

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

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EDITORIAL

“LICENSING OUT” OF IP/PATENT RIGHTS

Of late, there is growing interest among individual inventors, academic institutions, and research organizations for licensing and transfer of technologies related to patents granted to them. In India, while there is increasing awareness of IP and patenting, and the number of patents applied for and granted are steeply increasing (also thanks to the office of CGPDTM), commercialization and licensing/transfer/assignment for taking these patented inventions in the market is dismal and minuscule. The reason, primarily, lies in the fact that most inventions are originating from theoretical or empirical ideas and not from an evaluation of the need in the marketplace. While “industrial application” or utility is one of the three requirements for patentability (others being novelty and inventiveness/non-obviousness), the potential utility in the marketplace should be the primary element on which a subject matter of a patent application should be selected or chosen.

If, at the time of conceiving an idea or envisaging an invention, if the gap is to be filled in the market place is taken into account, it will be helpful to license out after the patent is granted. Undertaking prior art search is at the earliest moment of conception of the invention will immensely help to build commercial viability of the invention.

GRANTED PATENTS FOR LICENCING OUT

The following granted patents as per details given below are available for assigning or licencing out to interested parties.

1. APPLICATION NUMBER - 201747016056

TITLE OF INVENTION- SYSTEM AND METHOD FOR SECURING VARIABLE FIDELITY IN HYBRID NETWORKS

The present invention relates to a hybrid data network for providing variable fidelity of big data. More specifically, the present invention related to methods and systems employed within the hybrid data network for obtaining an enhanced financial return on a stock portfolio.

2. APPLICATION NUMBER - 201821031510

TITLE OF INVENTION- A METHOD AND SYSTEM FOR RANKING ENTITIES USING AUTOMATED INPUT-OUTPUT MODEL

The present invention relates to methods of and system for ranking entities, and particularly, but not exclusively, named entities that are associated with content in a content repository or collection, for example the World Wide Web.

For inquiries regarding the licensing or assignment of the above-mentioned patents, please contact us at:

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KERALA TO SET UP ABS CELLS IN ACADEMIC AND R&D INSTITUTIONS

In a significant step towards sustainable biodiversity management, the Government of Kerala, acting on the recommendations of the Kerala State Biodiversity Board (KSBB), has issued official Government Orders (GOs) directing all academic and research & development (R&D) institutions across the state to establish Access and Benefit Sharing (ABS) Cells.

This initiative aligns with the ABS Guidelines, 2025, introduced under the National Biodiversity (Amendment) Act, 2023, and the National Biodiversity (Amendment) Rules, 2024. The guidelines provide a comprehensive regulatory framework for the utilization of biological resources and associated traditional knowledge, ensuring fair and equitable benefit-sharing. They are designed to support compliance with national and international commitments, including the Convention on Biological Diversity (CBD) and the Nagoya Protocol.

The newly mandated ABS Cells will serve as institutional mechanisms to facilitate adherence to these guidelines.

They will oversee the legal access to biological resources, proper documentation, implementation of benefit-sharing arrangements, and awareness generation among researchers, academicians, and other stakeholders.

This move underscores the Government of Kerala's commitment to biodiversity conservation, sustainable use of natural resources, and protection of community rights, while ensuring that academic and R&D institutions operate in compliance with the evolving national legal framework on biodiversity governance.

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KAPIL SHARMA SHOW RECEIVES ₹25 CRORE LEGAL NOTICE OVER “BABURAO” ACT

The recent legal notice issued to The Great Indian Kapil Show by producer Firoz Nadiadwala has brought renewed attention to the balance between creative expression and intellectual property rights in India. The dispute pertains to a comedy segment in which Kiku Sharda imitated the iconic “Baburao” character, originally portrayed by Paresh Rawal in the Hera Pheri films. The notice reportedly seeks ₹25 crore in damages, citing potential copyright and trademark infringement.

Copyright Considerations

Under Indian copyright law, films, scripts, and other creative works are protected, and distinctive characters may also qualify for protection. The character “Baburao,” with his recognizable appearance, mannerisms, and personality, is closely associated with the Hera Pheri franchise. Sections 14 and 51 of the Copyright Act, 1957, grant copyright holders exclusive rights and define the scope of infringement, which may include the unauthorized commercial use of well-established characters.

Trademark and Passing-Off Claims

Character names and film titles are frequently registered as trademarks when they carry commercial value. “Baburao” is reportedly a registered trademark owned by the Nadiadwala family. Unauthorized use in a commercial production could constitute infringement under Section 29 of the Trademarks Act, 1999. Even in the absence of formal registration, a passing-off claim may arise if the act creates an impression of official association with the original franchise.

Parody and Fair Use

The producers of the show may assert a defence under the principle of “fair dealing” for parody or satire. While this is widely recognized internationally, Indian jurisprudence in this area remains limited.

The commercial nature of the show, particularly as a monetized Netflix program, may limit the applicability of a parody defence.

Potential Outcomes

The legal notice demands damages, removal of the segment, and a formal apology. Should the matter proceed to court, interim injunctions may be issued, and the final outcome will depend on whether the act is perceived as legitimate satire or unauthorized commercial exploitation.

Conclusion

This case highlights the increasing recognition of film characters as intellectual property with significant commercial value. It underscores the importance for content creators to respect copyright and trademark protections and serves as a reminder that even well-intentioned parody in commercial contexts may carry legal implications.

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STRENGTHENING PUBLIC ACCESS: IPO REVOKES NOVARTIS' VYMADA PATENT

In a landmark decision, the Indian Patent Office (IPO) has revoked the patent on Novartis' cardiac therapy Vymada (internationally marketed as Entresto), citing lack of novelty and inventive step. The ruling,

issued on September 12 by Deputy Controller of Patents and Designs D. Usha Rao, is expected to open the Indian market to a wave of generic competition, significantly reducing treatment costs for patients with hypertension and heart failure.

Vymada, a combination of sacubitril and valsartan, generated \$7.8 billion in global sales last year, making it one of Novartis' leading therapies. In India, however, the patent was fiercely contested. Domestic companies, including IPCA and Micro Labs, supported by the Indian Pharmaceutical Alliance, opposed the grant at the post-grant stage, arguing that the claim violated Section 3(d) of the Patents Act, a provision designed to prevent patent evergreening.

The IPO concluded that Novartis failed to demonstrate any enhanced efficacy of its claimed "supramolecular complex," noting the absence of experimental data, comparative studies, or technical rationale. Patent No. 414518 was revoked under multiple provisions of the Patents Act, 1970.

The ruling marks a rare recent invocation of Section 3(d) and is seen as a reaffirmation of India's commitment to balancing intellectual property rights with public access to affordable medicines. Several Indian companies, including Natco, Torrent Pharma, MSN Labs, and Eris Lifesciences, had already launched versions of the drug at risk. With the

revocation, these firms — and potentially others — are now legally free to market their generics.

GNANLex is proud to have represented IPCA Laboratories in this landmark post-grant opposition. We also extend our congratulations to Adv. Rajeshwari for her exemplary representation of IPCA before the Delhi High Court, which resulted in a positive outcome.

This success highlights both the robustness of India's patent regime and the critical role of legal advocacy in advancing access to affordable medicines.

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INDIAN PATENT OFFICE GRANTS FERMENTA PATENT FOR PLANT-BASED VITAMIN D3 PROCESS

GNANLex is proud to have played a key role in the successful grant of Fermenta Biotech Limited's patent for its proprietary process of producing plant-based Vitamin D3, recently awarded by the Indian Patent Office, including comprehensive handling of the patent application process from preparation to grant.

This milestone strengthens Fermenta's intellectual property portfolio and underscores its leadership in sustainable, ethically sourced nutritional solutions. The

patented process enables the production of completely vegan and vegetarian-friendly Vitamin D3, addressing the fast-growing global demand for plant-based nutraceuticals and food fortification ingredients.

At GNANLex, we are honoured to have supported Fermenta in this significant achievement, which not only advances India's reputation as a hub for industrial innovation but also reinforces the critical role of robust intellectual property protection in driving sustainable growth.

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RAJASTHAN HIGH COURT RECOGNIZES RIGHT TO TIMELY TRADEMARK DECISIONS AS PART OF ARTICLE 21

In a significant judgment, the Rajasthan High Court has recognized that applicants are entitled to the timely adjudication of trademark registration applications, identifying this as an integral component of the fundamental right to life under Article 21 of the Constitution of India. The ruling, delivered by Justice Anoop Kumar Dhand, arose from a petition concerning a trademark application that had been pending for over fifteen years.

The matter related to the mark 'Breastone', filed on June 25, 2010, and opposed in 2013. Despite the completion of evidence recording

by 2017, the application remained undecided, leading the petitioner to approach the Court for relief.

The Court observed that **Rule 50 of the Trademark Rules, 2017** establishes a clear procedural framework for hearings, timelines, and limits on adjournments to facilitate prompt disposal. The prolonged delay in this instance was deemed a violation of both statutory requirements and principles of natural justice.

The judgment further noted that excessive delays compromise the protection of intellectual property, create uncertainty for businesses, escalate costs, and may result in loss of evidence. The Court emphasized:

“A timely and efficient disposal of trademark applications is an essential right of applicants under Article 21 and constitutes a fundamental aspect of the right to life.”

To rectify systemic delays, the Court directed the Registrar of Trademarks to expedite all pending applications and specifically instructed that the petitioner’s application be decided within three months. Additionally, the Court encouraged the Registrar to implement measures to address backlogs and establish streamlined processes to uphold intellectual property rights and maintain public confidence.

This ruling underscores the constitutional

imperative for prompt action in trademark administration and highlights the critical importance of efficiency in safeguarding both business interests and public trust.

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BIO CONNECT 3.0 KERALA 2025:
BRIDGING INNOVATION AND INDUSTRY

Kerala is set to host Bio Connect 3.0 on October 9th and 10th, 2025, at The Leela, Kovalam, Thiruvananthapuram. Themed “Leading the Way Towards a Healthier and Sustainable Future”, the event will bring together innovators, entrepreneurs, and industry leaders to foster collaboration and translate research into impactful applications.

Attendees can look forward to a unique confluence of innovation, collaboration, and opportunity, featuring extensive B2B and B2G networking sessions, strong industry-academia linkages, and exhibitions showcasing the latest breakthroughs in healthcare, genetics, and biotechnology. Bio Connect 3.0 promises to be a platform for meaningful partnerships, knowledge exchange, and driving India’s bio economy forward.

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