing the patent.

The Court further laid emphasis on the importance of patents and stated that “...A patent is meant to be a recognition of the innovative step that has been put into a crafting of an invention. Inventions increment the state of existing scientific knowledge and, thereafter, are of inestimable public interest. Any decision, whether to grant or refuse a patent has, therefore, to be informed by due application of mind, which must be reflected in the decision. Orders refusing applications for grant of a patent cannot be mechanically passed, as has been done in the present case”. The Court taking cognizance of the situation, thus, directed the Defendant to re-examine the patent application and to provide a reasoned order within two months from the date of judgement.

### BOMBAY HIGH COURT GRANTS INTERIM RELIEF TO THE DOMAIN NAME REGISTRAR, GODADDY AGAINST NOTIFYING SWIGGY IN CASE THERE IS REGISTRATION OF AN INFRINGING DOMAIN NAME.

Bundl Technologies Private Limited (“**Plaintiff**”) filed a suit before the Bombay High Court (“**Court**”) contending infringement of its registered trade mark, “Swiggy”.<sup>5</sup> The Plaintiff was informed that someone, claiming to be an employee of the Plaintiff, has been duping innocent persons, like Mr. Aanit Awattam alias Aanit Gupta & Ors (“**Defendants**”) into parting with various sums of money on the false promise offering them a place on the Swiggy Instamart Platform. The Plaintiff found that the infringers were also using infringing domain names i.e., btpl.info and swiggyinstamart.co.in.

On November 29, 2022, the Court directed Domain Name Registrar, GoDaddy (“**Applicant**”) to firstly, suspend the infringing domain names and secondly, not register any domain name containing the Plaintiff’s marks without prior authorization. The Applicant approached the Court seeking modification and part recall of the order dated November 29, 2022 (“**Impugned Order**”), in respect of the second direction.

The Applicant submitted that compliance of such a direction is not possible for the Applicant since the underlying technology of registration of domain names, is an automated process without any manual intervention. Thus, there is no way in which the Applicant, as a Domain Name Registrar, can assess the legitimacy of any domain name chosen for registration by a prospective Registrant. It was submitted that in such a situation, the Impugned Order granted in terms of specific prayer, being of dynamic nature, was beyond the capacity of the Applicant to implement.

In support of its claim, the learned counsel for the Plaintiff submitted that the Applicant in the case, *Snapdeal Private Limited v. GoDaddy.com LLC*,<sup>6</sup> before the High Court of Delhi had said that it could potentially prevent the registration of domain names containing Snapdeal’s registered trade mark. Hence, it cannot claim now that this was technologically impossible. The Plaintiff also

4. *Dolby International Ab v. The Assistant Controller of Patents and Designs*, 2023 SCC OnLine Del 1521

5. *Bundl Technologies Private Limited v. Aanit Awattam and Ors*, 2023 SCC OnLine Bom 227.

6. *Snapdeal Private Limited v. GoDaddy.com LLC*, 2022 SCC OnLine Del 2044.

contended that the Applicant is driven to not lose out on profit as the prospective registrant can go to other domain name registrars if the Applicant does not register the infringing domain names. Thus, the Court vide its order dated January 23, 2023, observed that the Applicant must use an alternative algorithm to prevent future registration of infringing domain names, despite the same being a cumbersome process and directed the Applicant to inform the Plaintiff about each occasion where registration of a domain name containing the mark, 'SWIGGY' is granted.

Aggrieved by the same, the Applicant filed an appeal against the order dated January 23, 2023. The Division Bench of the Court, vide its order dated February 28, 2023,<sup>7</sup> admitted the appeal on the grounds that the matter requires further consideration and passed an interim order of stay to the extent the Applicant was directed to notify registration of any domain name with the term, 'SWIGGY'.

### **DELHI HIGH COURT HOLDS THAT INTERMEDIARY IS NOT BOUND TO ACT ON THE COMPLAINTS OF INFRINGEMENT UNDER RULE 3 OF IT RULES, 2021**

The High Court of Delhi ("**Court**") in the matter of *Samridhi Enterprises v Flipkart Internet Pvt. Ltd. & Ors*,<sup>8</sup> ruled that there is no requirement for an intermediary to take an action against infringers under Rule 3 of Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("**IT Rules**").

The case before the Court was brought by Samridhi Enterprises ("**Plaintiff**"), a manufacturer and seller of vehicle coverings against Flipkart Internet Pvt. Ltd ("**Defendant**") and others for allegedly imitating the style, appearance, and feel of the car covers that it was

selling on the Defendant's platform. The Plaintiff claimed that it had been producing and selling vehicle coverings on the Defendant's platform under the trade marks "UK Blue" and "Autofact" since 2018.

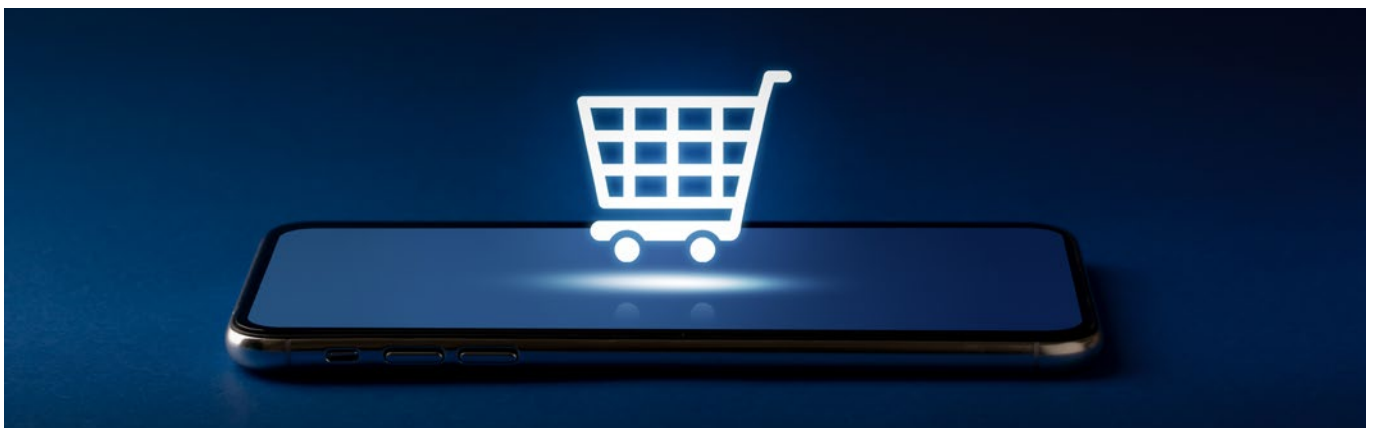
According to the complaint, the Plaintiff alleged that the Defendant violated the statutory requirements of the IT Rules, by failing to delete the allegedly infringing listings from its website after receiving notice from the Plaintiff. Additionally, it was claimed by the Plaintiff that Defendant's grievance officer did not follow Rule 3(2)(a) of IT Rules, which requires that the officer recognises customer complaints within 24 hours and resolves them within 15 days.

The Court rejected the argument, pointing out that Rule 3(1) of IT Rules requires an intermediary to publish its rules, regulations, privacy policy, and user agreement prior to any individual having access to or using its computer resource. The Court further held that only complaints about violations of the provision of Rule 3 are contemplated under Rule 3(2)(a). There is no requirement under Rule 3 of IT Rules for an intermediary to take any action against the accused infringers after receiving a complaint about such actions on its port.

The Court observed that under Rule (1)(b) of IT Rules, the intermediary is only obligated to advise the user to abstain from hosting or showing infringing material. The clause does not stipulate that the intermediary must take any specific action in response to a notice of infringement, much less take any specific action against the intermediary.

7. GoDaddy.com LLC v. Bundl Technologies Private Limited, Commercial Appeal (L) No.5084 of 2023.

8. Order dated March 01, 2023, in CS (COMM) 63 of 2023



# SNIPPETS

## SPORADIC TRADE MARK USE DOES NOT QUALIFY AS CONTINUOUS USE UNDER SECTION 34 OF THE TRADE MARKS ACT, 1999.

TTK Prestige Ltd. ("**Plaintiff**") had filed a suit against KK and Company ("**Defendant**") before the High Court of Delhi ("**Court**") in respect of infringement of its trade mark 'Prestige'.<sup>9</sup> The Plaintiff has been in the business of producing, advertising, and selling household equipment, such as "pressure cookers" and "gas stoves," under the brand/trade mark "PRESTIGE" since 1995. The court observed that if defendant is allowed to produce and market products carrying the contested brand, the Plaintiff will continue to sustain irreversible harm to its goodwill and reputation.

The Defendant claimed to be "continuous user" of trade mark "PRESTIGE". The Court vide its order dated February 20, 2023, while restraining the Defendant from using the trade mark held that the Defendant failed to produce any supporting documents in respect of its claim as "continuous user" and therefore the Defendant has at best shown sporadic use of the trade mark, which would not qualify it as "continuous user" in terms of Section 34 of the Trade Marks Act, 1999.

## INDIA SETS ITS SIGHTS ON 6G: 127 PATENTS ALREADY SECURED, REVEALS TELECOM MINISTER.

The Indian Government has already acquired 127 patents for 6G technology and is actively trying to create it. This information, which was made public by the telecom minister, suggests that India is acting proactively to maintain its technological lead. The trials for 6G technology are presently being carried out globally and are anticipated to be even quicker and more effective than 5G. India is putting itself in a situation to be a major participant by obtaining rights relating to 6G. The minister also emphasised that because data protection and communication are problems that affect many different industries, the Indian Government has chosen to create laws that are technology neutral.

## SPOTIFY SPARKS CONTROVERSY IN INDIA, PULLS ZEE MUSIC'S CATALOGUE IN LICENSING DISPUTE.

We all have been curious to know that why Spotify AB, a subsidiary of Spotify Technology S.A ("**Spotify**") removed some of the best playlists from its app. However, the answer for the same lies in this licensing

dispute. Spotify has removed its entire catalogue from Zee Entertainment Enterprises ("**Zee Music**") after attempts to extend their licensing arrangement were unsuccessful. As per the report on Billboard, the Spotify team has stated that "*Spotify and Zee Music have been unable to reach a licencing agreement.*" Spotify has tried to come up with innovative methods to reach an agreement with Zee Music throughout these talks, and they will keep negotiating in good faith in the hopes of quickly coming to an equally satisfactory conclusion.

## THE WEEKND SETTLES COPYRIGHT LAWSUIT OVER HIT TRACK, 'CALL OUT MY NAME'.

The Weeknd's song, "Call Out My Name" from his 2018 album, My Dear Melancholy was the subject of a copyright infringement lawsuit in 2021. The Weeknd, along with co-defendants Nicolás Jaar and Frank Dukes, were accused of infringing on the producers Suniel Fox and Henry Strange's song "Vibeking". The two songs were "strikingly and/or substantially similar, if not identical," according to the complaint, which noted a number of purported similarities. Attorneys for Fox and Strange announced in court on March 17, 2023, that a settlement had been struck between the two parties. The Weeknd's agents and the producers' lawyers have been contacted by Pitchfork for comment.

## UK COURT DELIVERS KEY RULING IN INTERDIGITAL V. LENOVO, CLARIFYING FRAND LICENSING TERMS.

The judgment passed by the UK High Court ("**Court**") in *InterDigital v. Lenovo*,<sup>10</sup> is a landmark judgment of the Court instituting a modern global Fair, Reasonable, and Non-Discriminatory ("**FRAND**") rate for Standard Essential Patents. Lenovo stated that it has won the continuing legal battle with InterDigital over licence fees for 3G, 4G, and 5G technologies. This ruling strengthens InterDigitals' ongoing commitment as an amenable licensee and supports the licence rate Lenovo pushed for. This ruling confirms FRAND's essential role in promoting equitable and transparent licencing procedures for standardised technologies, which makes it possible for consumers all over the world to access more inexpensive innovation.

9. TTK Prestige Ltd. v KK and Company Delhi Pvt. Ltd. & Ors., CS (Comm) 864 of 2022

10. InterDigital v Lenovo [2023] EWHC 539 (Pat).

## GENERAL MOTORS FILES NFT TRADE MARKS FOR CHEVROLET & CADILLAC

American multinational automotive manufacturing company, General Motors LLC ("**General Motors**") files for Non-Fungible Tokens ("**NFT**") trade mark applications for its renowned automobile brands, Chevrolet and Cadillac. General Motors' February 16, 2023, filing with the United States Patent and Trade Mark Office, done in February 2003, specifies that the marks will be used for downloadable media, specifically collective artwork, text, audio, and video through the use of NFTs. The company has already issued NFTs for both of these brands. In October 2022, Cadillac auctioned NFTs to commemorate the 120th anniversary of the company. In June 2022, Chevrolet tried to auction a digital collectible representing the 2023 Corvette Z06.

## JOAN MITCHELL FOUNDATION ISSUES CEASE AND DESIST TO LOUIS VUITTON OVER USE OF PAINTINGS IN HANDBAG ADVERTISEMENTS

### Painting




### Hand bag advertisement




The Joan Mitchell Foundation ("**Foundation**") has accused luxury fashion company, Louis Vuitton of reproducing, without permission, at least three works by the 'Abstract Expressionist' in an advertising campaign featuring actress Léa Seydoux for handbags that retail up to \$10,500.

The Foundation sent a cease and desist letter to Louis Vuitton demanding that the company withdraws their campaign and give a full accounting of the advertisements purchased along with an apology. This interestingly comes post Louis Vuitton making multiple attempts to the Foundation, to request permission to use Joan Mitchell's works in an upcoming series of ads. The Foundation, however, repeatedly turned down Louis Vuitton's requests due to a long-standing policy that images of Joan Mitchell's work be used chiefly for educational purposes and have extremely limited commercial use.

## STYLIZED LOGO "H" OF THE FRENCH LUXURY BRAND HERMES DECLARED AS A WELL-KNOWN TRADE MARK.

The leading French luxury brand, Hermes International ("**Plaintiff**") brought a suit against Crimson Fashion Accessories Private Limited ("**Defendant**") before the High Court of Delhi ("**Court**"),<sup>11</sup> alleging infringement of its trade mark, , used in its range of luxury footwear. The Plaintiff also sought declaration of its mark as a well-known mark. The Court ruled in favor of the Plaintiff and restrained the Defendant from using the Plaintiff's trade mark.

Subsequently, considering the evidence of use and supporting documents placed on record by the Plaintiff to indicate that the criteria with respect to a well-known mark stood satisfied, the Court vide its judgement dated February 8, 2023, declared the stylized logo,  as a well-known trade mark under Section 2(z) (g) of the Trade Marks Act, 1999.

## HERMÈS PREVAILS IN NFT TRADE MARK INFRINGEMENT TRIAL

Hermès International ("**Hermès**") won the lawsuit against the artist, Mason Rothschild ("**Rothschild**"), establishing that Rothschild's sale of the 'MetaBirkin' NFTs infringed

11. Hermes International and Anr v. Crimzon Fashion Accessories Private Limited, 2023 SCC OnLine Del 883



the rights of Hermès in the 'Birkin' trade mark. The Manhattan Jury also awarded Hermès damages amounting to \$130,000. The Jury found that Rothschild's NFTs were not a 'protected speech' under the First Amendment. It opined that the 'MetaBirkin' NFTs are more likely to fall within the category of consumer products, and not as Business Art, as Rothschild intended to portray them as. Hermès argued that Rothschild's NFTs have hindered their plans to expand their products in the Metaverse. Rothschild's motion to dismiss the case on the basis of the 'Rogers' Test was denied, as well.

### **YVES SAINT LAURENT, THE FRENCH LUXURY FASHION HOUSE AND AMAZON ENTER THE METAVERSE AND NFT SPACE.**

Yves Saint Laurent filed NFT and Metaverse-related trade mark applications for its name and logo at the United States Patent and Trade Mark Office ("USPTO") in January 2023. Basis a review of the filings, Yves Saint Laurent intends to launch NFTs in relation to perfumes, toiletries, cosmetics, make-up, skin care products, etc., for use of the same in the metaverse. The filings also imply that Yves Saint Laurent intends to make direct sales through retail stores established in the metaverse that sell these virtual goods. On the other hand, Amazon also recently filed two trade mark applications 'IROBOT' and 'ROOMBA' for 'robots featuring AI', 'robots for surveillance and security', and 'retail stores for robotic machines featuring AI' and entered the AI space.

### **VELLORE'S 'SPINY BRINJAL' AND RAMANATHAPURAM'S 'MUNDU CHILLIES' HAVE BEEN IDENTIFIED AS GEOGRAPHICAL INDICATORS.**

Two new products - Vellore Spiny Brinjal and Ramanathapuram Mundu Chilli – of Tamil Nadu, have been granted the Geographical Indication ("GI") tag basis their unique physical and geographical characteristics. Vellore Spiny Brinjal is a rare, thorny native breed grown in Vellore district. The vegetable weighing 40 grams, is oval and has a glossy shade of violet and pink with a tinge of green. It has a shelf life of three days under room temperature, and about eight days in refrigerated surroundings. Ramanathapuram Mundu Chilli is a round shaped chilli popular in South Indian cuisine which has a dark shiny and thick skin and is a directly sown rain-fed crop grown. With the addition of this, 45 products of Tamil Nadu have earned GI recognition.

### **KERELA AGRICULTURAL UNIVERSITY EFFORTS HELP OBTAIN ONATTUKARA SESAME GI TAG**

The sesame growing in the Onattukara region of Central Travancore has been granted a GI tag, after 3-year-long efforts by the Kerela Agriculture University ("KAU"). The efforts to facilitate the marketing of the Onattukara Sesame on an international level is to reverse the declining trend of sesame farming in the region. The KAU researched and discovered that the Onattukara Sesame has higher nutritional value that helps maintain health. In addition to the efforts for the GI tag, the agriculture department has also encouraged farming of the Onattukara sesame by way of financial assistance to farmers, and other incentives. They opine that the grant of the GI tag to the Onattukara Sesame will help increase its popularity and value in the market.

### **'KHORASANI IMLI' OR THE FRUIT OF THE 'BAOBAB' FROM MADHYA PRADESH APPLIED FOR THE GI TAG.**

Madhya Pradesh has applied for GI tag for the 'Khorasani Imli' or the 'Fruit of the Baobab'. It is a rare species of a medicinal tree found in the Dhar district of Madhya Pradesh. The tree is light green in colour and bears sour and sweet tasting fruit with medicinal properties. The juice and dried tree bark of the Baobab tree are used for treating diabetes and other ailments. It is believed that its presence in the villages of Mandav area of Dhar district may be as old as 500 years. According to the horticulture department, more than 1,000 Baobab trees are estimated to be in Mandu area, the only place in India where it is found in such an enormous number.

### **GI TAGS FOR 'KAVINDHAPADI NATTU SAKKARAI', 'RAMNAD CHITHIRAIKAR RICE' AND 'SALEM KANNADI KATHIRI' FILED BEFORE THE GI REGISTRY IN CHENNAI.**

The Tamil Nadu State Agricultural Marketing Board has sought GI tags for Kavindhapadi Nattu Sakkarai, Ramnad Chithiraikar Rice and Salem Kannadi Kathiri by filing the requisite applications before the GI Registry in Chennai. According to the details provided in the GI applications, Kavindhapadi Nattu Sakkarai is a type of country sugar which is found in Erode, Kavindapadi. Simultaneously, it provides that Ramnad Chithiraikar Rice has been one of the early existing red rice varieties in Thirupullani tracts

of Ramnad district, and Salem Kannadi Kathiri being a type of brinjal which is identified by its glossy purple colour and having thin skin with high amount of flesh.

### NO UNAUTHORIZED USAGE OF RAJNIKANTH'S PERSONALITY RIGHTS

Actor Rajinikanth, recently, issued a public notice, which states that legal action will be initiated against anyone who uses the actor's name, voice, photograph, caricature, or AI-generated image for commercial gain without his explicit permission. The purpose of this public notice is to protect the actor's copyright and prevent others from using his identity to entice customers to purchase products or services without authorization. The notice asserts that only the actor has the right to control the commercial use of his personality, name, voice, image, and other unique characteristics associated with him. This notice was issued in response to the discovery that many platforms and product manufacturers have been misusing the actor's name, images, and likeness to gain popularity and entice consumers to purchase their products or use their services.

### INTERNET ARCHIVE LOSES GROUND-BREAKING COPYRIGHT LAWSUIT OVER E-BOOK LENDING DURING PANDEMIC.

The book publishers, Hachette, HarperCollins, John Wiley & Sons, and Penguin Random House ("**Plaintiff**")

in June 2020 sued Internet Archive ("**Defendant**") before District Court in USA, for their "National Emergency Library program", which allowed consumers to borrow e-books in large quantities during the COVID-19 pandemic in 2020, when movement was prohibited by lockdowns.

This internet archive allowed users to use over a million books and did not maintain a one-book-per-reader ratio. The District Court Judge observed that Plaintiff's viewpoint is right as Defendant's site was just making "derivative" works by just turning books into e-books and distributing them. Defendant does not have any right to make books available like that.

### INDIA RANKS 42ND IN GLOBAL IP INDEX: HOW CAN THE COUNTRY BOOST ITS IP STRATEGY?

India is poised to become a leader for developing nations looking to change their economies via IP-driven innovation, according to the International IP Index published by the US Chambers of Commerce, which puts India 42<sup>nd</sup> among 55 top global economies. India is taking steps to enhance copyright-infringing content. India has reportedly maintained ongoing significant efforts in copyright infringement via the granting of "dynamic" injunction orders, according to the report, which encompasses everything from patent and copyright legislation to the capacity to monetize IP assets and the ratification of international agreements.



## OUR OFFICES

### BENGALURU

101, 1st Floor, "Embassy Classic" # 11  
Vittal Mallya Road  
Bengaluru 560 001  
T: +91 80 4072 6600  
F: +91 80 4072 6666  
E: bangalore@induslaw.com

### HYDERABAD

204, Ashoka Capitol, Road No. 2  
Banjarahills  
Hyderabad 500 034  
T: +91 40 4026 4624  
F: +91 40 4004 0979  
E: hyderabad@induslaw.com

### CHENNAI

#11, Venkatraman Street, T Nagar,  
Chennai - 600017 India  
T: +91 44 4354 6600  
F: +91 44 4354 6600  
E: chennai@induslaw.com

### DELHI & NCR

2nd Floor, Block D  
The MIRA, Mathura Road, Ishwar Nagar  
New Delhi 110 065  
T: +91 11 4782 1000  
F: +91 11 4782 1097  
E: delhi@induslaw.com

9th Floor, Block-B  
DLF Cyber Park  
Udyog Vihar Phase - 3  
Sector - 20  
Gurugram 122 008  
T: +91 12 4673 1000  
E: gurugram@induslaw.com

### MUMBAI

1502B, 15th Floor  
Tower – 1C, One Indiabulls Centre  
Senapati Bapat Marg, Lower Parel  
Mumbai – 400013  
T: +91 22 4920 7200  
F: +91 22 4920 7299  
E: mumbai@induslaw.com

#81-83, 8th Floor  
A Wing, Mittal Court  
Jamnalal Bajaj Marg  
Nariman Point  
Mumbai – 400021  
T: +91 22 4007 4400  
E: mumbai@induslaw.com

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