

MONTHLY INTELLECTUAL PROPERTY RIGHTS NEWSLETTER

MARCH 2025

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.

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PART A: COURT RULINGS

Issue 1: Delhi High Court Grants Permanent Injunction Against Rogue Websites for Unauthorized Streaming of ICC T20 World Cup 2024

Ruling: The Delhi High Court granted a permanent injunction in favor of Star India and Novi Digital Entertainment (Disney+ Hotstar) against rogue websites illegally streaming the ICC T20 World Cup 2024. The plaintiffs, holding exclusive broadcasting rights under a Media Rights Agreement with the ICC, alleged copyright infringement and unauthorized dissemination of their content. Initially, an ex-parte ad interim injunction was granted, directing domain registrars, ISPs, and government entities to block access to infringing websites. Subsequently, additional rogue websites were identified and impleaded. Since the defendants failed to contest the suit, the Court decreed in favor of the plaintiffs, affirming that the unauthorized streaming caused significant financial harm and diluted the plaintiffs' exclusive rights.

Star India Private Limited & Anr. vs Stream2Watch.Pk & Ors., CS(COMM) 455/2024.

Lexport Comments- The judgment highlights the strict stance of the court against digital piracy and unauthorized content distribution.

Issue 2: Delhi High Court Grants Injunction Against Unauthorized Use of 'AQUAGUARD' Mark

Ruling: In a trademark and copyright infringement suit, Eureka Forbes Limited filed a case against defendants selling counterfeit water purifier spares under the marks 'AQUAGUARD,' 'AQUASFILTER,' 'ACTIVE COPPER MAXX,' and 'PAANI KA DOCTOR.' On March 4, 2025, the Delhi High Court granted a permanent injunction restraining defendant no.1 from using these marks or any deceptively similar variants. The Court recognized that Eureka Forbes, which has been using the 'AQUAGUARD' mark since 1982, had built substantial goodwill and reputation in the market. The defendant's unauthorized use of identical marks and trade dress constituted misrepresentation, trademark infringement, and passing off, leading to consumer confusion. Since defendant no.1 failed to appear in court or file a written statement, the Court ruled in favor of the plaintiff under Order VIII Rule 10 of the CPC, deeming the claims as admitted.

Further, taking note of the defendant's misconduct and threats against court-appointed commissioners, the Court awarded Rs. 3,00,000/- in damages and costs to the plaintiff. The ruling reinforces the strict stance against counterfeit goods and highlights the importance of enforcing intellectual property rights through judicial intervention.

Eureka Forbes Limited (Formerly Forbes Enviro Solutions Limited vs Mr. Vinod K. And Anr., CS(COMM) 335/2023

Lexport Comment- The ruling effectively establishes clear misrepresentation, providing a strong foundation for the case.

Issue 3: Delhi High Court Grants Permanent Injunction Against Counterfeiters for Unauthorized Use of "PUMA" Trademark

Ruling- The plaintiff, a globally recognized sports brand, filed a suit seeking a permanent injunction against the defendant for trademark infringement and passing off, claiming that the defendant was engaged in the unauthorized manufacture and sale of counterfeit of PUMA products. The court had earlier granted an ex-parte injunction against the defendant. The defendant failed to file a written statement within the statutory period and was proceeded against ex-parte. Based on the Local Commissioner's report and evidence, the court found that the defendant was engaged in large-scale counterfeiting of not just the plaintiff's products but also other well-known brands like Adidas and Nike. The court held that the plaintiff's trademarks are well-known and require a higher degree of protection. Given the absence of any defense from the defendant, the court granted a summary judgment in favor of the plaintiff. The court awarded actual costs of Rs. 9,00,000 to the plaintiff and damages of Rs. 2,00,000 against the defendant. A decree was passed directing the defendant to pay these amounts within three months.

Puma Se vs Mahesh Kumar, CS(COMM) 725/2022

Lexport Comment- The judgment establishes the court's firm stance on protecting intellectual property rights, especially for well-known trademarks like PUMA. The Local Commissioner's report effectively established the defendant's counterfeiting activities. This ruling highlights the importance of brand protection and upholds the integrity of trademark laws in India.

PART B: ARTICLES AND NEWS

1. The Delhi High Court has declared IHCL's 'Taj' mark as a well-known trademark

The Delhi High Court granted a decree recognizing the "TAJ" marks as well-known trademarks under Section 2(1)(zg) of the Trade Marks Act, 1999. The plaintiff, part of the Tata Group, established that the TAJ marks had been extensively used in the hospitality sector for over 120 years, enjoying widespread recognition and goodwill. The Court noted that the plaintiff met the criteria outlined in Sections 11(6) and 11(7) of the Act, considering factors such as long-term use, global presence, public recognition, and substantial revenues. Referring to a prior ruling that declared "VIVANTA" a well-known trademark, the Court affirmed that the TAJ marks had acquired significant distinctiveness and protection.

2. U.S. Supreme Court Limits Trademark Profits Award in Dewberry Case

The U.S. Supreme Court ruled that a plaintiff in a trademark infringement suit cannot claim profits from a defendant's affiliates unless they were named in the lawsuit. The decision overturned a \$43 million award in Dewberry Engineers Inc. v. Dewberry Group, Inc., where the Fourth Circuit had included profits from affiliated entities. The Court held that under the Lanham Act, only the defendant's own profits are recoverable, rejecting the lower court's approach. While the unanimous ruling left open questions about corporate separateness and economic realities, Justice Sotomayor emphasized that courts should not ignore strategic accounting practices. The case was vacated and remanded, signaling that the nearly 20-year legal battle is far from over.

3. Summary of CS(COMM) 612/2023 – Thirumalai Chemicals Limited represented by Lexport vs. Saurabh Sharma & Ors. at Delhi High Court

In the case filed by Lexport on behalf of Thirumalai Chemicals Limited against Saurabh Sharma (trading as M/S RDS Chemicals) & Ors. at the Delhi High Court. The plaintiff, a reputed manufacturer of chemical products, sought relief against the counterfeiting of its products by the defendants, who were found selling counterfeit chemicals under the plaintiff's trademarked name and logo. The plaintiff provided evidence, including an investigator's report and laboratory analysis, which revealed that the defendants were mislabeling citric acid as malic acid and using forged certificates of analysis. The plaintiff demonstrated that these counterfeit products posed a serious risk, particularly as they were marketed as food-grade chemicals. On March 18, 2025, the

defendants, agreed to pay the legal costs of ₹1,00,000 and also consented to a permanent injunction being granted against them. As a result, the court passed a decree in favor of the plaintiff, enforcing the permanent injunction. Regarding legal costs, the court directed the defendants to pay ₹40,000 by March 31, 2025, ₹30,000 by April 30, 2025, and the remaining ₹30,000 by May 31, 2025, with an interest penalty of 9% per annum applicable in case of non-compliance. Furthermore, the Registry was directed to refund the entire court fee to the plaintiff under Section 16 of the Court Fees Act, 1870. With this, the matter was settled in favor of Thirumalai Chemicals Limited represented by Lexport, ensuring the enforcement of its legal rights while securing reimbursement of its litigation costs.

Link for Orders: <https://shorturl.at/N1g0v>

4. Article: Navigating Trademark Refusal and The Appeal Process in India

In this article, our Partner, Ms. Rajlatha Kotni, along with Associate Ms. Swagita Pandey and Assessment Intern Ms. Anushka Tripathi express their thoughts on the trademark refusal and appeal process.

Click on the below link to read the article:

<https://shorturl.at/OsxrO>

END OF THE NEWSLETTER
