

MONTHLY INTELLECTUAL PROPERTY RIGHTS NEWSLETTER

APRIL 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.

OUR INTELLECTUAL PROPERTY RIGHTS TEAM

Rajlatha Kotni
Swagita Pandey
Ananya Singh

DISCLAIMER

The information contained in this Newsletter is for general purposes only and Lexport is not, by means of this newsletter, rendering legal, tax, accounting, business, financial, investment or any other professional advice or services. This material is not a substitute for such professional advice or services, nor should it be used as a basis for any decision or action that may affect your business. Further, before making any decision or taking any action that may affect your business, you should consult a qualified professional advisor. Lexport shall not be responsible for any loss sustained by any person who relies on this newsletter. Hyperlinks to third party websites provided herein are for *bona fide* information purposes only, and must not be construed to be indicative of any formal relationship between Lexport and such third parties.

INDEX

Delhi High Court Grants Permanent Injunction in “GINGER” Infringement Case	...2
Delhi High Court Grants Permanent Injunction Against Fraudulent Use of ‘PEAK XV PARTNERS’ Trademark	...2-3
Delhi High Court Sets Aside Refusal of Trademark Application No.4852344 for Lack of Distinctiveness	...3
Honasa, the parent company of Mamaearth, has filed a lawsuit in the Delhi High Court against Hindustan Unilever regarding a Lakmé sunscreen advertisement	...3
₹5,000 Crore Trademark Dispute Settled via Mediation Between Abhishek Lodha and Abhinandhan Lodha	...4
Case Comment: ANI VS. OPENAI, CS(COMM) 1028/2024	...4

PART A: COURT RULINGS

Issue 1: Delhi High Court Grants Permanent Injunction in “GINGER” Infringement Case

Ruling: The Court granted summary judgment in favor of the plaintiff—the leading hospitality group operating “GINGER” hotels—against defendants accused of infringing its registered “GINGER” trademarks and copyrights. The plaintiffs alleged that the defendants operated impugned websites (www.gingerhotelmumbai.info and www.hotelgingermumbai.info) that misrepresented themselves as the plaintiff’s official website, thereby misleading customers into making hotel bookings and causing dilution of brand goodwill and financial loss. Initially, the Court issued an ex-parte ad interim injunction directing domain registrars, banks, and service providers to block access to the infringing domains and freeze associated bank accounts. After the defendants failed to file any written statement or contest the allegations, the injunction was made absolute, and summary judgment was passed. The Court further awarded damages amounting to Rs. 20 lakhs, to be paid jointly and severally by the defendants within four months.

The Indian Hotels Company Limited vs Ankit Sethi & Ors., CS(COMM) 882/2023

Lexport Comments:- By recognizing domain names as possessing trademark like significance, the Court affirmed that unauthorized use of such domains, coupled with misrepresentation through fraudulent websites, constitutes both trademark infringement and passing off.

Issue 2: Delhi High Court Grants Permanent Injunction Against Fraudulent Use of ‘PEAK XV PARTNERS’ Trademark

Ruling: The Delhi High Court granted a permanent injunction restraining unknown individuals from misusing the trademark ‘PEAK XV PARTNERS’. The defendants operated fraudulent websites, mobile applications, and messaging groups under the deceptively similar name ‘PAK XV’, falsely representing affiliation with the plaintiffs. The Court found

that the defendants’ actions amounted to passing off, exploiting the plaintiffs’ goodwill to deceive the public. Given the defendants’ failure to contest the suit, the Court decreed in favor of the plaintiffs, emphasizing the need to protect established trademarks from digital misappropriation.

Peak Xv Partners Advisors India LLP & Anr vs John Doe & Ors., CS(COMM) 71/2024

Lexport Comments:- By addressing the misuse of trademarks through online platforms and messaging services, the Court highlights the evolving nature of brand infringement in the digital age. The decision serves as a precedent for swift legal recourse against digital impersonation and reinforces the importance of maintaining brand integrity amidst technological advancements

Issue 3: Delhi High Court Sets Aside Refusal of Trademark Application No.4852344 for Lack of Distinctiveness

Ruling- : The Delhi High Court allowed the appeal under Section 91 of the Trade Marks Act, 1999, setting aside the impugned order dated 01st January 2024. In this case, the Applicant Peak XV Partners challenged the refusal of its

trademark application in Class 03 for a device mark. The Registrar had refused the application on the grounds that the mark, comprising three common words interspersed with an exclamation mark, was devoid of any distinctive character as required under Section 9(1)(a) of the Act. The Court rejected this reasoning, holding that when the mark is viewed in its entirety, the stylized arrangement creates a distinctive overall impression. Furthermore, the Court observed that the objection regarding the filing of only one invoice (to establish prior use) was unwarranted, particularly given the short period between the claimed date of use and application filing. The Court therefore directed the Trade Marks Registry to proceed with the advertisement of the trademark application within three months, with any opposition to be decided on its own merits.

M/S. Mocemsa Care vs The Registrar Of Trade Marks, C.A.(COMM.IPD-TM) 20/2024

Lexport Comments:- This judgment emphasises that the distinctiveness of a composite device mark should be assessed holistically rather than by isolating and evaluating its individual components.

PART B: ARTICLES AND NEWS

1. Honasa, the parent company of Mamaearth, has filed a lawsuit in the Delhi High Court against Hindustan Unilever regarding a Lakmé sunscreen advertisement.

Honasa Consumer Ltd., has initiated legal proceedings in the Delhi High Court against Hindustan Unilever Ltd., claiming that a Lakmé Sun Expert sunscreen advertisement negatively portrays products marketed under its skincare label, The Derma Co. The controversy revolves around HUL's ad campaign, which asserts that certain sunscreen products on the market inaccurately claim SPF 50 protection. The Delhi High Court ruled in favor of Honasa Consumer Ltd and HUL agreed to remove all social media posts related to the disputed ad and to modify the advertisement by eliminating the term "online bestseller" and altering the packaging colors depicted. The HUL committed to updating physical hoardings as well. In response, Honasa consented to take down its social media posts referencing the Lakmé campaign. The disputed ad hoardings are produced herein below:



2. ₹5,000 Crore Trademark Dispute Settled via Mediation Between Abhishek Lodha and Abhinandan Lodha

After three months of mediation, real estate developers and brothers Abhishek and Abhinandan Lodha have amicably settled all outstanding disputes between their companies. As part of the settlement, Macrotech Developers Ltd, headed by Abhishek Lodha, will maintain exclusive ownership and usage rights of the brand names “Lodha” and “Lodha Group.” In contrast, Abhinandan Lodha will have exclusive rights to the brand “House of Abhinandan Lodha” (HoABL). Following the settlement, the two brands will operate independently without any affiliation.

3. Case Comment: ANI VS. OPENAI, CS(COMM) 1028/2024

In this case comment, Ms. Rajlatha Kotni (Partner) and Ms. Swagita Pandey (Associate), with assistance from Assessment Intern Ms. Anushka Tripathi, explore the legal, technological, and policy dimensions of the ANI vs. OpenAI dispute.

Read at: <https://shorturl.at/mocEK>

END OF THE NEWSLETTER
