

Intellectual Property advocacy in the fields of:

- IP Infrastructure
- IP Policy
- Patent Law
- Copyright
- IP Valuation
- Technology Transfer
- Licensing
- Collaborations
- M & A
- Innovation Research
- Data Management
- Balance for Rights & Obligations

JULY 2025

## Editorial

### FINANCIAL BOOST BY CENTRAL GOVERNMENT FOR BASIC RESEARCH IN PRIVATE SECTOR

The union cabinet has approved on 1st July, 2025 Rs. 1 lakh cr. on R&D and innovation (RDI) scheme that aims to incentivise the private sector to invest in basic research that would translate into innovative products and technologies.

This scheme aims to offer long-term funding or refinancing with little to no interest, assisting private sector entities in research and development-intensive sectors to navigate financial obstacles.

The government has announced its intention to provide both growth and risk capital for transformative projects, while also promoting the adoption of advanced technologies.

The main goals of the RDI Scheme are to boost R&D in emerging and strategic sectors vital for economic security and self-reliance; back projects with higher Technology Readiness Levels (TRLs); and support the acquisition of critical or strategically essential technologies.

It will also support the establishment of a Deep-Tech Fund of Funds.

The scheme will be overseen by the Anusandhan National Research Foundation (ANRF), with the Prime Minister at the helm of its Governing Board.

ANRF's Executive Council will set the guidelines and recommend second-tier fund managers.

A high-level Empowered Group of Secretaries (EGoS), led by the Cabinet Secretary, will approve updates to the scheme, identify priority sectors and project types, select fund managers, and review performance.

The Department of Science and Technology (DST) will be the nodal agency for executing the RDI Scheme.

The scheme operates through a two-layer funding structure.

A Special Purpose Fund (SPF) will be established within ANRF to hold the funds.

From there, capital will flow to various second-level fund managers as long-term, concessional loans.

These managers will finance companies and startups through long-term loans with low or no interest.

They may also provide equity funding, particularly for startups.

Further, contributions can be made to the Deep-Tech Fund of Funds or other Funds of Funds dedicated to RDI efforts.

According to the government, by meeting the private sector's need for affordable, long-term financing, the RDI Scheme will drive self-reliance, global competitiveness, and create a fertile environment for innovation paving the path toward Viksit Bharat by 2047.

To make this scheme a success, the government needs to proactively pursue removing major roadblocks in the Indian research environment. A typical example is the most unfair and non-legal operation of the biodiversity board and National Biodiversity Authority (NBA) acting in full violation of the basic tenet of the Nagoya Protocol.

This hurdle by the NBA specifically blocks India's research efforts on biological and natural products despite the 2024 amendment of the Bio-diversity Act and Rules, allowing Indians to undertake such research after registration with the NBA.

India needs to deregulate the Industry-Academia collaboration and operations in pursuit of the success-oriented result for the RDI scheme anchored by the Anusandhan National Research Foundation (ANRF).

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## PASSION!? WHERE HAS IT GONE?

Speaking of research & innovation, one is shocked to see that "PASSION" for innovation is becoming a rare product (maybe limited to passion fruit). The next generation needs to self-introspect & take up a SWOT analysis to see their potential & inclination for innovative thinking and pursuit of excellence in scientific pursuits. While the current trend among the younger population is solely to target monetary gain as the sole goal in life, they need to develop a passion for innovation and discovery as well as a scientific temper based on the spirit of inquiry.

While the Government of India has announced a sumptuous package of 1 Lakh crore RDI scheme to power private R&D in strategic and next-gen sectors a passionate pursuit by technically enabled, current & new gen of scientists will only make the scheme successful in the ultimate national interest.

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### **CONVERTING WASTE AND WEEDS INTO USEFUL VALUE ADDED PRODUCTS FOR DAILY USE**

A recent report on “Unwanted weed that could dress astronauts, soldiers” is heartening and exciting.

Two central govt research institutes, Northern India Textile Research Association (NITRA), Ghaziabad, and CSIR-National Botanical Research Institute (NBRI), Lucknow, have teamed up to conduct research to make high-quality fibre from milkweed, which could be used to make eco-friendly garments.

NITRA has blended a temperature-tolerant low-temperature fabric from milkweed; NBRI pursues genetic improvement and adaptation support in cultivation.

“Milkweed fibre,” say scientists, “offers multiple benefits for clothing. It’s sustainable, versatile and lightweight. It also provides good insulation. Fibre can be blended with other fibres to create material that’s both comfortable and durable.

If the ‘milkweed experiment’ shows favourable

results, it could be a significant step towards sustainable fashion.”

While travelling in states like Kerala, Karnataka, TN, Assam, West Bengal & Orissa, you find most of the backwater & canals getting overpowered by large growth of weeds like African weed, Crab grass and plantain weed etc. Recently, research on plantain leaves and stems has reported successful conversion into fibre for apparel and domestic use. A focused research action can generate wealth from waste weed if pursued with passion & vigour, especially since wild weeds which grow in plenty and which can be cultivated easily are the cheapest starting raw materials a researcher can look for.

Here again, the Nation needs to caution the aggressive approach of the NBA and the state biodiversity boards to stem and destroy such efforts to convert waste into wealth.

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### **WORKSHOP ON PATENT OPPOSITION IN PHARMACEUTICALS HELD AT CUSAT**

On 14th June 2025, the Inter University Centre for IPR Studies (IUCPRS), Cochin University of Science and Technology (CUSAT), in collaboration with the Third World Network (TWN), organized a workshop focused on Patent Opposition in the Field of Pharmaceuticals.

As part of the program, Dr. Gopakumar G. Nair, Founder of GNANLex Associates, delivered a session titled “Case Studies on Opposition.” The session provided an overview of selected

pharmaceutical patent opposition cases, offering participants practical insights into the legal,

The presentation highlighted how patent oppositions can be used to question the validity of



pharmaceutical patents, particularly in cases where access to affordable medicines may

be affected. The session also emphasized the broader implications of opposition practices in safeguarding public interest and promoting a balanced patent system.

The workshop brought together researchers, legal practitioners, and policy experts to engage in meaningful discussions around evolving issues in pharmaceutical patenting. The case study-based session added a useful practical perspective to the ongoing dialogue on patent opposition in India.

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## **10TH IPA ACG-SCITECH INNOVATION AWARDS**

Your breakthrough deserves the spotlight it's been waiting for.

The 10th IPA ACG-SciTech Innovation Awards are now open, and we're looking for game-changers like you. For a decade, we've been celebrating the brilliant minds who dare to think differently and create solutions that matter.

procedural, and strategic aspects involved.

Here's your opportunity across three award categories

A) For industry innovators

Best Solid Dosage Formulation Innovation

Best Pharmaceutical Packaging Innovation

B) For academic researchers

Most Promising Solid Dosage Formulation Innovation

We've made applying incredibly simple

Step 1: Click the link below to register and find out more about the nomination criteria.

Click Here: <https://cloud.info-acg.acg-world.com/IPA-ACG-SciTech-Innovation-Awards-2025>

Step 2: Submit your entry by October 31st, 2025.

For any support, please contact:

Mr Kishore Chavan,

IPA Secretariat

+91 98923 17748 | [ipacentre@ipapharma.org](mailto:ipacentre@ipapharma.org)

Your innovation has the power to change lives.

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## **Internship Program At The Indian Patent Office**

### **Details**

The Internship Program by the Indian Patent Office recognizes the abundance of creative and

innovative energies that flow in India, and the need to tap into and channelize these energies. The program aims to work towards the fulfilment of the objectives of the National IPR Policy.

### **Objectives**

This internship program aims to work towards the fulfilment of the following objectives of the National IPR Policy 2016:

IPR Awareness: Outreach and Promotion - To create public awareness about the economic, social and cultural benefits of IPRs among all sections of society.

Generation of IPRs - To stimulate the generation of IPRs.

Human Capital Development - To strengthen and expand human resources, institutions and capacities for teaching, training, research and skill building in IPRs.

### **Number of Interns**

The number of interns to be taken every year by the office of CGPDTM will be decided by the office every year depending upon the requirement, infrastructure and other facilities of the office.

### **Duration**

The duration of the internship shall be as per the requirement of the course curriculum.

### **Place of Internship**

The place of internship can be at the IP Office in Delhi, Mumbai, Kolkata, Chennai and RGNIIPM, Nagpur.

### **Benefits**

#### **Certificate**

Upon successful completion of the internship, a certificate shall be issued by the Head of Office where the intern has interned.

#### **Honorarium**

No honorarium of any sort shall be paid to the intern.

#### **Leave**

A leave of three days per month, excluding medical leave, will be provided to the intern.

#### **Eligibility**

1. The applicant should be a citizen of India.
2. The applicant should be pursuing or has completed one of the following programs from a University established under law in the territory of India.
  - a) Post-Graduation / Doctoral Studies in Science.
  - b) Graduation / Post-Graduation / Doctoral Studies in Engineering or Technology.
  - c) Graduation / Post-Graduation / Doctoral Studies in Law.
3. In the case of candidates pursuing graduation / post-graduation / doctoral studies, the internship should be a requirement specified under their course curriculum.
4. The graduation / post-graduation / doctoral studies of the applicant should be from a government-recognized institute.

### **Application Process**

#### **Online**

The applicants are requested to submit their CV

and a cover letter containing a brief synopsis of the proposed topic of study during the internship to [cgoffice-mh@nic.in](mailto:cgoffice-mh@nic.in).

#### **Documents Required**

At the time of applying for the Internship

Curriculum Vitae.

Cover Letter.

A brief synopsis of the proposed topic of study.

#### **At the time of Joining the Internship**

Proof of Educational Qualifications (Marksheets, Passing Certificates, etc).

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### **Trade Marks Agent and Patent Agent Examinations 2026**

The Office of the Controller General of Patents, Designs and Trade Marks has scheduled the upcoming qualifying examinations as follows:

Trade Marks Agent Examination 2026 - 10th January 2026

Patent Agent Examination 2026 - 11th January 2026

The registration process for both examinations will commence in the first week of July 2025.

Candidates intending to appear are advised to follow official updates and prepare accordingly.

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### **CAPTAIN COOL Trademark Approved: MS Dhoni Secures Legal Rights to Iconic Title**

According to the Trade Marks Registry, MS Dhoni has formally obtained the trademark for "CAPTAIN COOL." Long associated with his composed leadership, the legendary moniker is now legally protected for his sole usage in sports and entertainment.

Mahendra Singh Dhoni's trademark "CAPTAIN COOL" has been "Accepted & Advertised," according to a recent official document from the Trade Marks Registry.

According to the information accessible under the Trade Marks Registry kept up to date by Intellectual Property India, this status was updated on June 29, 2025.

The Class 41 application, which was submitted under TM Application No. 5966261, covers education and entertainment services in general, with a focus on those associated with sports, training, and cultural events.

The application date is recorded as 05/06/2023, and the relevant registry office for this application is located in Kolkata.

The state referred to is Jharkhand, and the submission was completed using the e-Filing method.

Courtesy: <https://lawchakra.in/legal-updates/captain-cool-trademark-ms-dhoni/>

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## Influencer Marketing and Trademark

### Infringement: A Grey Area in Indian

#### Law

With the rise of influencer marketing, social media platforms have become key spaces for brand promotion. However, this boom has brought about significant legal grey areas - especially concerning the unauthorized use or imitation of registered trademarks by influencers. Indian trademark law currently lacks specific provisions addressing this issue, leading to a patchwork of interpretations and inconsistent enforcement. This article explores the interplay between influencer marketing and trademark infringement, highlights key legal gaps, and suggests the way forward.

The digital marketplace thrives on visibility, and influencers - social media users with large followings - have emerged as powerful brand advocates. However, their increasing role in brand communication has also led to growing instances of unauthorized use of trademarks, either due to ignorance or intentional ambush marketing. While the Trade Marks Act, 1999 addresses conventional forms of infringement and passing off, it remains silent on nuances introduced by digital marketing.

Influencer-related trademark disputes typically fall under three categories:

**Direct unauthorized use:** An influencer features a brand's name or logo without permission (e.g., displaying a luxury logo in a video thumbnail to attract views).

**Implied endorsement:** Where influencer content

suggests an association with a brand, misleading consumers (e.g., "reviewing" or recommending a product while actually promoting a rival).

**Lookalike branding or spoofing:** Influencers using similar-sounding names or visual elements that resemble registered trademarks.

In all these cases, the brand owner's goodwill may be diluted or misappropriated.

#### **Legal Position in India:**

Under Section 29 of the Trade Marks Act, 1999, infringement is established when a registered trademark is used without authorization in a manner likely to cause confusion among the public. However, the Act does not explicitly address social media, influencer content, or implied association.

There is no precedent-setting Indian case directly involving influencer infringement of a trademark. That said, general principles of infringement and passing off could theoretically apply. For instance:

- If the influencer is paid by a competitor to mimic another brand's trade dress or name, that could amount to infringement or unfair competition.
- If consumers are misled into believing the influencer is affiliated with the trademark owner, a case for passing off may arise.

However, enforcement is challenging, as such content is often informal, short-lived (e.g.,

Instagram Stories), or hosted on foreign platforms.

## **Global Perspective: Lessons from Other Jurisdictions**

In the United States, the Lanham Act and the FTC Guidelines provide clearer accountability. Influencers must disclose material connections with brands, and improper brand usage may be considered a false endorsement under Section 43(a).

In the EU, the courts are increasingly treating influencers as "commercial actors," holding them liable for misleading ads and unlawful trademark usage.

India lacks similar regulatory teeth.

## **Regulatory Framework and ASCI Guidelines**

The Advertising Standards Council of India (ASCI) released influencer guidelines in 2021, mandating proper disclosure of brand associations. While these are self-regulatory and non-binding, they serve as a helpful benchmark. Still, they do not cover trademark misuse unless it overlaps with deceptive marketing.

## **Key Issues and Challenges**

- No clarity on liability: Are influencers liable for infringement? What about platforms?
- Difficulty in evidence collection: Stories and live streams disappear quickly.

- No registration or regulation of influencers as commercial communicators under Indian law.
- Ambiguity in fair use defenses: Can influencers argue satire or review exemptions?

## **Way Forward: Bridging the Gap**

- Statutory Amendments: The Trade Marks Act should be updated to include digital advertising, influencer marketing, and indirect infringement.
- Mandatory disclosures under ASCI or a statutory body (like SEBI does for financial influencers).
- Brand vigilance tools: Trademark owners must actively monitor influencer content via AI-powered brand monitoring tools and notify infringers promptly.
- Judicial interpretation: Courts must evolve doctrines on digital goodwill and influencer liability through upcoming cases.

As influencer marketing blurs the lines between content and commerce, the misuse of trademarks in this space cannot be ignored. India must address this growing grey area through legislative clarity, judicial innovation, and better brand protection mechanisms. Without action, both consumers and rights holders remain vulnerable in the fast-evolving digital bazaar.