

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

EDITORIAL

CONFORMANCE IS THE BEST OPTION

Trademark infringements, passing off, and copying trade dress lead to high-cost litigations. Awareness of the consequences needs to reach MSMEs, third-party manufacturers, and trading communities so that litigations are avoided. All types of regulatory compliance are also the best option when it comes to avoiding actions against non-compliance violations, direct or indirect, as well as through NSQC (not of standard quality), mislabelled, misbranded, and spurious or illicit products. It is essential that all industry and trade associations give wide publicity to the consequences of non-compliance (as well as the positive benefits of compliance) so that costly litigations, seizures, and destruction of infringing/non-complying goods can be prevented, *ab initio*.

India has moved forward globally and has received recognition for quality standards and GMP worldwide. As such, caution needs to be applied at all levels to ensure the reputation and compliance records of all Indian-origin products and services.

NATCO PHARMA STEPS INTO WEGOVY

PATENT BATTLE

Natco Pharma, a prominent Indian pharmaceutical company, has taken a decisive step in the growing weight management drugs segment. On 20 August 2025, the company filed multiple lawsuits before the Delhi High Court against Novo Nordisk, challenging patents linked to Wegovy, the widely used weight loss drug based on semaglutide.

This move signals Natco's growing interest in the weight management medication space, which has seen rapid demand growth globally, driven by increasing awareness and rising obesity rates.

Patent Dispute Highlights

- Defendant: Novo Nordisk (Denmark)
 - Drug Involved: Wegovy (semaglutide-based therapy)
 - Nature of Litigation: Declarations of non-infringement under Section 105 of the Patents Act, 1970
 - Filed Suits: Six civil suits (CS(COMM) 857, 858, 863, 864, 865, and 866 of 2025)
 - Current Status:
- ✓ First hearings completed.
 - ✓ Next hearing scheduled for 10th October 2025.

- ✓ Delhi High Court has directed parties to attempt mediation before litigation progresses.

Strategic Rationale

Natco's timing is notable the primary compound patent for semaglutide expires in approximately seven months. By initiating multiple non-infringement suits now, Natco may be:

- Positioning for early market entry once patents lapse
- Distinguishing its litigation strategy from competitors like DRL, which has filed a separate revocation petition
- Signaling openness to settlement while strengthening its bargaining position

Potential Industry Implications

If Natco succeeds in its legal challenge, the outcome could:

- ✓ Open the door for generic versions of Wegovy
- ✓ Reduce cost barriers and improve accessibility for patients
- ✓ Intensify competition in a rapidly growing global weight management market

Given the surging demand for weight loss therapies, any changes to the patent landscape could have significant commercial

consequences for both originators and generics.

Ongoing Patent Disputes

1. *Novo Nordisk vs. Dr. Reddy's Laboratories & OneSource Specialty Pharma*

Case: CS (COMM) 565/2025
Court: Delhi High Court
Patent at Issue: IN 262697 - Semaglutide formulations & delivery devices (valid till March 2026)

Allegations: Novo Nordisk alleges DRL and OSSPL imported API and manufactured semaglutide formulations without authorization, infringing IN 262697.

DRL's Stand: Holds a CDSCO licence only for manufacturing; invokes the **Bolar exemption** [Sec. 107A (b)], claiming production is strictly for export to jurisdictions where Novo's patents are not in force.

Novo's Position: Relies on **Sec. 48**, contending that commercial-scale manufacturing for export still breaches patent exclusivity.

Interim Order (29 May 2025):

- DRL & OSSPL restrained from marketing/selling in India.
- Manufacturing & export permitted under DRL's undertaking.

- Adjudication pending on Sec. 48 vs. Sec. 107A (b) conflict.

2. *Revocation Petition by Dr. Reddy's*

Case: C.O.(COMM.IPD-PAT) 9/2025

- DRL seeks revocation of IN 262697 under **Sec. 64**, alleging lack of novelty and inventive step.
- Claims Novo's patent constitutes "**evergreening**", as stabilised forms and enzyme resistance are based on prior art.
- Proceedings run parallel to the infringement suit and could critically impact its outcome.

II. *Safety & Regulatory Concerns*

PIL Filed (July 2025): Challenges widespread off-label semaglutide use for weight loss without India-specific trials.

Delhi High Court Directive: CDSCO to:

- Reassess safety and approval frameworks
- Scrutinize marketing and off-label promotions
- Submit findings within three months

Impact: Potential tightening of regulations on GLP-1-based therapies, including semaglutide.

Recent U.S. Product Launch

While engaging in litigation, Natco continues

expanding its global portfolio. Through its marketing partner Lupin Limited, the company recently launched:

- Product: Bosentan tablets for oral suspension (32mg).
- Indication: Treatment of Pulmonary Arterial Hypertension (PAH) in pediatric patients.
- Exclusivity: Holds 180-day generic drug exclusivity as the first-to-file applicant.
- Estimated U.S. Market Size: USD 10 million (12 months ending June 2025).

This launch underscores Natco's strategy of targeting high-value generics and strengthening its position in the U.S. market.

Conclusion

Natco's legal offensive signals its intent to dominate the growing weight management drugs market. With patent expiries approaching, regulatory scrutiny tightening, and competition heating up, the coming months will be decisive. The outcome of these disputes could reshape pricing, accessibility, and competitive dynamics in the global GLP-1 therapy space.

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Pernod Ricard Loses "London Pride"

Trademark Appeal

On 14 August 2025, the Supreme Court of India dismissed Pernod Ricard India Pvt. Ltd.'s appeal against whisky producer Karanveer

Singh Chhabra in a dispute over the use of the term "PRIDE" in alcoholic beverage branding. Pernod had claimed infringement of its marks, including "Blenders Pride" and "Imperial Blue", by Chhabra's "London Pride" whisky.

Case Background

- Appellant: Pernod Ricard India Pvt. Ltd.
- Respondent: Karanveer Singh Chhabra
- Dispute: Alleged trademark infringement over the use of the word "PRIDE"
- Lower Court Decisions:
 - Commercial Court rejected interim injunction
 - Madhya Pradesh High Court upheld rejection
- Supreme Court Ruling: Appeal dismissed; trial to proceed on merits

Key Judicial Findings

1. No Monopoly on "PRIDE".
The Court held that "PRIDE" is a laudatory and generic term commonly used in the liquor industry. Pernod cannot claim exclusive rights without proving secondary meaning.
2. Anti-Dissection Rule Applied
Composite trademarks like "Blenders Pride" must be assessed as a whole. Isolating a single word ("PRIDE") for infringement claims is legally unsustainable.

3. Overall Impression Test
The marks “Blenders Pride” and “London Pride” differ significantly in packaging, phonetics, and visual presentation, reducing the likelihood of consumer confusion.
4. Sophisticated Consumer Standard
Given that premium whisky buyers are brand-conscious and discerning, the possibility of confusion was found to be minimal.
5. Hybrid Pleading Rejected
Combining elements of multiple registered marks to claim infringement is not permissible.

Procedural Directions

The Supreme Court directed the Commercial Court to complete the trial within four months and decide the matter on merits, uninfluenced by observations made at the interim stage.

Impact on Trademark Strategy

- Generic Terms at Risk: Brands using laudatory or common industry terms must secure distinctiveness through long-term brand building.
- Holistic Comparison Matters: Composite marks will be judged as a whole, not part by part.
- Faster Trademark Trials: The Court’s emphasis on timely disposal signals a

stronger push for efficient IP adjudication.

Key Takeaway

The ruling reinforces that generic and descriptive elements in trademarks enjoy limited protection. Companies must focus on building distinctive brand identities and cannot rely on common industry terms for exclusivity.

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Game Over for Sci-Hub? Delhi HC Orders Blocking, Finds Founder in Contempt

Background

In a significant move impacting India’s academic and research ecosystem, the Delhi High Court has ordered the blocking of Sci-Hub, Sci-Net, and their mirror websites for repeated copyright violations. The case stems from a suit filed by leading academic publishers, alleging that these platforms were distributing copyrighted scientific journals, articles, and books without authorization.

The defendant, Alexandra Elbakyan, founder of Sci-Hub, had given an undertaking to the Court on 24 December 2020 agreeing to halt uploading new infringing content. However, recent evidence revealed that Sci-Hub continued providing access to copyrighted works via Sci-Net, a sister platform, violating the earlier commitment.

Key Legal Findings

1. Violation of Undertaking

The Court found that the defendant's actions breached her 2020 undertaking, which had explicitly prohibited uploading or distributing plaintiffs' copyrighted material.

Emails dated 15th August 2025 from the defendant admitted that recently published articles had been uploaded on Sci-Net, confirming non-compliance.

2. Contempt of Court

The Court held the defendant prima facie guilty of contempt, citing "willful disregard" of judicial directions.

3. Blocking Orders

The Court directed the Department of Telecommunications (DoT) and the Ministry of Electronics and IT (MeitY) to:

Issue blocking notifications within 72 hours.

Ensure Internet Service Providers (ISPs) completely restrict access to Sci-Hub, Sci-Net, and related mirrors within 24 hours thereafter.

4. Rogue Website Classification

The Court, referring to *UTV Software v. 1337x.to* (2019), classified Sci-Hub and Sci-Net as "rogue websites" due to their sustained

infringement and circumvention tactics.

Broader Context

The ruling marks a pivotal moment in India's copyright enforcement regime. While Sci-Hub has long positioned itself as a champion of open access to scientific knowledge, Indian courts are now signaling a zero-tolerance approach toward platforms that disregard established IP protections.

However, this development also raises policy debates:

Research Access vs. Copyright Control: India's research community, particularly students and scientists, heavily relies on Sci-Hub for accessing paywalled journals.

Digital Knowledge Governance: The blocking of Sci-Hub reopens questions around equitable access to information, especially in a country where institutional subscriptions remain limited.

What's Next

The matter is now scheduled for further hearing on 1 December 2025.

Future proceedings may address whether Sci-Net's separate domain structure exempts it from earlier undertakings – or if courts will treat it as an extension of Sci-Hub's network.

With 11 other countries already having issued

blocking orders against Sci-Hub, India’s decision could shape global policy alignment on academic piracy.

Key Takeaway

The Delhi HC’s decision signals a stricter, precedent-setting approach to digital

copyright enforcement in India.

For publishers, researchers, and policymakers, this case underscores the need to balance innovation, equitable research access, and intellectual property rights in the evolving knowledge economy.

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GNANLEX at HOSPEX Healthcare Expo 2025

Exploring Innovations in Healthcare & MedTech

GNANLEX Associates LLP participated in the HOSPEX Healthcare Expo 2025, held at the KINFRA International Exhibition Centre, Kochi, a premier platform bringing together healthcare leaders, innovators, and stakeholders.

Our Associate Mrs. Bessy Titus represented GNANLEX alongside our Kochi office team, engaging with professionals and exhibitors from across the medical technology, biotech, and healthcare sectors.



The event showcased cutting-edge advancements in healthcare infrastructure, medical devices, biotechnology, and digital health, providing valuable insights into emerging trends and collaborative opportunities.



GNANLEX continues to strengthen its role in supporting innovation, offering IP and legal solutions to businesses driving growth in healthcare and life sciences.