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Intellectual Property advocacy in the fields of:

- IP Infrastructure
- IP Policy
- Patent Law
- Copyright
- IP Valuation
- Technology Transfer
- Licensing
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- M & A
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EDITORIAL

ARE INTERNATIONAL TRADE TREATIES FAILING IN THE CURRENT GLOBAL CONTEXT?

International Trade Laws are mostly becoming redundant in a customary format. Whatever was left, has been made completely obliterated in recent U.S unilateral actions globally. Today, international trade is being less regulated by global treaties, but more by negotiating mutually, interpreting tariff codes, and signing FTAs with pick and choose provisions mutually or by unilateral pressures and impositions. While FTAs and PTAs are order of the day between Nations, the international Treaties have become more of a guidance or fall-back mechanism which is mostly “soft law” in current trade environment.

Post-Uruguay Round, and WTO (World Trade Organisation) and TRIPs (Trade Related Aspects of Intellectual Property), the international conventions and treaties, as well as related organisations such as UN, International Court of Justice and Dispute settlement bodies (courts) were kept busy with multiple global disputes and litigations. India was challenged more than once at WTO on TRIPs violations and patent law disputes. United Nations and Security Council had extensively intervened on international disputes including Kashmir and many border disputes as well as trade disputes.

Over the years, the international disputes between Nations are more decided by individually strong Nations or groups unilaterally. United Nations, General Assembly, Security Council, WTO and other global forums for dispute settlement have become docile and redundant as seen in the latest Iran-Israel - Gulf War and Hamas-Palestine issue. Recent unilateral Tariff war by USA is the most recent and blatant example of rejection of all global trade and tariff laws, rules and regulations.

In current times, the only option left to individual Nations, is to be globally powerful and respected internationally so that no other nation tries to bully, economically or politically.

Ongoing pressure of negotiations on Super 301 by USA is another example of attempted bullying on frivolous grounds.

The following news article, published in the Times of India on 27th March, 2026, captures India's stance on WTO reforms and highlights the broader challenges confronting the multilateral trading system today:

India backs WTO reset with core focus intact

NEW DELHI:

India on Thursday backed reforming the World Trade Organisation but underlined the need to retain the core focus on poor and developing countries and a consensus-driven decision-making process.

"The necessary reform of WTO should be carried out through a transparent, inclusive and member-driven process, keeping development at its core, upholding the foundational principles and objectives of the organisation, mainly non-discrimination, consensus-based decision making and equity. Special and differential treatment (S&DT) should be precise, effective and operational," commerce & industry minister Piyush Goyal said in his intervention at the ministerial meeting that kicked off on Thursday.

While calling for past mandates given by members to be delivered, Goyal highlighted the need to get the dispute settlement mechanism going again. The US has blocked appointments to the appellate body, holding up the entire process of dispute resolution

He also flagged his concern over the failure of the WTO membership to address concerns of poor countries that grow and export cotton, or India's concerns over public stockholding, an issue that has been pending for 12 years now with ministers kicking the can down the road every time they meet. "...we must deliver on them on priority," Goyal said at the meeting in Cameroon.

India also thumbed down China's push for an investment facilitation framework but did not make an explicit mention. Instead, Goyal said the incorporation of plurilateral outcomes into the WTO framework should be based on consensus and not impair existing rights of non-parties or cast additional obligations on them.

A plurilateral agreement, which according to India needs to be cleared through consensus, means a

group of countries can finalise a pact on an issue such as IT goods.

Further, he suggested that India is not keen on continuing the customs waiver for e-commerce.

The news article can be accessed via https://timesofindia.indiatimes.com/business/india-business/india-backs-wto-reset-with-core-focus-intact/articleshow/129833869.cms

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CRIMINAL LAW AND COPYRIGHT: SUPREME COURT SETS CLEAR BOUNDARIES

A dispute surrounding Kahaani 2: Durga Rani Singh led to significant legal scrutiny when allegations surfaced that the film had copied a script titled Sabak. Criminal proceedings were initiated against filmmaker Sujoy Ghosh, prompting a legal battle that ultimately reached the Supreme Court of India.

The complainant alleged that he had shared his script with Ghosh in 2015 and that it was subsequently used without authorization. While a Magistrate found sufficient grounds to proceed and issued summons, and the Jharkhand High Court declined to intervene at the preliminary stage, the matter was eventually re-examined by the Supreme Court.

The Court emphasized that initiating criminal proceedings is a serious step and must be backed by clear evidence and proper judicial application of mind. It found that the complaint lacked specific details demonstrating any similarity between the two works. Notably, an expert body of the Screenwriters Association had already concluded that no resemblance existed.

A decisive factor was the timeline: Ghosh had registered the script for Kahaani 2 as early as 2013, whereas the complainant's script was created and registered only in 2015. This made the allegation of copying untenable.

Holding the proceedings to be frivolous and an abuse of process, the Supreme Court quashed the criminal case and the summoning order.

This ruling underscores that copyright disputes, particularly in the creative sector, must be supported by concrete evidence, and that criminal law cannot be invoked casually or without due scrutiny.

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SEMAGLUTIDE SHOWDOWN: TRADEMARK AND PATENT BATTLES INTENSIFY

The expiry of the Semaglutide patent may have opened the doors to competition, but it has also marked the beginning of a far more intense phase of contestation. As exclusivity gives way to market entry, disputes are rapidly shifting from patent protection to trademarks, formulations, and strategic positioning—signalling that the real battle in the Semaglutide space has only just begun.

The ongoing intellectual property dispute surrounding Semaglutide has entered a new phase, with Novo Nordisk initiating a trademark infringement suit against Dr. Reddy's Laboratories before the Delhi High Court (CS(COMM) 317/2026).

At the heart of the dispute lies the allegation that Dr. Reddy's proposed mark "Olymviq" is deceptively similar—both structurally and phonetically—to Novo Nordisk's well-known "Ozempic" brand. Interestingly, Dr. Reddy's is also marketing its Semaglutide injection under the mark "Obeda," raising questions about the use of multiple brand names for the same formulation. A review of publicly available information does not immediately reveal any compositional distinction between the two, leaving room for further clarity as the matter progresses.

A broader trademark search in Class 5 (pharmaceuticals) also reveals several marks bearing phonetic resemblance to "Ozempic," underscoring the increasingly crowded and contested naming landscape in the pharmaceutical sector.

Parallel Patent Disputes

Simultaneously, patent-related litigation over Semaglutide formulations is also gaining momentum. On the same day that Novo Nordisk's patent covering Semaglutide injections expired, the Delhi High Court recorded an interim arrangement between Novo Nordisk and Torrent Pharmaceuticals.

Under this arrangement, Torrent agreed to ensure that its Semaglutide tablets do not fall within the protected SNAC concentration range (0.6–2.1 mmol) covered by Novo Nordisk's patent on oral formulations. Notably, Torrent's formulation reportedly remains outside this range.

A similar patent dispute involving Dr. Reddy's is also underway, with the company undertaking to remain outside the contested SNAC concentration limits an issue that is likely to become central as the litigation evolves.

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BOMBAY HIGH COURT REAFFIRMS HEARING REQUIREMENT IN PATENT REFUSALS

The Bombay High Court has reiterated the importance of procedural fairness under the Patents Act, 1970, holding that a patent applicant must be given an opportunity of hearing where the Examiner's report is adverse or calls for amendments.

The ruling came in an appeal under Section 117-A of the Act, challenging the refusal of a patent application for a "Thread Type Tamper Evident Security Seal" by the Controller of Patents. The refusal was based on grounds including lack of novelty and inventive step, and was earlier upheld by a Single Judge.

The Division Bench, comprising Justice Bharati Dangre and Justice Manjusha Deshpande, examined the statutory framework governing patent examination particularly Sections 12, 13, and 14. The Court emphasized that once a request for examination is made, the Controller is obligated to refer the application to an Examiner and act on the report in accordance with the prescribed procedure.

Crucially, the Court underscored that before taking any adverse decision, the Controller must provide the applicant an opportunity to be heard, especially where objections arise from the Examiner's report. It highlighted that the Controller exercises powers akin to a civil court

under Section 77, including the authority to hear parties, consider evidence, and even permit cross-examination where necessary.

While reinforcing these procedural safeguards, the Court ultimately upheld the refusal of the patent application, finding no infirmity in the decision-making process. It also clarified that orders passed by the Controller are appealable under Section 117-A, and such appeals retain their appellate character even when heard by the Commercial Division of the High Court.

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IIT BOMBAY DEVELOPS PATENTED BIOMASS SOLUTION TO REDUCE LPG DEPENDENCE

At a time when rising fuel costs and potential LPG shortages remain a concern, Indian Institute of Technology Bombay has developed an in-house solution to ensure energy resilience on campus. Leveraging a patented biomass gasification technology, the institute has enabled its kitchens to convert dry leaf waste into a viable cooking fuel.

The innovation is the outcome of nearly a decade of research initiated in 2014 under the leadership of Professor Sanjay Mahajani from the Department of Chemical Engineering. Faced with the challenge of managing large volumes of dry leaf waste across its green campus, the team explored methods to transform this waste into a usable energy source.

The development process was not without challenges. Early trials encountered issues such as excessive smoke, operational inefficiencies, and resistance from end users. A key technical hurdle was the formation of clinkers—solid residues that obstruct conventional systems. Through continuous refinement, the team successfully developed a patented gasifier by 2016 that significantly minimized these issues, making the system more efficient and practical.

Further advancements came with the involvement of Professor Sandeep Kumar from the Department of Energy Science and Engineering, who contributed to the design of an improved burner. The institute's "Living Lab" approach enabled real-time testing and iterative improvements, addressing safety concerns and facilitating wider adoption. By 2024, the system was successfully deployed in the campus canteen.

Currently, the technology has reduced LPG consumption by approximately 30–40%, while achieving thermal efficiency of around 60% with low emissions. In addition to lowering fuel costs, it provides operational continuity in the event of LPG supply disruptions. The system also contributes to an estimated reduction of eight tonnes of carbon dioxide emissions annually.

Looking ahead, plans are underway to scale the technology across hostel mess facilities, with the potential to significantly cut fuel expenses and reduce carbon emissions further. The system is designed to handle various forms of dry waste, including non-recyclable materials, and may be extended to industrial and large-scale cooking applications.

Complementing this initiative, the institute also operates a biomethanation plant established in 2019, which processes wet kitchen waste into

energy—reinforcing its broader commitment to sustainable, waste-to-energy solutions.

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NEC Corporation v. Controller of Patents and Designs

Court: Calcutta High Court

Subject: Design protection for Graphical User Interfaces (GUIs)

Facts

NEC Corporation filed a design application seeking protection for a Graphical User Interface (GUI). The application was refused by the Design Office on the ground that GUIs do not qualify as "designs" under the Designs Act, 2000. The refusal was primarily based on the argument that GUIs lack permanence and are not applied to a tangible "article."

Despite amendments to the Design Rules incorporating the Locarno Classification—which includes screen displays and icons—the application was rejected, leading NEC Corporation to challenge the decision before the High Court.

Issues

Whether a GUI can qualify as a "design" under the Designs Act, 2000

Whether "permanence" and physical tangibility are essential requirements for design protection Arguments

Petitioner (NEC):

Argued that GUIs are visually perceptible designs and are recognized internationally. The inclusion of GUI-related classes in the Design Rules reflects legislative intent to protect such subject matter.

Respondent (Controller):

Contended that GUIs are transient in nature and do not meet the requirement of being applied to an "article," as they are not permanently visible. Held

The Court set aside the refusal and held that GUIs are eligible for design protection.

Reasoning

The Court adopted a purposive interpretation of the statute.

It held that visibility at the point of use is sufficient for design protection; permanence is not a mandatory requirement.

The Court recognized that modern digital interfaces must be interpreted within the evolving framework of design law.

It also took note of international practice, where GUI protection is widely accepted.

Outcome

The refusal order was overturned, and the application was directed to be reconsidered in light of the Court's findings.

Significance

Clarifies that GUIs can be protected under Indian design law.

Aligns India with global standards on GUI protection.

Marks a shift toward recognizing digital and non-traditional forms of design.