

MONTHLY INTELLECTUAL PROPERTY RIGHTS NEWSLETTER

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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.

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.

OUR INTELLECTUAL PROPERTY RIGHTS TEAM

Rajlatha Kotni
Swagita Pandey
Ananya Singh

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PART A: COURT RULINGS

Issue 1: Hon’ble Bombay High Court Declines Stay on Release of Akshay Kumar’s Film Sky Force

Ruling: The Bombay High Court has refused to halt the release of Sky Force, starring Akshay Kumar, Sara Ali Khan, Nimrat Kaur, and Veer Pahariya, despite a copyright infringement claim. Animator Sandeep Gangatkar alleged that the film’s director and producers, including Maddock Films and Jio Studios, used his unpublished script Fire Bird without permission. Justice Manish Pitale, however, declined to pass an ad-interim order, emphasizing that Gangatkar had approached the court at the “eleventh hour” just before the film’s release. The Court observed that key details about Sky Force had been publicly available since October 2023, and Gangatkar failed to act promptly. His requests for pre-screening the film and halting its release were denied, though the Court asked the Defendants to file responses to his claims within four weeks. The interim applications are scheduled for a hearing on March 17. The Defendants argued that Gangatkar’s delay in seeking relief was tactical and caused prejudice to their work. They claimed the lawsuit was a last-minute attempt to disrupt the project, which would result in significant financial losses. In response, Gangatkar maintained that the trailer released in January 2025 showcased direct similarities with his script, leading him to take legal action.

Sandeep Gangatkar vs Sandeep Kewlani (Commercial IPR Suit (L) 2130 of 2025)

Lexport Comments: This Judgement is critical balance between protecting intellectual property rights and preventing undue disruption to creative projects on the name of IP Rights. While Sandeep Gangatkar’s claims deserve careful examination, his delay in approaching the court challenged the urgency of his case, especially given the significant financial stakes for the filmmakers. The Court’s decision reflects the logical approach often required in cases where timing and balance of convenience play pivotal roles. Moving forward, this draws attention to the importance of swift action in copyright disputes to ensure a fair resolution without jeopardizing large-scale commercial enterprises.

Issue 2: Hon’ble Delhi High Court Rules ‘Bharat Gate’ Infringes ‘India Gate’ Trademark

Ruling: The Delhi High Court upheld KRBL Limited’s claim in a trademark infringement case, ruling that the use of “Bharat Gate” for basmati rice infringed upon the “India Gate” mark. A division bench comprising Justice C Hari Shankar and Justice Ajay Dignpaul reinstated an injunction against the use of the Bharat Gate

trademark, which had been vacated by a commercial court. The Court observed that both marks target the same product—rice—and are phonetically and conceptually similar, as "India" and "Bharat" are synonymous, while the common word “Gate” adds to their similarity. Applying the triple identity test (product, mark, and consumer), the Court concluded that the usage of "Bharat Gate" was likely to cause consumer confusion. It noted that the visual representation of India Gate on both packaging further evidenced an intent to imitate and exploit KRBL’s established goodwill.

KRBL Limited v. Praveen Kumar Buyani & Ors FAO (COMM) 24/2024

Lexport Comments: This judgment by the Delhi High Court is noteworthy the principles of trademark protection and deceptive similarity. The ruling highlights the importance of preserving the goodwill of well-established brands like “India Gate” in the face of imitative practices. The Court’s recognition of visual representation as a key factor highlights the evolving nature of trademark disputes in a visually-driven market. The deliberate use of India Gate imagery by “Bharat Gate” was deemed a clear attempt to mislead consumers and create a false association. This ruling reinforces the importance of originality in branding and sets a strong precedent against exploitative imitation.

Issue 3: Hon’ble Delhi HC Rejects Gensol’s Request for Injunction in Trademark Dispute with Mahindra

Ruling: In a trademark battle between Gensol Electric Vehicles and Mahindra Last Mile Mobility, the Delhi High Court dismissed Gensol’s plea for an interim injunction. Gensol, which is set to launch its electric vehicle under the mark “EZIO”, claimed Mahindra’s adoption of the mark “eZEO” for a similar product infringed its trademark. Gensol argued the marks were confusingly similar, but Mahindra countered that it had been using the mark "eZEO" first, and later modified it to "Mahindra ZEO", adding its parent brand name, "Mahindra", to distinguish the marks. The court found that the inclusion of "MAHINDRA" in the Defendant's mark made it distinct both visually and phonetically from Gensol’s "EZIO", which weakened the likelihood of confusion. Moreover, it was noted that Gensol only revealed its trademark publicly after Mahindra had already announced its product, undermining the claim that Mahindra had copied its mark. The Court also highlighted emphasized that the addition of a manufacturer’s name like Mahindra’s typically plays a significant role in distinguishing vehicle brands, reinforcing that the modified mark is sufficiently unique

Gensol Electric Vehicles Pvt. Ltd. V. Mahindra Last Mile Mobility Ltd., 2025 SCC OnLine Del 68

Lexport Comments: This judgment draws attention to the importance of brand identity and market timing in trademark disputes. The court’s decision to allow Mahindra to proceed with its “Mahindra ZEO” mark highlights the weight placed on the manufacturer’s name as a key differentiator in the automotive sector. In this case, the combination of Mahindra’s well-established reputation and the strategic modification of the mark was crucial in avoiding confusion. While Gensol’s claims were dismissed for lack of sufficient evidence of confusion, the ruling reflects a broader trend where the distinctive presence of a parent company’s name can override potential conflicts in product names, especially when the market entry timing is critical.

Issue 4: Hon’ble Bombay High Court Grants Temporary Injunction in ‘Tikhalal’ Trademark Case, Imposes ₹2 Lakh Fine for Misconduct

Ruling: The Bombay High Court recently restrained Shyam Dhani Industries Pvt. Ltd. from using the trademark “Tikha Lal” in connection with its chilli powder, granting a temporary injunction to Everest Food Products Private Limited. Everest, known for its "Tikhalal" chilli powder since 2002, alleged trademark infringement and passing off by the defendants, who were found using “Shyam Tikha Lal” for similar products. Everest argued that the Defendants fabricated sales invoices to falsely justify their use of the contested

trademark and mislead the Court. Justice R.I. Chagla held that the Defendants acted dishonestly and relied on false sales invoices, showing glaring discrepancies between affidavits filed with the Court. The defendants' claim that the use of "Tikha Lal" described the goods' characteristics, rather than serving as a trademark, was rejected, as the visual representation and trademark applications indicated otherwise. The Court also noted that the use of the impugned mark was likely to confuse or deceive the public, harming Everest's goodwill and reputation. The Defendants were restrained from manufacturing, packaging, or selling products bearing "Tikha Lal" or any similar mark until the suit's final resolution. Further, the Court imposed a fine of ₹2 lakh on the defendants for their misconduct, payable to Everest within four weeks.

Everest Food Products Private Limited vs. Shyam Dhani Industries Pvt. Ltd. & Ors.
(Interim Application No. 1628 Of 2021 In Commercial IPR Suit No.178 Of 2021)

Lexport Comments: *The ruling highlights the judiciary's firm stance against trademark infringement and dishonest practices, pointing out emphasizing that fabricated evidence and misleading conduct will face legal and financial consequences. By rejecting the defendants' claim of descriptive use for "Tikha Lal", the Court reinforced the importance of distinctiveness, goodwill, and reputation in trademark law. The imposition of costs serves as a warning against attempts to mislead the judicial system, promoting fairness in intellectual property disputes.*

PART B: ARTICLES AND NEWS

1. Hon'ble Madras High Court Reserves Order on Netflix India's Plea Against Dhanush's Suit

The Madras High Court has reserved its decision on Netflix India's application to dismiss a copyright suit filed by Dhanush's Wunderbar Films. The dispute involves the alleged unauthorized use of behind-the-scenes footage from *Naanum Rowdy Dhaan* in Netflix's documentary *Nayanthara: Beyond the Fairytale*. Netflix argued that the suit was improperly filed in Chennai, citing jurisdictional issues under the Copyright Act and procedural lapses, including the absence of mandatory pre-suit mediation. Wunderbar Films countered that the cause of action arose only after the documentary's release, which revealed the alleged infringement, and claimed that agreements signed in Chennai and the documentary's release in the city made the Madras High Court the appropriate forum.

2. Hon'ble Delhi High Court Issues Notice in Dabur-Capital Foods 'Schezwan Chutney' Trademark Dispute

The Delhi High Court has issued a notice to Dabur India over a trademark infringement plea by Capital Foods, makers of 'Ching's Schezwan Chutney'. Capital Foods claims Dabur's new product line misuses "Schezwan Chutney" on packaging, creating confusion and infringing its trademark, which they assert has strong consumer recognition. Dabur argues the trademark is generic and descriptive, asserting it gives Capital Foods undue monopoly over common terms. The High Court will hear Dabur's petition to cancel the trademark on February 5, with Capital Foods' plea set for the last week of February.

3. Hon'ble Delhi High Court rules that Revocation Petitions are valid even after Patent expiry

The Delhi High Court ruled that revocation petitions under *Section 64* of the Patents Act remain valid even after a patent expires. Justice Amit Bansal held that the expiry does not make the proceedings infructuous, as the cause of action continues. The Court distinguished revocation petitions from invalidity defences under *Section 107*, noting that revocation falls under High Court jurisdiction, while invalidity can be adjudicated in District Courts. The ruling came in Macleods Pharmaceuticals' petition against Boehringer Ingelheim over a revoked patent for the anti-diabetic drug Linagliptin, which expired in 2023.

4. Article: Withdrawal of Acceptance of Trademark Applications under Section 19 of Trade Marks Act 1999: An Analysis

In this article, our Partner, Ms. Rajlatha Kotni, along with Associate Ms. Swagita Pandey and Intern Isha Arora, explores *Section 19* of The Trade Marks Act, 1999 that enables the Registrar to withdraw the acceptance of an application.

Click on the below link to read the article:

<https://shorturl.at/PChHt>

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