Special Legal Issues Seminar Series

Topic: Year In Review – Notable IP Division Judgments and Developments: Quarter 2 (April To June 2026)

Raman Kwatra Vs. The Registrar of Trade Marks & Anr., IAL 23211/2025 | High Court of Bombay | Arif S. Doctor, J. | June 15, 2026

❖ Facts:

- The proprietor of the KEI word and device marks had filed an infringement and passing-off suit against Raman Kwatra before the Delhi High Court in 2021. During the pendency of that suit, the proprietor applied to have the KEI marks included in the list of well-known trademarks. The application was allowed, and the marks were added to the list.
- The proprietor thereafter placed the well-known status of the marks before the Delhi High Court. Kwatra opposed this and filed a rectification petition before the Bombay High Court seeking removal of the KEI marks from both the Trade Marks Register and the list of well-known trademarks.
- The maintainability of the petition was challenged on the grounds that a well-known trademark could not be removed through rectification proceedings and that the dispute should be decided by the Delhi High Court, where the infringement suit was already pending.

❖ Held:

The Court held that the declaration of a mark as well-known does not make it immune from rectification. Once declared well-known, a mark carries the statutory consequences of a registered trademark and its entry in the well-known trademarks list can therefore be challenged through rectification proceedings. The Court also held that the Bombay High Court had jurisdiction because the application for well-known status had been processed by the Trade Marks Registry in Mumbai. However, it declined to decide the challenge because the Delhi High Court was the more appropriate forum, considering the pending infringement suit.

Bristol Bakery v. Grupo Bimbo S.A.B. DE C.V., IA NO. 13958 of 2023 in Commercial IP Suit No. 117 OF 2025 | High Court of Bombay | Sharmila U. Deshmukh, J. | July 6th, 2026

❖ Facts:

- Bristol Bakery claimed adoption and use of BIMBO in India since 1979 for bread and bakery products. Bristol Bakery also owned a 1979 Indian registration for a BIMBO device mark.
- Grupo Bimbo (Mexico) claimed first adoption of BIMBO in 1943 and its first registration in Mexico in 1944. Grupo Bimbo subsequently obtained trademark registrations in multiple countries, including India from 1993.
- In 2023, Bristol Bakery filed a suit after learning of Grupo Bimbo's proposed and actual use of BIMBO in India. Bristol Bakery relied on its prior adoption, registration, and use in India.
- Grupo Bimbo thereafter filed a cross-suit alleging trademark infringement and passing off. Grupo Bimbo relied on its prior global adoption, international reputation, Indian registrations, and alleged dishonest adoption by Bristol Bakery.

❖ Held:

The Court refused interim injunctions to both parties. Though Bristol Bakery established prior adoption and use in India from 1979 and Grupo Bimbo failed to prove spillover of its international reputation into India at the relevant time, Bristol Bakery could not prove sufficient goodwill and reputation as on 2019, when Grupo Bimbo entered the Indian market with BIMBO branded products. The Court also found that both parties had knowledge of each other's marks and had allowed each other to build their businesses, and therefore both were affected by acquiescence.

Hindware Limited v. Grohe India Private Limited & Ors., CS(COMM) 591/2017 | High Court of Delhi | Mini Pushkarna, J. | May 22, 2026

Facts:

- Hindware Limited had registered the mark HINDWARE for sanitaryware products, which had been in use since 1991.
- Between 2013 and 2014, Hindware discovered that its competitors, Grohe and Cera, had purchased HINDWARE and its variations as keywords under Google's AdWords programme.
- Consequently, when consumers searched for Hindware products, sponsored advertisements and links to competing sanitaryware brands appeared prominently in the search results. Hindware subsequently filed two suits against the competing advertisers and Google.

Held:

The Court decreed the suits against Google, holding that the invisible, back-end use of a registered trademark as a keyword constitutes 'use' in advertising. Google was not a passive intermediary because it actively suggested trademarks through its Keyword Planner, auctioned them to advertisers, determined which advertisements were displayed and earned pay-per-click revenue. By allowing Hindware's direct competitors to purchase the HINDWARE mark and divert consumers to their sponsored links, Google took unfair advantage of the mark and infringed Hindware's trademark rights. Its active involvement in and control over the advertising programme also disentitled it from claiming safe-harbour protection.

Rukhmani Keshwani Versus Raju Agarbatti Works & Anr. FAO (COMM) 99/2024, CM APPL. 30880/2024 | High Court of Delhi | C. Hari Shankar & O.P. Shukla, JJ | July 01, 2026

Facts:

- The dispute arose after the Trial Court returned the plaint for want of territorial jurisdiction, holding that both parties carried on business in Ajmer, Rajasthan, and that the mere accessibility of online listings in Delhi was insufficient to confer jurisdiction.

Held:

- The Court clarifying the scope of Sections 134 of the Trade Marks Act, 1999 and 62 of the Copyright Act, 1957, held that proof of an actual sale within the jurisdiction is not always necessary.
- Commercial solicitation and the availability of goods for purchase through interactive platforms may themselves establish the necessary territorial nexus. Requiring proof of a completed transaction would impose an outdated standard in the context of online commerce.
- Mere accessibility of a website or online listing, however, is insufficient. The crucial test is whether the defendant purposefully targets customers within the forum state through interactive e-commerce platforms. In the present case, the defendants' IndiaMart listings, linked to their GST and business details, established such commercial outreach.
- The Court clarified that the Supreme Court's decision in IPRS v. Sanjay Dalia was intended to prevent forum shopping, not to deny jurisdiction where an independent part of the cause of action arises.

Impressario Entertainment And Hospitality Pvt. Ltd. v. Vardhaman Choksi & Ors., C.A.(COMM.IPD-TM) 12/2023 & I.A. 4139/2024 & 22 connected rectification petitions | High Court of Delhi | Tejas Karia, J. | April 10, 2026

Facts:

- Impressario adopted the mark SOCIAL in 2012 for its concept combining cafés, restaurants and collaborative workspaces, and had continuously used the mark and its location-based variants since at least 2014.
- Vardhaman Choksi had earlier applied for and obtained registration of SOCIAL HOUSE in Class 43, claiming use since November 2011. Although Choksi relied on certain events conducted under SOCIAL HOUSE at his establishment, ESCOBAR, he had not operated any restaurant under that mark.
- Impressario therefore sought cancellation of the registration for non-use. Choksi, in turn, filed 22 rectification petitions seeking cancellation of Impressario's registrations for various SOCIAL formative marks.

Held:

The Court allowed Impressario's appeal and directed removal of the SOCIAL HOUSE registration. It held that prior registration alone did not protect Choksi in the absence of genuine use for the services covered by the registration. Choksi's decision to discontinue use because of pending litigation was also not a "special circumstance," since such circumstances must arise from external conditions affecting the trade generally. The Court further held that SOCIAL was suggestive, not generic, in relation to hospitality services and had become associated with Impressario through continuous use. The Court also observed that Choksi's registration of numerous globally renowned marks without corresponding use demonstrated a pattern of trademark squatting, aimed at subsequently selling those rights to their genuine proprietors at a premium.

Mr P.C. Duraisamy V. Kewal Krishan Kumar & Anr, C.O. (COMM.IPD-TM) 180/2022 | High Court of Delhi | Tushar Rao Gedela, J | June 24, 2026

Facts:

- The petitioner, proprietor of the SAKTHI brand, claimed prior adoption (1977), registration (1979), and continuous use for food products in Class 30.
- The respondent applied for the mark SHAKTI in March 1996 and obtained registration in May 2018, which was later assigned to Shakti Bhog Foods.
- The petitioner sought rectification/cancellation of the SHAKTI registration, alleging prior rights, deceptive similarity, and non-use of the standalone mark.
- The Respondent relied on Sections 15, 17 and 55(2) of the Trade Marks Act to argue that its use of the composite mark SHAKTI BHOG should be treated as use of the standalone SHAKTI mark.

Held:

The Court held that mere use of the composite mark "SHAKTI BHOG" could not, in the facts of the case, be treated as use of the standalone "SHAKTI" mark. While acknowledging that the Respondent's interpretation of Sections 15, 17 and 55(2) was "attractive" and "plausible", the Court held that such a legal argument cannot substitute for evidence of actual or bona fide use of the standalone mark. Since the Respondents failed to produce any documentary proof of independent use of "SHAKTI", the use of "SHAKTI BHOG" could not rescue the standalone registration or defeat the petition for rectification.

Black Diamond Motors Pvt. Ltd. v. Registrar of Trade Marks, Mumbai, Misc. Petition No. 23 of 2026| High Court of Bombay | Somasekhar Sundaresan, J. | June 17, 2026

❖ Facts:

- Black Diamond Motors held registration for its mark in Class 12. Black Diamond Track Parts, representing another faction of the same family business, filed proceedings seeking rectification of the registration following disputes over the use of the expression "Black Diamond."
- After receiving Black Diamond Motors' counter-statement in November 2019, Black Diamond Track Parts was required to file its evidence within two months but failed to do so. It subsequently filed certain documents without an affidavit and, in March 2024, filed an interlocutory application seeking an extension of time along with its evidence affidavit. The Registrar allowed the delayed evidence to be taken on record. Black Diamond Motors thereafter challenged this order before the Bombay High Court

❖ Held:

The Court dismissed the petition and upheld the Registrar's order permitting the delayed evidence to be taken on record. It held that the two-month period for filing evidence is directory and not mandatory, and that the Registrar may extend the time even after the deadline has expired. The Court clarified that failure to file evidence within the stipulated period does not automatically terminate the underlying rectification proceedings or extinguish substantive rights. It further held that an order merely granting an extension of time is a ministerial order and is not appealable.

M/s Flipkart India Private Limited vs M/S Marc Enterprises Pvt Ltd, FAO-IPD 46/2021, CM APPL. 46817/2018 & CM APPL. 54484/2018 | High Court of Delhi | Tejas Karia, J | April 10, 2026

❖ Facts:

- Marc Enterprises has been manufacturing and selling electrical accessories and appliances under the mark "MARC" since 1981 and has held registrations for the mark since 1984.
- Flipkart, apart from operating as an e-commerce platform hosting third-party sellers, also manufactures and sells products under its own marks.
- The dispute arose in 2017 when Flipkart adopted the mark "MARQ" for large electronic appliances such as televisions, microwave ovens, and washing machines. Marc Enterprises filed a suit seeking an injunction against Flipkart for infringement, passing off and related relief.

❖ Held:

The Court stated that the respondent was the prior user of the inherently distinctive mark "MARC" and that Flipkart's mark "MARQ" was deceptively similar, giving rise to a likelihood of confusion and that the addition of Flipkart's house mark was insufficient to distinguish the competing marks.

The Court held that the addition of a house mark did not obviate confusion, particularly where it was used inconspicuously or inconsistently. Flipkart had failed to demonstrate that such addition sufficiently distinguished its goods from those of the respondent.

Renee Cosmetics Private Limited v. Ms. Rupali Sharma & Anr., C.O. (COMM.IPD-TM) 107/2025 & I.A. 11431/2025 | High Court of Delhi | Tushar Rao Gedela, J. | June 5, 2026

❖ Facts:

- Renee Cosmetics adopted and launched the RENEE Cosmetics brand in October 2019. Earlier that year, Rupali Sharma had applied for and obtained registration of the word mark GLASS SKIN in Class 3 on a proposed-to-be-used basis.
- In January 2025, Renee applied to register the composite mark RENEE GLASS SKIN SPF 50, following which Sharma issued a legal notice alleging infringement of her registered mark.
- After Amazon removed Renee’s product listing on the strength of Sharma’s registration, Renee approached the Delhi High Court seeking cancellation of the GLASS SKIN mark.

❖ Held:

The Court allowed the rectification petition and directed cancellation of the GLASS SKIN registration. The Court held that “GLASS SKIN” directly described the kind, intended purpose and end result of skincare products. It rejected the ‘Imagination test’, observing that consumers easily identify the phrase as a descriptive worldwide beauty trend rather than a source identifier. Its widespread use in the cosmetics industry, including descriptive use by Sharma herself, and the absence of acquired distinctiveness attracted Section 9(1)(b).

Toyota Jidosha Kabushiki Kaisha v. Tech Square Engineering Pvt Ltd & Anr., LPA No. 176/2023 | High Court of Delhi | C. Hari Shankar & O.P. Shukla, JJ | May 04, 2026

Facts:

- The appellant, Toyota Jidosha Kabushiki Kaisha claimed to have adopted the mark "ALPHARD" in 1986 and commercially launched it in 2002 in relation to a luxury multipurpose vehicle (MUV). Toyota asserted that the mark had acquired substantial global goodwill and reputation through extensive international sales, promotional activities, and consumer recognition across multiple jurisdictions.
- Toyota further contended that although the ALPHARD vehicle had not been formally launched in India, the vehicles were available in the Indian market through direct imports by private purchasers and automobile enthusiasts since 2008. It was claimed that the mark had acquired spillover reputation and goodwill in India through Toyota's global presence, online exposure, and cross-border dissemination of information.
- Respondent 1, Tech Square Engineering Pvt. Ltd., applied for registration of the mark "ALPHARD" in India in 2015 on a "proposed to be used" basis under Classes 9, 12, and 27. Upon learning of these registrations, Toyota initiated rectification proceedings under Section 57 TMA, seeking removal of the impugned marks from the Register. Toyota alleged that the Respondent had dishonestly adopted a mark identical to its well-known trade mark in relation to allied and cognate goods, despite Toyota's prior adoption and transborder reputation.

Held:

The Court held that Toyota's mark "ALPHARD" had acquired the status of a well-known trade mark in India through transborder reputation and spillover goodwill, even though the luxury vehicle had not been officially launched in India. The Division Bench reversed the earlier ruling and emphasized that: Formal sales in India are not essential to establish goodwill for luxury brands. In niche luxury markets, reputation can arise through: international exposure, aspirational brand value, online visibility, and limited but meaningful circulation in India.

Fortune Marketing Private Limited v. Gujarat Pesticides & Ors., C.O.(COMM.IPD-CR) 24/2024 | High Court of Delhi | Jyoti Singh, J. | May 29, 2026

❖ Facts:

- Fortune Marketing claimed prior adoption and use of the mark ZOOOK since 2013 and held trademark as well as copyright registrations for its ZOOOK marks and logo.
- Gujarat Pesticides had earlier applied to register a ZOOOK device mark but withdrew the application after Fortune opposed it. It subsequently filed fresh applications for the ZOOOK word and label marks, which were also opposed by Fortune.
- While these disputes were pending, Gujarat Pesticides applied for copyright registration of its ZOOOK product label. Despite an earlier Examination-cum-Search Report identifying Fortune's marks as conflicting, Gujarat Pesticides obtained a Search Certificate stating that no identical or similar marks existed and thereafter secured copyright registration for its ZOOOK packaging and label.
- Fortune was not notified of the copyright application and therefore sought cancellation of the copyright registration.

❖ Held:

The Court revoked Gujarat Pesticides' copyright registration and set aside the Search Certificate. It held that Fortune was a "person aggrieved" as the prior user and registered proprietor of the ZOOOK marks. The Court held that the Search Certificate was inaccurate and contrary to the Trade Marks Register, while the failure to notify Fortune deprived it of an opportunity to oppose the registration and vitiated the process.

Facts:

- IndiaMART alleged that ChatGPT's responses selectively excluded or failed to provide links to its platform while providing active links to competing third-party platforms. According to IndiaMART, this conduct reduced the visibility and accessibility of its platform to users searching for suppliers and products.
- IndiaMART contended that the alleged exclusion diverted prospective customers, resulting in loss of business and revenue. IndiaMART asserted that ChatGPT, as an intermediary/search tool under the Information Technology Act, 2000 and the IT Rules, 2021, could not engage in discriminatory treatment of platforms.
- On this basis, IndiaMART filed the petition alleging violation of the IT Act and IT Rules, trade mark disparagement and dilution, unfair trade practices, and infringement of its constitutional rights under Articles 14, 19, and 21.

Held:

The Court refused interim relief to IndiaMart and held that IndiaMart had not shown a legal right requiring ChatGPT to display its website or seller listing links in the manner desired by IndiaMart. The court also prima facie treated ChatGPT as an originator and not an intermediary under the Information Technology Act, 2000, while leaving the final question for trial.

Amara Raja Energy and Mobility Limited vs. Exide Industries Limited, SLP (C) No. 18549/2026 | Supreme Court of India | B.V. Nagarathna and Ujjal Bhuyan, JJ. | May 27, 2026

❖ Facts:

- Exide claimed that the predominantly red packaging adopted by Amara Raja for its ELITO batteries, together with white lettering and other design elements, was deceptively similar to Exide's longstanding red trade dress.
- Exide relied on its extensive use of the red trade dress and Amara Raja's earlier advertising campaign, which had itself associated Exide with red and Amaron with green.
- The Single Judge granted an interim injunction against Amara Raja, which was upheld by the Division Bench of the Calcutta High Court. Amara Raja challenged the injunction before the Supreme Court.

❖ Held:

The Calcutta High Court held that Exide was not claiming a monopoly over the colour red in isolation, but the overall commercial impression created by the combination of red packaging, white lettering and other distinctive features. It found that Exide had prima facie established acquired distinctiveness and that similarities in the ELITO packaging created a likelihood of confusion. The Supreme Court partly allowed the appeal and modified the interim injunction only to address existing stock. It permitted third-party distributors and retailers to sell stock already outside Amara Raja's control, but directed Amara Raja to repackage the batteries remaining with it and destroy the unused infringing cartons.

❖ Facts:

- Plaintiff had used the SUPREME trademark for plastic products since 1987 and owned multiple trademark registrations and copyright in its stylized label.
- Defendant obtained registration for SUPREMES GOLD (with an SG logo) in 2021 for identical PVC pipe products.
- Plaintiff discovered the registration in 2024, filed a rectification petition, and sued for trademark infringement, copyright infringement, and passing off, alleging that the Defendant had copied the essential features of its mark.

❖ Held:

- SUPREMES GOLD was held to be prima facie deceptively similar to SUPREME, with the addition of "S" and "GOLD" insufficient to distinguish the marks.
- A defendant's trademark registration is not an absolute defence; the Court may disregard it at the interim stage if the registration is prima facie ex facie illegal.
- The Plaintiff established a prima facie case of trademark infringement, copyright infringement, and passing off, and the Court granted an interim injunction restraining use of SUPREMES GOLD pending trial.

Mr Ilaiyaraaja v. Saregama India Limited, FAO(OS) (COMM) 52/2025 | High Court of Delhi | C. Hari Shankar & O.P. Shukla, JJ. | May 21, 2026

❖ Facts:

- Ilaiyaraaja composed the music for "En Iniya Pon Nilave" from the Tamil film Moodu Pani.
- The film's producer, Raja Cine Arts, assigned the rights in the film's sound recordings to Saregama under a 1980 agreement.
- Vels Film International sought to recreate the song for Aghathiyaa, relying on a 2023 licence from Ilaiyaraaja.
- Saregama challenged the recreation as infringing its rights in the original sound recording. The Single Judge granted Saregama an interim injunction and rejected Ilaiyaraaja's application to vacate it, leading to the present appeal.

❖ Held:

The Court held that separate copyrights subsist in the musical composition, lyrics and sound recording of a song. Ilaiyaraaja, as the composer, remained the first owner of the musical work and could authorise its use or adaptation; the producer's rights in the film and sound recording did not extinguish this independent copyright. However, his rights did not extend to the lyrics or the original sound recording, which had been assigned by the film's producer to Saregama. Since the 2023 licence purported to grant rights beyond those owned by Ilaiyaraaja, the Court upheld Saregama's interim injunction and dismissed the appeal.

Vodafone Idea Limited v. The Indian Performing Right Society Limited & Anr., AO (Com) No 17/2024 | High Court of Calcutta | Debangsu Basak, Md. Shabbar Rashidi, JJ | May 8, 2026

❖ Facts:

- Vodafone offered caller tunes and ringtones as value-added services using songs licensed from Saregama.
- Vodafone contended that its licence from Saregama (owner of the sound recordings) was sufficient and that no separate royalty was payable to the Indian Performing Right Society (IPRS).
- IPRS argued that the underlying musical and literary works embedded in the sound recordings could not be commercially exploited without its licence and payment of royalties.

❖ Held:

- The Calcutta High Court held that Vodafone must obtain a licence from IPRS to commercially exploit the underlying musical and literary works in caller tunes and ringtones.
- A licence from a sound recording owner alone is insufficient; it does not authorize use of the underlying musical and literary works.
- The Court affirmed that the Copyright (Amendment) Act, 2012 preserves authors' and composers' statutory right to royalties whenever such works are commercially exploited.

THANK YOU!
Questions?

Bhavya & Manish Kumar
Associate & Senior Associate Designee

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