

UPDATES *from the* IP WORLD

May & June 2025 | Edition 11



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Judgements

- **Delhi HC Restores “ELFY” Trademark, Rules Foreign Use Doesn’t Trump Indian Registration**

Vidya Bhushan Jain registered the “ELFY” trademark for industrial adhesives in India in 1988. In 2012, Pakistani businessman Mohammed Younus Sheikh claimed prior use of “ELFY” by his firm since 1981 and alleged that Jain adopted the mark in bad faith. The Intellectual Property Appellate Board (IPAB) cancelled Jain’s registration, finding he failed to prove continuous use. The Delhi High Court later allowed trademark renewal through 2027, pending judgment.

Whether the Delhi High Court should overturn the IPAB’s cancellation of “ELFY” on grounds of Jain’s legitimate use and Indian registration versus Sheikh’s alleged prior foreign use. Jain contended that his Indian registration was obtained and used in good faith since 1988 and that Sheikh’s foreign use couldn’t override rights under Indian law. Sheikh argued that his prior goodwill and misuse by Jain warranted cancellation. Jain also highlighted the legal importance of renewal, which the Registrar had blocked due to the IPAB order.

The Delhi High Court ruled in Jain’s favor, noting that under India’s territorial trademark system, valid domestic registration and consistent use outweigh unproven foreign claims. The court observed Jain’s mark had been lawfully renewed through August 2027, whereas Sheikh’s challenge had lapsed following lack of participation since 2019. The IPAB’s annulment was set aside, and Jain’s registration reinstated.

The ruling affirms that foreign usage alone cannot nullify an Indian trademark, emphasising the primacy of domestic registration, lawful renewal, and active pursuit of rights.

CASE NAME: Vidya Bhushan Jain (ELFY) v. Mohammad Younus Sheikh & anr.



Plaintiff's Mark

Judgements

- **Goethe-Institut Wins Interim Injunction Against “Max Mueller Institute” Over Trademark Infringement**

Goethe-Institut E.V., a German cultural institute operating in India since 1957 under the name MaxMuellerBhavan, filed a suit against Abhishek Yadav and others who used “Max Mueller Institute” for similar German-language courses. The defendants, despite obtaining trademark registration in 2018, were accused of passing off services and causing consumer confusion due to the similarity and timing of their adoption.

The issue raised is whether Goethe-Institut’s long-standing prior use of MaxMuellerBhavan gives it superior rights over the defendants’ registered Max Mueller Institute, and if the defendants’ use amounts to trademark infringement or passing off.

Goethe-Institut argued that its use of Max Mueller Bhavan since 1957 had created substantial goodwill, supported by documents like invoices, PAN cards, bank accounts, and recognition from the German Embassy. They asserted any similar mark for identical services, especially by new entrants, would confuse the public. The defendants claimed “Max Mueller” was merely a scholar’s name, not proprietary, and their registration conferred lawful rights. They contended the plaintiff lacked official trademark registration.

The Delhi High Court granted an interim injunction favoring Goethe-Institut. Emphasizing Section 34 of the Trade Marks Act, 1999, the court held that prior users have superior rights over registered trademarks. It agreed that MaxMuellerBhavan was a source identifier—not just a building name—and that defendants’ use risked confusion. The judgment restrains them from using Max Mueller Institute or similar names pending trial. The ruling underscores that registered rights do not overcome established goodwill and warns against misleading branding in education services.

CASE NAME: Goethe-Institut E.V. v. Abhishek Yadav & Ors.

Judgements

- **Delhi High Court Issues Consent Decree in Titan vs Lenskart Trademark Dispute**

Titan Company, owner of registered trademarks "TITAN" and "FASTRACK," filed a trademark infringement suit in Delhi High Court against Lenskart Solutions for unauthorized use of these marks on its website, including inside meta tags aimed at enhancing search visibility. Titan first issued a legal notice on February 13, 2025.

The issue raised whether Lenskart's use of Titan's well-known marks on its website and in meta tags constitutes trademark infringement or misleading use, warranting a permanent injunction and removal of infringing content.

Titan argued its flagship marks are well-known, and Lenskart's usage could mislead consumers and divert web traffic. Lenskart admitted the use was a "technical error" without malicious intent, promptly removed all references, and assured compliance upon notification of any future occurrences.

The Delhi High Court noting Lenskart's admission and corrective actions, passed a consent decree in Titan's favor on the first day, binding Lenskart to cease use of the marks and promptly rectify any future use. The court exempted Titan from court fees since the suit was disposed of before summons. The case concluded via an amicable settlement without litigation.

CASE NAME– Titan Company Limited v. Lenskart Solutions Private Limited & Anr.



Plaintiff's Mark

Defendant's Mark

Judgements

- **Calcutta High Court Sets Aside Patent Office's Rejection of Nissan's Driver-Assist Technology, Cites Lack of Reasoned Order**

The case involved a patent application for an invention that assisted a vehicle's driver by automatically steering the vehicle toward the center of its lane, a technology relevant to autonomous and driver-assist systems. The application was rejected by the Patent Office under Section 2(1)(ja) of the Patents Act, 1970, on the grounds that the invention lacked an inventive step. The impugned order, however, failed to provide any reasoning or technical analysis supporting the rejection.

The issue raised whether the invention truly lacked an inventive step under the Patents Act, and whether the Controller, as a quasi-judicial authority, had fulfilled the obligation to provide reasoned order.

The petitioner (Nissan Motors) argued that the Controller's order lacked any substantive reasoning or reference to prior art comparisons, technical analysis, or assessment of the invention's advancement. Emphasis was placed on procedural fairness and the duty of quasi-judicial bodies to issue well-reasoned decisions. The absence of any findings on novelty or technical contribution was asserted as a violation of the statutory mandate.

The Calcutta High Court held that even quasi-judicial authorities like the Controller of Patents are bound to issue reasoned orders. It noted that the impugned rejection did not discuss the technical advancement or the core inventive features of the claimed subject matter. Accordingly, the Court set aside the order and remanded the case back to the Controller for fresh examination and a reasoned decision in compliance with legal standards.

CASE NAME– Nissan Motor Co. Ltd v. The Controller Of Patents And Designs

Judgements

- **Delhi Court Grants Relief to L'Oréal in Trademark and Copyright Violation Case**

L'Oréal, a globally renowned company in the skincare and haircare industry, filed a suit for permanent injunction and damages against the defendants. The plaintiff alleged that the defendants were marketing products that bore a deceptively similar appearance—through trademarks, trade dress, color combinations, and even copyrighted artistic elements—to L'Oréal's established brands. These products were being sold in the same category, leading to confusion among consumers and resulting in financial loss to the plaintiff.

The primary legal issues before the Court were, whether the defendants were guilty of passing off their goods as those of L'Oréal by using deceptively similar branding and whether there was infringement of L'Oréal's copyrighted artworks used in the trade dress and product packaging.

The plaintiff argued that the defendant's imitation of their visual branding elements not only misled consumers but also violated copyright laws by using original artistic works without authorization. It was also submitted that such infringement diluted the brand value and goodwill built over years. The defendant, if any argument was raised, failed to justify the similarity or demonstrate independent creation.

The Court ruled in favor of L'Oréal, holding that the defendants had indeed adopted deceptively similar trademarks and trade dress, including copyrighted artistic elements. Recognizing the commercial harm and potential consumer confusion caused by such acts, the court issued a decree of permanent injunction restraining the defendants from further use of the infringing materials. It also awarded INR 2 lakhs in damages to the plaintiff as compensation for the loss suffered.

CASE NAME: Loreal Sa v. Riddhi Gopalbhai Donda

The image shows the L'Oréal logo in a large, bold, black, sans-serif font. The letters are closely spaced, and the 'L' and 'O' are particularly prominent.

Plaintiff's Mark

Judgements

- **Delhi High Court Grants Interim Relief to Under Armour in Trademark Dispute**

Under Armour Inc., a globally recognized sportswear brand, filed a suit against Indian entity Anish Agarwal & Anr. for unauthorized use of the marks 'AERO ARMOUR' and 'ARMR' in relation to apparel. Under Armour argued that these marks were deceptively similar to its own registered trademark 'UNDER ARMOUR', potentially misleading consumers and infringing its intellectual property rights. The dispute revolved around the similarity in branding and the likelihood of confusion in the market.

The primary issue before the Delhi High Court was whether the use of the marks 'AERO ARMOUR' and 'ARMR' by the defendants constituted trademark infringement. The Court had to assess whether these marks created a likelihood of confusion with Under Armour's registered mark, and whether the defendants' use was bona fide or a deliberate attempt to ride on the goodwill associated with the established brand.

Under Armour contended that the marks adopted by the defendants were visually and phonetically similar to 'UNDER ARMOUR', and their usage for identical goods was likely to cause initial interest confusion among consumers. They argued that the dominant part of the marks "ARMOUR" was identical, thereby strengthening the likelihood of association. The defendants, on the other hand, were unable to establish a bona fide adoption or a justification that distinguished their marks sufficiently in the eyes of the average consumer.

The Court found merit in Under Armour's claims and granted an interim injunction against the defendants. The Court held that the marks 'AERO ARMOUR' and 'ARMR' bore deceptive similarity to the registered mark 'UNDER ARMOUR', especially considering the identical category of goods. Applying the dominant part rule and noting the potential for initial consumer confusion, the Court restrained the defendants from using the disputed marks during the pendency of the suit, recognizing the urgency to protect brand equity and prevent market deception.

CASE NAME: Under Armour Inc v. Anish Agarwal & Anr



Plaintiff's Mark

Defendant's Mark

News from The Indian IP World

- **Delhi Court Grants Injunction Against 'SGS PYRIN' for Infringing Trademark 'ESGIPYRIN'**

In a trademark and copyright infringement suit, the Delhi Court ruled in favor of the plaintiff, finding that the defendant's mark 'SGS PYRIN' was deceptively similar to the registered pharmaceutical trademark 'ESGIPYRIN'. The defendant was also held liable for copying the plaintiff's trade dress, including the shape, color, and packaging of the tablets, in an attempt to pass off their product. A permanent injunction was granted, restraining further manufacturing or sale. The Court also awarded damages, citing deliberate infringement and the harm caused to the plaintiff's business.

- **Delhi High Court Restrains Domestic Sale of Semaglutide by Dr. Reddy's and OneSource**

On May 29, the Delhi High Court issued an injunction preventing Indian companies Dr. Reddy's and OneSource Specialty Pharma Ltd from selling the drug semaglutide within India, following a patent infringement suit filed by Novo Nordisk. However, the Court permitted both companies to continue manufacturing and exporting the drug for the time being. This ruling highlights ongoing tensions in patent enforcement and access to pharmaceuticals in the Indian market.

- **Delhi High Court Upholds Controller's Rejection of Patent on Intermediate under Section 3(d)**

The Delhi High Court recently dismissed an appeal challenging the Controller's order that rejected a patent application for an intermediate compound, citing Section 3(d) of the Patents Act. The Court's decision reinforces the strict standards for patentability in India, particularly concerning the requirement of enhanced efficacy. This ruling underscores India's commitment to preventing evergreening and maintaining a balanced patent regime.

- **Kerala Court Imposes ₹1 Crore Fine on Dairy Firm 'Milnna' for Trademark Infringement**

In a significant ruling, the Principal Thiruvananthapuram Commercial Court fined private dairy company 'Milnna' INR 1 crore for infringing the trademark of Kerala Co-operative Milk Marketing Federation ('Milma'). The court held that 'Milnna' was a deliberate imitation of the registered 'Milma' mark, causing damage to the cooperative's goodwill. The court also ordered 'Milnna' to cease marketing, selling, or advertising milk products using packaging similar to 'Milma,' reinforcing strict protection of trademark rights in India.

News from The Indian IP World

- **Delhi High Court Orders Takedown of YouTube Channel Impersonating Aaj Tak Anchor**

The Delhi High Court directed the removal of a YouTube channel falsely operating under the name of Anjana Om Kashyap, Managing Editor of Aaj Tak. The order follows a suit filed by TV Today Network seeking permanent injunction against impersonation and misuse of intellectual property. The Court was informed that the YouTube channel used deepfake technology to produce fabricated news videos falsely showing the anchor presenting news for the network. The interim order recognized the channel as fake and granted the injunction accordingly.

- **Bombay High Court Grants Interim Relief to 'Social' Pub Chain in Trademark Dispute Against 'Social Tribe'**

The Bombay High Court has issued an interim order restraining 'Social Tribe,' a Mumbai-based restaurant, from using, selling, advertising, or displaying the mark 'SOCIAL' or any deceptively similar variation. The relief was granted in favor of the well-known bar and restaurant chain 'Social' in its trademark infringement suit, protecting the established brand's identity from potential confusion and misuse.

- **Supreme Court to Hear Patent Officers Association's Challenge Against CGPDTM Appointment**

The ongoing dispute between Dr. Unnat P. Pandit, the Controller General of Patents, Designs and Trade Marks (CGPDTM), and the All India Patent Office Workers Association (AIPOWA) has reached the Supreme Court. The Court will hear AIPOWA's challenge to Dr. Pandit's appointment, alleging he lacks the mandatory five Annual Confidentiality Reports required for the role. This case raises important questions about eligibility criteria for high-level government appointments and could set a precedent for future challenges in public service appointments.

- **Delhi High Court Declares Louis Vuitton's 'LV' Mark a Well-Known Trademark**

In a recent judgment, the Delhi High Court declared Louis Vuitton's iconic 'LV' monogram a well-known trademark under the Trade Marks Act, 1999. The luxury brand had filed a suit seeking this recognition and an injunction against infringement and passing off. The Court noted the mark's long-standing global and Indian presence, extensive promotion, substantial sales, and public recognition. With no appearance or opposition from the defendants, the Court ruled in favor of the plaintiff, affirming the 'LV' mark's distinctiveness and granting it well-known trademark status.

- **Delhi High Court Grants Permanent Injunction for Infringement of 'ASTRAL' Trademark**

The Delhi High Court granted a permanent injunction in favor of the plaintiff, a leading manufacturer of pipes and plumbing devices, in a trademark infringement and passing off case involving its well-known mark 'ASTRAL'. With over 220 registrations of 'ASTRAL' and its variants, the Court found the defendants' use of a deceptively similar mark constituted infringement. Recognizing the brand's goodwill, extensive use, and virtual market presence, the Court awarded INR 6.6 lakh—INR 3.1 lakh in damages and INR 3.5 lakh in litigation costs to be paid within three months..

- **PhonePe Acquires GSPay IP to Enable UPI on Feature Phones**

PhonePe has acquired the intellectual property of GSPay to launch UPI services on new-generation feature phones. This acquisition will allow PhonePe to tap into India's vast feature phone user base by enabling secure, app-free UPI transactions. The initiative aligns with the government's vision of inclusive digital infrastructure and could significantly boost financial inclusion in rural and semi-urban areas.

News from The International IP World

- **East Java Proposes IP Rights for 'Horeg' Sound System Amid Public Backlash**

The East Java office of Indonesia's Law and Human Rights Ministry has proposed granting intellectual property rights to the 'horeg' sound system—truck-mounted loudspeakers popular at celebrations. While some artists and operators welcome the move, others voice concern over noise pollution and misuse. A local poll found 63% of respondents opposed the idea. Despite controversy, horeg has gained national attention, featuring at President Prabowo's 2024 inauguration. Authorities are urged to weigh cultural innovation against public disturbance.

- **Japan Unveils IP Strategy to Boost Innovation and Global Content Market by 2035**

Japan approved its 2025 Intellectual Property Strategic Program on June 3, aiming to boost its global innovation ranking from 13th to 4th by 2035. The strategy focuses on AI-era legal frameworks, global tech standards, and regional growth through content industries like anime and gaming. Plans include designating 200 tourism hubs tied to pop culture, expanding overseas content markets to ¥20 trillion by 2033, and streamlining IP management with digital tools while attracting global talent and supporting startups.

- **Uzbekistan and WIPO Strengthen IP Ties with New National Plan and Education Initiatives**

Uzbekistan's Prime Minister Abdulla Aripov met WIPO Director General Daren Tang to strengthen IP cooperation. They discussed a national IP plan for 2026–2030, focusing on developing professional capacity. A proposed joint master's program at Tashkent State Law University aims to build local expertise. Uzbekistan's role in WIPO Green was highlighted, with plans to protect IP rights in agriculture. Tang praised President Mirziyoyev's commitment to advancing IP reforms and regulatory improvements in Uzbekistan.

- **Saudi Arabia Emerges as Global IP Leader with Swift Enforcement and Record Filings in 2024**

In 2024, Saudi Arabia's IP Authority (SAIP) blocked nearly 34,000 infringing websites and seized 3.6 million files through 20,000 inspections. Its swift action—takedowns in just 50 minutes—reflects top-tier efficiency. SAIP processed over 52,000 trademark applications, with record speed, and saw significant growth in copyright and patent filings. Public IP awareness rose to 65.8%. Globally, SAIP hosted the Riyadh Design Law Treaty and became an international authority under the PCT. Training reached 25,000 individuals, with high satisfaction and engagement rates driving its global IP leadership.

News from The International IP World

- **Dubai Launches Tokenized Real Estate Platform as UAE Leads in Blockchain and IP Innovation**

Dubai has launched Prypco Mint, its first licensed tokenized real estate platform, allowing users to buy property shares for as little as Dh2,000. Developed by the Dubai Land Department with VARA and others, it marks a shift to blockchain-based ownership. The UAE is emerging as a digital asset hub with major partnerships, regulatory clarity, and rising tokenization across real estate, music, and publishing. As IP and legal frameworks evolve, smart contracts and blockchain tech present new challenges in ownership and enforcement. With robust support from VARA and ADGM, the UAE leads in merging tokenization with innovation and investor protection.

- **INTA 2025 Highlights IP's Business Role as San Diego Hosts 10,000+ Global Attendees**

INTA's 2025 Annual Meeting in San Diego welcomed over 10,000 attendees from 140+ jurisdictions, celebrating California's innovation-driven IP ecosystem. Co-chairs Jill Abasto and Okan Çan emphasized the event's theme, "The Business of IP," highlighting IP's vital role in business strategy. INTA President Elisabeth Stewart Bradley acknowledged global challenges but noted strong female leadership and growing opportunities in tech and global markets. CEO Etienne Sanz de Acedo cited IP's major economic impact, despite recent anti-IP sentiment. The event featured 200+ speakers and 59 sessions. INTA's 2026 Annual Meeting will be held in London.

- **Uzbekistan Advances IP Reform with Streamlined Registration and Digital Protection Measures**

Uzbekistan's Legislative Chamber has passed a draft law in its second reading to simplify IP registration and boost public awareness of IP rights. Key changes include removing proof-of-fee requirements for industrial property registration, introducing a 10-day review for software/database applications, and issuing digital protection documents with QR codes. The bill also shortens the review period for geographical indicators from seven months to one, and allows a six-month extension for unpaid state fees with an added 50% charge. Lawmakers say the reforms aim to strengthen legal protections and foster innovation, creativity, and economic growth.

News from The International IP World

- **Florasis Wins Trademark Battle, Secures Entry into Indonesian Market**

Chinese cosmetics brand Florasis, by Yige Beauty Group, has successfully entered the Indonesian market after resolving a bad-faith trademark dispute with a local manufacturer. The victory was secured by proving prior rights to the Florasis brand through global trademark registrations and marketing materials, including endorsements from beauty influencers in Indonesia and the U.S. This resolution enables Florasis to connect with its growing Southeast Asian customer base. The case highlights both the importance of strong IP protection and the challenges international brands face when entering new markets like Indonesia.

- **South Korea Boosts IP Protection Amid Rising Tech Leaks and Global Competition**

South Korea will strengthen collaboration between the Ministry of Trade, Industry and Energy and the Korean Intellectual Property Office (KIPO) to enhance protection of industrial technology and IP amid rising global competition. At a recent seminar on economic security, officials highlighted plans to bolster IP protection in response to over 100 technology leak cases in the past five years, causing losses of W23 trillion (US\$16.4 billion). Trade Minister In-kyo Cheong emphasized that safeguarding IP is vital for national economic security and pledged intensified efforts using patent data to prevent future technology leaks.

- **Rockit Wins Landmark Trade Dress Case in China with Baker McKenzie FenXun's Support**

Baker McKenzie FenXun secured a landmark IP victory for Rockit Global Limited in China, successfully defending its distinctive tube packaging against trade dress infringement. The Zhejiang High People's Court ruled that a local company acted in bad faith by copying Rockit's packaging, which features a transparent cylindrical tube with unique graphics and design. The court affirmed the packaging's strong brand association and protected status under China's Anti-Unfair Competition Law. This win strengthens legal protection for innovative food packaging and highlights Baker McKenzie FenXun's expertise in IP enforcement across China's competitive consumer goods market.