Centre for CIPROM intellectual property management

NEWSLETTER

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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

"WISHING YOU ALL A VERY HAPPY HOLI"

In the current colorful scenario of global (both glamorous and adverse) events, the advent of the "AI" era is welcome.

The "Vidhi Dharmotsav 2.0" legal fest at Amity Law School, Mumbai, held from 26th to 28th February 2026, had a conclave on the impact of AI on the future of law practice. Eminent panelists included Lordships Hon'ble Justice S. Thurairaja, Judge of the Supreme Court of Sri Lanka; Hon'ble Justice Rajesh Bindal, Judge of the Supreme Court of India; Hon'ble Mr. Justice Rajesh Patil, Judge of the High Court of Bombay; and Hon'ble Mr. Justice Ashwin Bhobe, Judge of the High Court of Bombay. The other panelists were Dr. Aseem R. Chauhan, Prof. (Dr.) A.W. Santhosh Kumar, Mr. Narayan Ranjan, Ms. Harshita Srivastav, Prof. (Dr.) Gigimon V.S., Dr. Gopakumar G. Nair, and Mr. Sambhav Ranka, moderated by Dr. Anuja Rane.

Many positive attributes of AI were mentioned, and the potential threats from the abuse of AI in legal practice were highlighted by the speakers.

AI As Inventor? A Comparative Analysis Of The DABUS Patent Decisions

The term Artificial Intelligence (AI) was introduced in 1956 by John McCarthy at Dartmouth University. Broadly speaking, AI refers to computer systems designed to perform tasks that typically require human intelligence. These systems often rely on machine learning and deep learning techniques, enabling them to process and learn from vast quantities of data. Over the decades, governments worldwide have invested heavily in AI research to strengthen technological capabilities and remain globally competitive. For example, during the 1980s, the United Kingdom significantly funded AI development in response to growing technological competition from Japan. Such public investment, along with advancements in computing power and data availability, has accelerated AI innovation globally.

AI's growing sophistication became evident in 1997 when IBM's chess computer defeated world champion Garry Kasparov. Since then, AI technologies have expanded into everyday applications, including digital assistants, autonomous vehicles, and large-scale computational systems. By 2021, NVIDIA's DGX systems were regarded as some of the most powerful AI supercomputing platforms capable of handling complex and large-scale AI workloads. Modern AI systems are increasingly capable of generating outputs that resemble independent reasoning and creative processes. As a result, questions have emerged regarding whether AI-generated outputs can qualify for intellectual property protection, particularly patents.

This intersection between AI innovation and patent law has given rise to significant legal debate. A prominent example is the DABUS case, which directly addressed whether an AI system can be legally recognized as an inventor under existing patent frameworks.

The DABUS Case: Background and Key Facts

DABUS (Device for the Autonomous Bootstrapping of Unified Sentience), created by Dr. Stephen Thaler, became the first AI system to be named as an inventor in patent applications. The applications sought protection for inventions allegedly generated autonomously by the AI system in 2018 and 2019. This marked an unprecedented development in patent law, as no prior application had listed an artificial intelligence system as the inventor.

Dr. Thaler submitted applications to multiple patent authorities worldwide, including the European Patent Office (EPO), the United States Patent and Trademark Office (USPTO), the United Kingdom Intellectual Property Office (UK IPO), the Australian Patent Office, and the South African Companies and Intellectual Property Commission.

Decisions across Jurisdictions:

European Patent Office (EPO)

The EPO refused the application, stating that it failed to meet the requirements of the European Patent Convention. Under the Convention, an inventor must be a "natural person." The EPO emphasized that inventorship carries legal consequences and responsibilities, which presuppose legal personality. Since an AI system

lacks legal personality, it cannot qualify as an inventor under the Convention.

United Kingdom

The UK Intellectual Property Office also rejected the application on the basis that the Patents Act 1977 requires an inventor to be a natural person. Dr. Thaler appealed the decision, but both the High Court and the Court of Appeal upheld the rejection. The courts clarified that the law, as currently written, recognizes only human inventors. Furthermore, they found no legal principle granting patent rights to an individual solely because they own the AI system that generated the invention.

United States

The USPTO similarly rejected the application, relying on established federal case law interpreting "inventor" to mean a human being. The United States District Court affirmed this interpretation, noting that while AI technology may evolve, any expansion of inventorship definitions would require legislative action by Congress rather than judicial reinterpretation.

Australia

Initially, the Australian Patent Office refused the application. However, on appeal, a Federal Court judge held that the Patents Act 1990 did not explicitly exclude non-human inventors. The judge reasoned that recognizing AI inventorship could encourage technological advancement. Nonetheless, this position was later overturned on further appeal, aligning Australia with other jurisdictions that require inventors to be human.

South Africa

In contrast, South Africa granted the patent naming DABUS as the inventor. However, it is important to note that South Africa operates a registration-based system without substantive examination of patent applications. The grant was therefore procedural rather than a result of detailed legal analysis under patent law standards.

Broader Implications

The DABUS litigation highlights the tension between rapidly advancing AI technologies and legal systems rooted in human-centred principles. Patent law traditionally assumes that inventors possess legal personality, enabling them to hold rights and bear responsibilities. Because AI systems lack legal status, intention, and accountability, most jurisdictions have concluded that they cannot presently qualify as inventors.

While AI systems may autonomously generate innovative outputs, current patent frameworks across most major jurisdictions continue to require a human inventor. Any shift in this position will likely depend on legislative reform rather than judicial reinterpretation.

Reference:
https://www.globalpatentfiling.com/blog/brief-overview-dabus-patent-case

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THE DIGITAL PERSONA: INDIA'S JUDICIAL GUARD AGAINST AI EXPLOITATION

As generative AI and deepfake technologies

advance, Indian courts have taken a proactive role in protecting personality rights—the right to control the commercial and reputational use of one's name, voice, image, and likeness. In the absence of a specific statute, these protections flow from Article 21 of the Constitution (privacy and dignity) and common law remedies such as passing off.

Key Judicial Trends (2023-2026)

Indian courts have increasingly granted broad "omnibus" injunctions against AI misuse:

Anil Kapoor **(2023):** The Delhi High Court restrained unauthorized AI use of his name, image, and catchphrase, recognizing the reputational risks of deepfakes.

Arijit Singh (**2024):** The Bombay High Court barred AI voice cloning without consent, emphasizing protection of artistic identity.

Abhishek Bachchan & Aishwarya Rai Bachchan **(2025):** Injunctions were issued against AI-generated deepfakes and unauthorized merchandise.

Shatrughan Sinha **(2026):** The Court affirmed that personality rights extend to distinctive style and persona.

Naresh Trehan / Medanta **(2025):** AI deepfakes giving false medical advice were ordered to be taken down, citing reputational and public harm.

The Salman Khan Case (2026)

In early **2026**, Salman Khan moved the Delhi High Court to restrain AI platforms from commercially exploiting his voice, image, and mannerisms.

December 11, 2025: Interim injunction granted against AI misuse and deepfakes.

January 21, 2026: A China-based AI voice platform challenged the order; Justice Jyoti Singh sought Khan's response.

Next Hearing: **February 27, 2026,** to determine whether AI platforms may replicate celebrity voices without consent.

Khan's legal team argues that his brand identity—including his nickname "Bhaijaan" and signature style—is being unlawfully exploited through AI tools.

Conclusion

Through false endorsement, dilution, and moral rights doctrines, Indian courts are steadily building jurisprudence to protect digital personas. While innovation remains welcome, unauthorized AI replication of identity has met firm judicial resistance—positioning the judiciary as the primary guardian of personality rights in the AI era.

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PATENT FILINGS RISE SHARPLY, BUT ARE WE REWARDING VOLUME OVER VALUE?

India's higher education research ecosystem is witnessing an unprecedented surge in patent filings.

On paper, the numbers suggest a nation racing toward innovation leadership. A closer examination, however, reveals a widening gap between patent activity and patent success, especially when comparing premier public institutions with several private universities.

Public Institutions Strong Conversion Sustained Depth

Collectively, the Indian Institutes of Technology filed 6,558 patents between 2020 and 2025, securing 2,806 grants, an approval rate of 43 percent. When focusing on the 2020 to 2023 window, which better reflects expedited examination timelines, the conversion rate rises to 64 percent, with 2,118 grants from 3,331 publications.

The Indian Institute of Science mirrors this trajectory, converting 257 of 379 applications between 2020 and 2023, a success rate nearing 68 percent.

Similarly, the National Institutes of Technology collectively achieved a 41 percent grant rate over five years, with conversion climbing to 67.1 percent during 2020 to 2023.

These figures indicate more than just filing enthusiasm. They reflect sustained investment in research ecosystems, patent prosecution capabilities, and long term technology development.

Private Universities High Volume Low Conversion

In contrast, several high volume private institutions display a stark imbalance between filings and approvals.

Lovely Professional University filed 7,096 patent applications over five years but secured only 164 grants, a 2.3 percent success rate.

Chandigarh University filed 5,318 patents since 2020, receiving just 45 grants.

Galgotias University published 2,233 patents but secured only two approvals.

Shobhit Institute of Engineering and Technology filed 961 patents with zero approvals.

Other institutions such as Jain University and Chandigarh Group of Colleges reported grant rates below 1 percent, with no approvals in the 2020 to 2023 period.

The imbalance raises a structural question. Are patents being pursued as intellectual property assets or as performance indicators?

The Galgotias AI Summit Episode A Symptom of Performance Culture

The concerns around optics versus substance became more visible during the recent India AI Impact Summit 2026, where Galgotias University showcased a robotic dog that was presented as an indigenous innovation. Subsequent scrutiny revealed that the device was a commercially available imported product rather than an in house technological breakthrough.

The controversy intensified after coverage by DD News amplified the claims without adequate verification. The clip went viral, triggering public criticism and raising uncomfortable questions about institutional validation, media scrutiny, and the broader ecosystem of performance signalling.

The episode was not merely about one demonstration. It highlighted a deeper systemic issue. When recognition frameworks reward projection, volume, and alignment more than demonstrable research outcomes, institutions adapt accordingly. The result can be a culture where presentation precedes proof.

At the same summit, however, several serious research groups and startups focused on practical AI deployments for Indian constraints, including language accessibility, agricultural advisory systems, healthcare support, and rural digital inclusion. The contrast between spectacle and substance was instructive.

Structural Incentives and Policy Effects

The surge in patent filings aligns with policy reforms. Under the Patents Amendment Rules 2021, educational institutions became eligible for an 80 percent reduction in patent filing and prosecution fees. Examination timelines also decreased significantly, from an average of 72 months in 2015 to approximately 12 to 30 months today.

While these reforms improved accessibility, they also lowered entry barriers for bulk filings.

Academic ranking systems such as the National Institutional Ranking Framework and the National Assessment and Accreditation Council count patent applications as a metric. Limited weightage is given to grant conversion rates or commercialization outcomes.

When metrics prioritize filings, institutions respond rationally. They file more.

Investment Remains the Deciding Factor

Filing a patent is procedural. Converting it into a granted right and then into a licensed technology requires sustained capital investment, experienced researchers, advanced laboratories, intellectual property management expertise, and long term legal prosecution.

Public research institutions have historically invested in these components. Many private institutions, particularly high volume filers, have not yet demonstrated similar depth.

Not All Private Institutions Lag

There are encouraging exceptions.

Vellore Institute of Technology improved its 2020 to 2023 grant conversion rate to 22 percent.

Sathyabama Institute of Science and Technology achieved a 13.5 percent success rate in the same period.

Graphic Era University also showed measurable improvement.

These cases indicate that focused investment and research maturity can improve outcomes within the private sector.

Measuring What Truly Matters

Patent filings signal intent. Patent grants signal technical validation. Commercialized technologies signal impact.

For India's innovation ambitions to translate into industrial strength, metrics must evolve to reward depth, conversion, and technology transfer rather than sheer numerical expansion.

The lesson from recent events is clear. When performance culture overtakes research culture, credibility erodes. When institutions prioritize solving real constraints over generating applause, innovation compounds.

India's research future will not be defined by how many patents are filed, but by how many endure scrutiny, earn grants, and ultimately solve problems worth solving.

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LUPIN SETTLES MIRABEGRON PATENT DISPUTE WITH $90 MILLION DEAL, SECURES US MARKET CONTINUITY

Indian pharmaceutical major Lupin Limited has resolved its patent infringement dispute with Astellas Pharma over Mirabegron, clearing a significant legal hurdle and ensuring uninterrupted sales in the United States.

Under a Settlement and License Agreement signed by Lupin and its US subsidiary with Astellas and its affiliates, Lupin will pay a total of 90 million dollars. The payment includes a prepaid option component of 75 million dollars, along with a prepaid per unit license fee covering product sales through September 2027.

The agreement resolves pending litigation tied to Mirabegron and removes uncertainty surrounding Lupin's ability to continue marketing and selling the drug in the US. The company had first disclosed the patent dispute in April 2025. With the settlement now in place, Lupin gains clarity on the product's near term commercial trajectory in one of its most important overseas markets.

Mirabegron, used in the treatment of overactive bladder, represents a key product in Lupin's US portfolio. Patent disputes in the American pharmaceutical market often carry high financial and operational risks, including potential injunctions, damages, and market exclusion. By opting for a negotiated resolution, Lupin has effectively secured business continuity while capping litigation exposure.

Although the detailed commercial terms remain confidential beyond the disclosed payment structure, the settlement reflects a broader trend within the pharmaceutical industry where companies increasingly pursue licensing frameworks rather than prolonged courtroom battles. Such agreements allow generic manufacturers to maintain market access while compensating originator companies for intellectual property rights.

For Lupin, the resolution not only removes a legal overhang but also strengthens investor visibility

around its US revenues. In a market where patent litigation frequently shapes competitive dynamics, strategic settlements can serve as pragmatic tools to preserve scale and stability.

The development underscores the critical role of intellectual property strategy in global pharmaceutical operations, where commercial success is often intertwined with the outcome of patent enforcement and licensing negotiations.

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DELHI HIGH COURT BARS ILAIYARAAJA FROM USING 134 COMPOSITIONS IN SAREGAMA COPYRIGHT DISPUTE

The Delhi High Court has restrained legendary composer Ilaiyaraaja from using 134 of his musical compositions in an ongoing copyright dispute with Saregama India, marking a significant development in one of the country's most closely watched intellectual property battles in the music industry.

The Dispute

The case revolves around ownership and exploitation rights over a catalogue of songs composed by Ilaiyaraaja during his long association with Saregama. The music label contends that it holds the copyright in these works under agreements executed at the time of creation, granting it exclusive rights to commercially exploit the compositions.

Ilaiyaraaja, on the other hand, has maintained that as the original composer, he retains certain rights over his creations and is entitled to use them, particularly in live performances and derivative formats.

The Court's Order

In its interim order, the Delhi High Court barred Ilaiyaraaja from using the 134 compositions that form part of the dispute until the matter is finally adjudicated. The court's direction effectively prevents the composer from commercially exploiting these works in ways that may infringe Saregama's claimed rights.

The ruling underscores the legal principle that copyright ownership, especially in legacy contracts within the music industry, depends heavily on the specific terms of assignment agreements. Where rights have been validly assigned, the assignee enjoys exclusive control over reproduction, communication to the public, and commercialization.

Broader Implications for the Music Industry

The case has far reaching implications for composers, performers, and music labels across India. Many catalogues created in the pre digital era were governed by contracts that assigned extensive rights to producers or record labels. With the rise of streaming platforms and digital monetization, the commercial value of older works has increased substantially, intensifying disputes over ownership and royalty entitlements.
The dispute also brings into focus the evolving framework of moral rights and performer rights under Indian copyright law. While composers retain moral rights such as attribution and protection against distortion, these do not

automatically override contractual assignments of economic rights.

A Defining IP Battle

For Ilaiyaraaja, whose music has shaped Indian cinema for decades, the order represents a temporary but significant restriction. For Saregama, it reinforces the enforceability of historic copyright assignments in the digital era.
As the matter proceeds, the final outcome will likely clarify the balance between creator rights and contractual ownership in India's music industry. Beyond the immediate parties, the decision is poised to influence how intellectual property agreements are structured, negotiated, and enforced going forward.

The case stands as a reminder that in creative industries, authorship and ownership are not always the same, and contracts signed decades ago can determine commercial control today.

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MANDATORY FORM-10 DECLARATION FOR USE OF FOREIGN BIOLOGICAL RESOURCES IN INDIA

The National Biodiversity Authority (NBA), functioning under the Ministry of Environment, Forests and Climate Change, has issued a Circular dated 04 February 2026 clarifying the applicability of Form-10 Declaration requirements under the Biological Diversity Rules, 2024.

Background

The Biological Diversity Rules, 2024 were officially notified on 22 October 2024 and came into force on 21 December 2024, following the statutory 60-day period from the date of notification.

With this, the compliance requirement under Rule 18(1) mandating submission of a Form-10 Declaration has been operationalized with effect from 21 December 2024.

Applicability of Form-10 Declaration

As per the clarification issued by the NBA, submission of Form-10 is now mandatory for any individual or entity intending to use in India:

Foreign biological resources or associated traditional knowledge obtained from a foreign country for the following purposes:

1. Research activities
2. Commercial utilisation
3. Application for or obtaining Intellectual Property Rights (IPRs)

When is Submission Required?

Declaration through Form-10 must be submitted via the NBA web portal in cases involving:

Initiation of use of foreign biological resources or associated traditional knowledge in India for research, commercial, or IPR-related purposes; or

Filing of any IPR application in India based on such foreign biological resources.

Provided that access to these resources, or the intent to use them in India, arises on or after 21 December 2024.

Regulatory Intent

The declaration mechanism introduced under Rule

18 is aimed at enabling the NBA to:

Monitor the utilisation of foreign biological resources within India; and

Ensure compliance with the provisions of the Biological Diversity (Amendment) Act, 2023.

Effective Date

The Circular has come into force with immediate effect from the date of its issuance.

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DPIIT Notifies Revised Startup & Deep Tech Startup Framework (2026)

In a significant policy update aimed at strengthening India's innovation ecosystem, the Department for Promotion of Industry and Internal Trade under the Ministry of Commerce and Industry has issued a fresh notification dated 04 February 2026, superseding the earlier 2019 framework governing startup recognition.

The revised notification introduces an expanded definition of a "Startup" to include entities incorporated as private limited companies, partnership firms, LLPs, cooperative societies, or multi-state cooperative societies in India. To qualify, such entities must be within 10 years of incorporation and have an annual turnover not exceeding INR 200 crore, while working towards innovation, development, improvement of products/services, or demonstrating scalable business models with employment or wealth generation potential.

A key highlight of the updated framework is the formal recognition of Deep Tech Startups. Entities falling under this category—typically engaged in scientific or engineering-based innovation, with significant R&D expenditure and intellectual property creation—will now enjoy an extended recognition period of up to 20 years, along with a higher turnover threshold of INR 300 crore.

Further, eligible startups may apply for certification under Section 80-IAC of the Income Tax Department for tax-related benefits, subject to verification by the Inter-Ministerial Board.

The notification also prescribes conditions regarding deployment of funds, restricting investments in specified asset classes such as residential property, luxury goods, and speculative financial instruments—unless integral to core business operations.

The revised framework will come into effect from the date of its publication in the Official Gazette and is expected to facilitate long-gestation innovation-driven ventures, particularly in emerging deep technology sectors.

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TechEx.in presents Technology Match Maker For Dairy & Poultry Health Solutions

TechEx.in, a technology transfer hub at the Venture Center in Pune, is organizing technology match maker for Dairy & Poultry Health Solutions. This initiative focuses on fostering innovation, technology transfer, and collaboration in the animal health sector, specifically for dairy and poultry applications.

The event will take place on **Friday, 27th March 2026, from 3:30 pm to 6:00 pm.**

Desired Outcomes:

- Technology licensing
- Co-Development
- Investment
- Collaborations

Who Can Attend?

- Large Companies
- MSMEs
- Investors

Organized by TechEx.in and supported by Venture Center, NBM, and BIRAC, this initiative serves as a catalyst for moving research into the commercial market.

Event Logistics & Registration

Registration: Interested participants can register via https://docs.google.com/forms/d/e/1FAIpQLSdXRi8r006pwiNaHcr0lWj4XD7lDdIGZMmWiRw5BL0KDnMTJg/viewform

More Info: Visit https://www.techex.in/matchmaker/07/

Contact: Reach out to Pradnya Aradhye at pradnya@venturecenter.co.in or call +91 8805009010.