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EDITORIAL

INDIA ON AN IP MARCH IN 2025-26

Shri Piyush Goyal, Hon'ble Minister of Commerce as well as Dr. Unnat Pandita, Controller General of Patents, Designs & Trademarks, have highlighted the exhilarating growth in India's patent filings in 2025, indicating the increased National interest in innovation and IPR.

The launch of NIPEKM (National IP Pendency Elimination Karma Mission); the fast-tracking mission launched recently for clearing up backlog of Trademark applications is also a welcome measure feature in the IP Indian scenario. A similar program for expediting grant of patents (even those which are not specifically applied for "expedited examination") will be welcome.

India recorded a historic surge in patent filings in FY 2025-26, crossing 1.43 lakh applications, a 30% year-on-year increase signalling the rapid growth of the country's innovation ecosystem, as highlighted by Piyush Goyal and Unnat Pandita in their recent linkedin posts. Notably, over two-thirds of these filings originated domestically, with strong contributions from states such as Tamil Nadu, Karnataka, and Maharashtra, reinforcing the shift toward "Invented in India."

This momentum places India among the top global patent-filing nations and reflects

rising confidence in its innovation capabilities. At the same time, it brings increased responsibility for the intellectual property ecosystem. The



Office of the Controller General of Patents, Designs and Trade Marks is focusing

on improving examination efficiency, faster First Examination Report (FER) issuance, and quicker disposal of matters at the Controller level.

To support this growth, initiatives such as NYPEKM have been introduced to strengthen institutional capacity and streamline processes. The broader message emerging from these posts is clear: sustaining this trajectory will require coordinated efforts across stakeholders to enhance efficiency, accountability, and speed, ensuring that India's innovation ecosystem continues to expand and mature.

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TATA MOTORS HITS RECORD PATENT FILINGS IN FY26

Tata Motors has reported its highest-ever annual patent filing performance, submitting 144 patent applications in the financial year 2025-26, marking a significant milestone in its innovation trajectory. The filings, primarily driven by its commercial vehicles division, reflect the company's strategic

focus on improving vehicle safety, operational reliability, cost efficiency, and passenger comfort. Alongside incremental improvements, the portfolio also signals a clear shift toward future mobility technologies, with a strong emphasis on electric vehicles and hydrogen-based internal combustion systems.

In addition to patent activity, the company expanded its broader intellectual property portfolio by filing 21 design applications and 35 copyright applications during the same period. It also secured 15 patent grants, taking its cumulative number of granted patents to over 650.

This surge in filings underscores Tata Motors' increasing investment in research and development and highlights the growing importance of intellectual property in the automotive sector. As competition intensifies—particularly in emerging areas such as electrification and alternative fuel technologies—building a robust patent portfolio has become central to maintaining technological and market leadership.

The development reflects a broader industry trend where innovation is no longer limited to product differentiation but is closely tied to long-term sustainability and regulatory compliance. Tata Motors' latest milestone positions it firmly within this evolving landscape, signalling a continued push toward future-ready mobility solutions.

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INDIA ANNOUNCES FEE WAIVER FOR SPORTS IP TO DRIVE INNOVATION AND MANUFACTURING

At the recent World Intellectual Property Day celebrations in New Delhi, Piyush Goyal unveiled a significant policy measure aimed at strengthening India's sports innovation ecosystem—a three-year waiver on fees for intellectual property registrations related to sports.

The initiative, introduced under the theme “IP and Sports: Ready, Set, Innovate!”, applies across a broad spectrum of IP rights, including trademarks, patents, copyrights, designs, geographical indications, and traditional knowledge. By removing cost barriers, the government seeks to encourage a wider range of stakeholders—from students and startups to artisans and manufacturers—to formalise and protect their innovations.

Alongside the fee waiver, the government has indicated that applicants will benefit from facilitation support under existing schemes, easing both the filing process and access to IP protection. The broader objective is to foster a culture where ideas are systematically transformed into protected assets that can be commercialised and scaled.

Highlighting the intersection of tradition and innovation, the minister referred to the Kashmir Willow Cricket Bat as an example of India's craftsmanship with global potential. He emphasised the importance of promoting such products in international markets as part of a

larger strategy to position India as a hub for sports goods.

The announcement also tied into a wider vision for strengthening domestic manufacturing. Regions such as Jammu and Kashmir and Meerut were identified as potential centres for specialised sports manufacturing clusters, with a focus on building robust value chains for equipment like bats, balls, and training gear.

In parallel, a new initiative titled the “Viksit Bharat Digital Matrix 2026 - Design Hackathon” was launched in collaboration with Indian Institute of Technology Delhi. The six-month programme aims to drive innovation in smart wearable technologies, encouraging participants to integrate design, engineering, and IP strategy in developing next-generation sports products.

The event also served as a platform to recognise sporting achievements, including the felicitation of the Jammu and Kashmir Ranji Trophy team for its notable performance, signalling growing momentum in India's regional sports landscape.

Framing sports as both an economic and cultural opportunity, the minister urged stakeholders to adopt a forward-looking approach centred on innovation, protection, and production. He also underscored the need for responsible endorsement practices by athletes and influencers, particularly in areas such as health and nutrition, where consumer trust is critical.

Overall, the announcement reflects a policy shift toward leveraging intellectual property as a tool

not only for legal protection but also for driving innovation, manufacturing, and global competitiveness in India's expanding sports sector.

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FROM TAYLOR SWIFT TO INDIAN COURTS: PROTECTING CELEBRITY IDENTITY IN THE AI AGE

Taylor Swift has taken a notable step in addressing the growing risks posed by artificial intelligence by filing new trademark applications in the United States to protect elements of her voice and visual identity.

The filings include two short audio clips featuring her spoken voice, along with an image from her live performances, and have been submitted through her company, TAS Rights Management. What makes these applications particularly significant is their focus on "sound marks," a relatively underutilised category of trademark protection.

Unlike traditional trademarks that protect logos or brand names, sound marks can extend to distinctive audio identifiers. In this instance, Swift appears to be seeking protection over specific voice recordings, an approach that remains largely untested in courts and signals a shift in how intellectual property tools are being used in response to AI.

The move comes amid rapid advancements in AI technologies that can generate highly realistic imitations of celebrity voices and likenesses.

Because such outputs may not directly copy existing recordings, they often fall outside the conventional scope of copyright law, creating a regulatory gap.

Trademark protection offers a potential workaround. If granted, these rights could allow Swift to challenge unauthorised uses of AI-generated content that closely resembles her voice or stage persona, even where traditional copyright claims may not apply.

This trend is not limited to the United States. In India, celebrities are increasingly turning to courts to protect their personality and publicity rights. Notably, figures such as Amitabh Bachchan and Anil Kapoor have secured judicial recognition of their personality rights, with courts restraining unauthorised commercial use of their voice, image, and likeness. These developments reflect a parallel legal response to the risks posed by digital replication and AI-generated content.

Other global figures, including Matthew McConaughey, have also explored similar trademark strategies, suggesting a broader shift toward leveraging trademark law to protect identity in the AI age.

With hundreds of trademark registrations already linked to her brand, Swift's latest filings underscore an evolving strategy where trademark law is being used not just for brand protection, but as a tool to safeguard personality in an era of technological imitation.

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DABUS IN INDIA: PATENT REFUSAL, GLOBAL CONTEXT, AND THE LIMITS OF AI INVENTORSHIP

In line with a growing international pattern, the Indian Patent Office has refused a patent application filed by Stephen L. Thaler, which sought to recognise his artificial intelligence system DABUS as the inventor of a food container design intended to improve grip and stackability. What distinguishes the Indian decision is that it does not stop at the question of inventorship but also engages with the patentability of the claimed invention itself.

This refusal forms part of a broader global effort under the Artificial Inventor Project, where coordinated filings across multiple jurisdictions have attempted to challenge the traditional requirement that inventors must be human. Applications naming DABUS as inventor have been pursued in several countries, with outcomes largely converging against recognition of AI as an inventor. While South Africa stands out as an exception due to its non-substantive examination system, courts and patent offices in jurisdictions such as the United States, United Kingdom, Europe, and Australia have consistently rejected such claims or required the naming of a natural person as inventor. In some countries, including Germany and Switzerland, limited accommodation has been made by allowing a human inventor to be named while acknowledging the role of AI as a tool in the inventive process.

The Indian Patent Office's refusal aligns with this global position but adds an additional layer of analysis. On patentability, the Controller found

that the claimed invention lacked an inventive step. Prior disclosures relating to container designs with complementary surface features and interlocking mechanisms were considered sufficient for a skilled person, such as a packaging or mechanical design expert, to arrive at the claimed configuration. The use of "fractal" geometry was treated as a descriptive variation rather than a technical advancement, particularly in the absence of evidence demonstrating any unexpected functional benefit. As a result, the claims were held to be obvious and therefore unpatentable.

On inventorship, the decision adopts a strict interpretation of the Patents Act, 1970. The statutory framework, particularly provisions governing entitlement and filing requirements, was read as implicitly requiring that an inventor be a legal person capable of holding and transferring rights. An artificial intelligence system, lacking legal personality, cannot meet these criteria. It cannot assign rights, execute declarations, or provide the identifying details required under the law. The argument that ownership of the AI system could establish entitlement was rejected, with the Office emphasising that patent rights must originate from a legally recognised inventor.

The decision also clarifies that procedural mechanisms, including international filings under the Patent Cooperation Treaty, do not override domestic statutory requirements. Compliance with Indian law remains mandatory at the national phase, and defects relating to inventorship cannot be cured through formal declarations alone.

Beyond the immediate outcome, the case raises broader questions for Indian patent policy. The Controller’s reasoning suggests a strong linkage between the concept of a “person skilled in the art” and a human inventor, reinforcing the human-centric structure of patent law. At the same time, this position sits uneasily with the increasing role of AI systems in research and innovation, where such systems are often used as tools in generating technically valuable outputs.

Current examination practice in India does not exclude AI-related inventions altogether, particularly where there is meaningful human involvement. However, the boundary between AI-assisted and AI-generated inventions remains uncertain, and the threshold of human contribution required for inventorship has yet to be clearly defined.

Policy discussions in India have also touched upon these issues. Parliamentary committee reports have suggested the possibility of creating new forms of intellectual property protection for AI-generated outputs, although these proposals remain at a preliminary stage and have not translated into legislative change. For now, the legal position remains anchored in a human-centric model of inventorship.

The DABUS decision therefore does more than reiterate an existing rule. It highlights the tension between established legal frameworks and emerging technological realities. While the Indian Patent Office has aligned itself with global practice in rejecting AI inventorship, the broader question of how patent law should adapt to

increasingly autonomous systems remains open. Whether this issue will next be addressed through litigation or legislative reform is a question that continues to evolve.

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SURAT CUT DIAMOND GI: WHEN SKILL TRAVELS BEYOND GEOGRAPHY

The recent grant of a Geographical Indication (GI) tag to the Surat cut diamond marks an important moment for India’s intellectual property landscape. At one level, it recognises the extraordinary craftsmanship and industrial evolution that transformed Surat into the global centre of diamond cutting. At another, it exposes a deeper tension within GI law itself: can a framework designed to protect place-based value adequately capture value created by mobile communities and transferable skills?

The Surat diamond industry is a story not of natural endowments, but of human ingenuity. Unlike traditional GI products, it is not rooted in soil, climate, or geography. Rough diamonds do not originate in Surat, nor is there any geological uniqueness associated with the region. Instead, the city’s dominance stems from the expertise of its artisans, particularly the Hira Karigars from Saurashtra, who migrated to Surat in the mid-20th century and built a globally competitive ecosystem. Through generations of skill transmission and increasing technological sophistication, Surat now processes the overwhelming majority of the world’s diamonds. This raises a conceptual challenge for GI law. The global GI framework, shaped by European notions of “terroir,” rests on the assumption that a

product's qualities are intrinsically linked to its place of origin. This logic fits agricultural products well, but sits uneasily with industries like diamond cutting, where value is created through labour and technique rather than geography. The Surat GI application implicitly acknowledges this by emphasising community knowledge, training systems, and artisanal practices as the source of distinctiveness.

However, once skill becomes central, the territorial foundation of GI law begins to weaken. The same communities that built Surat's industry have also established themselves in global hubs such as Antwerp, carrying their expertise across borders. If a Gujarati craftsman produces an identical cut outside Surat using the same techniques, the GI framework would deny it recognition as a "Surat cut," even though the underlying skill remains unchanged. This reveals a fundamental mismatch: the law protects location, while the value lies in people.

The breadth of the GI's designated territory further reflects this tension. By extending protection across large parts of Gujarat, the registration appears to stretch geographical boundaries in an attempt to accommodate a dispersed and mobile community. In doing so, it uses geography as a proxy for identity, highlighting the absence of a legal mechanism to directly protect community-based knowledge.

The Surat cut GI is therefore neither a straightforward success nor a failure. It represents an evolving attempt to adapt a traditionally place-based legal tool to a context where labour,

migration, and skill are the primary drivers of value. In contrast to other GIs that focus almost exclusively on natural attributes, the Surat registration foregrounds human contribution, making it a significant, if imperfect and development.

Ultimately, the case raises broader questions for India's IP regime. If the distinctiveness of a product lies in community knowledge rather than geography, should the law continue to rely solely on territorial indicators? And if communities are the true bearers of value, can their rights be meaningfully protected within existing frameworks? Until these questions are addressed, the Surat cut diamond GI will remain a compelling example of both the potential and the limitations of geographical indications in a globalised, mobile world.

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**'MARQ' DECEPTIVELY SIMILAR TO 'MARC':
DELHI HIGH COURT UPHOLDS INJUNCTION
AGAINST FLIPKART**

The Delhi High Court upheld an interim injunction against Flipkart in *Flipkart India Pvt. Ltd. v. Marc Enterprises Pvt. Ltd.*, restraining use of the mark "MARQ" on the ground that it is deceptively similar to "MARC". The Court found phonetic, visual, and structural similarity likely to cause consumer confusion, rejected Flipkart's reliance on its "FLIPKART" branding, and noted that the goods are allied and sold through common channels. The appeal was dismissed and the injunction was continued, with Flipkart given time till 15 May 2026 to comply.

<https://www.livelaw.in/law-firms/litigation/marq-deceptively-similar-to-marc-delhi-high-court-upholds-injunction-against-flipkart-531113>