

## MONTHLY INTELLECTUAL PROPERTY RIGHTS NEWSLETTER SEPTEMBER 2024

Dear Readers,

We bring you a concise analysis of important developments, recent publications and judgements and noteworthy regulatory amendments in the corporate and financial sectors on a monthly basis.

Our newsletter outlines various developments and significant legal and cultural milestones that highlights the importance of preserving and protecting Intellectual Property rights.

Perceiving the significance of these updates and the need to keep track of the same, we have prepared this newsletter providing a concise overview of the various changes brought in by our proactive regulatory authorities and the Courts!

Feedback and suggestions from our readers would be appreciated. Please feel free to write to us at [mail@lexport.in](mailto:mail@lexport.in).

Regards,  
Team Lexport



### ABOUT US

Lexport is a full-service Indian law firm offering consulting, litigation and representation services to a range of clients.

The core competencies of our firm's practice *inter alia* are Trade Laws (Customs, GST & Foreign Trade Policy), Corporate and Commercial Laws and Intellectual Property Rights.

The firm also provides Transaction, Regulatory and Compliance Services. Our detailed profile can be seen at our website [www.lexport.in](http://www.lexport.in).

### OUR INTELLECTUAL PROPERTY RIGHTS TEAM

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## PART A: COURT RULINGS

### **Issue 1: Delhi High Court Upholds Trademark Rights of Taj Hotels, Awards Damages in Infringement Case**

**Ruling:** In a trademark infringement case, the Delhi High Court ruled in favour of Indian Hotels Company, the owner of Taj hotels. The court found that the defendant, an individual named Manoj who ran a business under the name “Taj Iconic Membership”, had misused the “Taj” trademark without authorization, including using the name in his domain and website. The Court awarded Rs. 10 lakhs in damages and Rs. 5 lakhs in costs to Taj. The court acknowledge the established goodwill and reputation in the mark “Taj”, and held that the defendant’s actions were fraudulent and likely to confuse consumers to falsely believe that the defendant has a direct nexus or affiliation with the plaintiff.

*The Indian Hotels Company Limited v. Manoj, (CS(COMM) 683/2022)*

**Lexport Comments:** *This ruling highlight the critical importance of protecting trademark rights, especially for renowned brands like “Taj”, which have built significant goodwill over the years. By awarding damages and emphasizing the deliberate and fraudulent nature of the defendant’s actions, the Court has reinforced that misuse of established trademarks not only confuses consumers but also harms the business reputation of rightful owners.*

### **Issue 2: Bombay High Court Strikes Down Goa’s Circular on Unauthorized Use of Sound Recordings During Weddings**

**Ruling:** In March 2024, the Government of Goa issued a circular allowing the unauthorized use of sound recordings during religious ceremonies, including weddings, under *Section 52(1)(za)* of The Copyright Act, 1957. Phonographic Performance Ltd (PPL) and Sonotek Cassettes Company challenged this circular in court. On August 13, 2024, the Bombay High Court at Goa invalidated the circular, ruling that it unlawfully expanded the scope of *Section 52(1)(za)* and interfered with the copyright enforcement mechanisms established by the Act. The court held that the circular went beyond the permitted use of sound recordings in bona fide religious ceremonies, infringing upon the rights of copyright holders.

*Phonographic Performance Limited and Sonotek Cassettes Company v. State of Goa, WP No. 253 of 2024*

***Lexport Comments:** From this judgement, the Court reaffirmed that copyright laws cannot be altered by executive actions to permit unauthorized use. This ruling emphasise the importance of due process and the need for clear judicial interpretation, especially when public and private interests collide. It also emphasizes that any expansion of copyright exceptions must be carefully balanced to protect both the public and copyright owners from potential misuse.*

### **Issue 3: Delhi High Court Grants Interim Injunction to Amul Against Italian Firm Using Deceptively Similar “Amuleti” Trademark.**

**Ruling:** The Delhi High Court has granted an interim injunction in favor of the Gujarat Co-operative Milk Marketing Federation Ltd. (owners of the “Amul” brand) against the Italian company Terre Primitive, which used the trademark “Amuleti”. The suit sought permanent injunction, damages, and other relief, alleging that “Amuleti” was structurally and visually similar to the well-known trademark “Amul” and could cause confusion among consumers. The Court, observing that Amul had established a prima facie case and would suffer irreparable loss without the injunction, directed Terre Primitive to stop using the impugned Trademark “Amuleti”, remove products from online platforms, and surrender all materials bearing the infringing mark.

**Title- Gujarat Co-operative Milk Marketing Federation Ltd. & Anr. v. Terre Primitive & Ors, CS(COMM) 768/2024.**

***Lexport Comments:** By blocking the use of the ‘Amuleti’ mark, the Court has reaffirmed the importance of safeguarding established trademarks, particularly for a well-known and widely recognized trademark like Amul, from dilution and confusion in the marketplace. The decision sets a strong precedent against the unauthorized use of similar marks that may mislead consumers and harm the reputation of established brands.*

## **PART B: ARTICLES AND NEWS**

- 1. Qatar Joins the Madrid System, Becomes Fourth GCC Member Under WIPO**  
Qatar has officially joined the Madrid System under the World Intellectual Property Organization (WIPO), becoming the fourth Gulf Cooperation Council (GCC) member to do so, following Bahrain, Oman, and the UAE. With this move, Saudi Arabia and Kuwait remain the only GCC countries yet to join the Madrid System.
- 2. Bermuda Announces New Trade Marks Act 2023 to Take Effect in 2025**  
The Bermuda Registry General has officially confirmed that the highly anticipated Trade Marks Act 2023 will come into effect on January 1, 2025, replacing the Trade Marks Act 1974. This new legislation introduces several major reforms to the management and protection of trademarks in Bermuda.
- 3. Article: Smell Trademark: Significance and Challenges**  
In this article, our Partner Ms. Rajlatha Kotni, Associate Ms. Swagita Pandey, Associate Ms. Ananya Singh and Sejal Raghuwanshi (Intern) are highlighting the concept of a smell trademark and their significance and challenges.

Click on the below link to read the article: <https://shorturl.at/ok5Mx>

**END OF THE NEWSLETTER**

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