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

INDIA IN FTA ACTION MODE

In spite of global trade tensions, India is in action mode in trade talks and agreements. Latest on the International Trade agreement initiatives, by the Modi government under the leadership of Shri Piyush Goyal, India's Commerce Minister, is the India-Canada FTA discussions. After years of highly strained level relations, India and Canada have got together on the same table (same page) for concluding the FTA negotiations before end-2026.

India and EU have recently concluded a comprehensive FTA, which is not only historic but also record breaking as far as the coverage of goods and services (90%) and the market sectors relates to 2 billion people representating one fourth of the global GDP.

Among other FTAs concluded by India, the FTAs with New Zealand, the UK and Oman are outstanding. The India-New Zealand FTA eliminates tariffs on more than 8000 products and extends to digital trade, Ayurvedic and nutraceutical and people professional exchanges. Earlier India had concluded FTA with Australia, UAE and Mauritius. Agreement with Israel, Peru, Chile, Sri Lanka and GCC are also worth mentioning.

India and Switzerland concluded FTA as part of TEPA (Trade and Economic Partnership Agreement) and EFTA (European Free Trade Association), assuring $100 billion foreign direct investment (FDI) into India over next 15 years. However, recent pressures on India to adopt TRIPs-plus provisions in Patent related areas have been extremely high which India need to resist and reject as India's IP policy and IP laws such as Patent Law provisions are already acknowledged as TRIPs compliant and fully time-tested including on Data Exclusivity and Patent term extensions. India has one of the most balanced patent laws in the world which takes care of the inventors / investors as well as the public interest and patient community needs and affordable access.

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MEITY LAUNCHES IP CATALYST TO BOOST IP COMMERCIALIZATION

The Ministry of Electronics and Information Technology (MeitY), Government of India, organized a national conference titled *"From Patent to Product: Accelerating IP Commercialization in Electronics & IT"* at India Habitat Centre, New Delhi, on 12 May 2026. The conference brought together policymakers, industry leaders, startups, MSMEs, academic institutions, researchers, and R&D organizations to deliberate on strengthening India's innovation and intellectual property ecosystem in the Electronics and IT sector.

A key highlight of the conference was the formal launch of the **IP Catalyst Initiative** and its dedicated digital platform, **CIPIE (https://cipie.in)**, by Shri S. Krishnan, Secretary, MeitY. The launch took place in the presence of Shri Amitesh Kumar Sinha, Additional Secretary, MeitY & CEO, India Semiconductor Mission; Smt. Sunita Verma, Group Coordinator & Scientist G, MeitY; Prof. (Dr.) Unnat P. Pandit, Registrar of Copyrights, CGPDTM, DPIIT; and Shri Sanjay Wandhekar, Scientist G & Centre Head, CDAC Pune.

Implemented by CDAC Pune with support from MeitY, the IP Catalyst initiative aims to establish a comprehensive digital ecosystem supporting the entire innovation lifecycle — from research and IP creation to technology transfer, commercialization, and market deployment. The initiative seeks to bridge the gap between publicly funded research and industry adoption by facilitating collaboration among MeitY organizations, startups, MSMEs, academia, and

industry stakeholders.

The initiative offers several key support mechanisms, including financial assistance for IP filing, international patent filing support for startups and MSMEs, prior-art search and IP advisory services, technology readiness assessment, IP valuation, commercialization support, and facilitation of technology transfer and licensing. It also aims to strengthen industry–academia collaboration and support the transition from prototype development to market-ready products.

The CIPIE digital platform will function as a unified online gateway for IP and commercialization support services. It will additionally serve as a national repository of technologies developed through MeitY-supported R&D initiatives, enabling startups, MSMEs, and industry to identify indigenous technologies and explore commercialization and collaboration opportunities.

In his inaugural address, Shri S. Krishnan highlighted India's rapid growth in innovation and patent activity. He noted that India recorded over 1.10 lakh patent applications in FY 2024–25, with the Electronics and IT sector contributing nearly 44% of filings. In FY 2025–26, total patent filings increased further to 1.43 lakh, with the Electronics and IT domain witnessing a 52% rise in filings. He emphasized that the IP Catalyst initiative represents an important step towards ensuring that innovation translates into impactful technologies, products, and societal benefits under the vision of Viksit Bharat.

Shri Amitesh Kumar Sinha underscored the growing strategic importance of intellectual property in sectors such as semiconductors, electronics manufacturing, artificial intelligence, and emerging technologies. He stated that IP Catalyst would support startups, MSMEs, and industry in accessing indigenous technologies and accelerating innovation-led growth.

Smt. Sunita Verma emphasized that the initiative has been designed to strengthen collaboration among stakeholders in the innovation ecosystem through structured and digitally accessible IP support services.

Prof. (Dr.) Unnat P. Pandit highlighted the need for India to move beyond merely increasing patent filings and focus on deriving economic and

technological value from intellectual property. Stressing a shift from a "Patent Filing" mindset to a "Patent → Product → Profit" approach, he noted that patents should become the foundation for globally competitive products and wealth creation.

The conference also featured panel discussions on lab-to-market acceleration, startup and MSME enablement, technology transfer, global patenting strategies, and measuring the commercial value of intellectual property. The IP Catalyst initiative aligns with the Government of India's broader vision of strengthening indigenous innovation capabilities and accelerating technology commercialization in the Electronics and IT domain.

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THE PHILIPS DVD PATENT LITIGATION: EVOLUTION OF SEP AND FRAND JURISPRUDENCE IN INDIA

Koninklijke Philips Electronics N.V. vs. Rajesh Bansal, Sole Proprietor on 12 July, 2018

Bench: HON'BLE Justice Mukta Gupta

The case of Koninklijke Philips Electronics N.V. v. Rajesh Bansal represents a significant ruling by the Delhi High Court regarding Standard Essential Patents (SEPs) and the enforcement of patent rights within India. Philips, a worldwide electronics corporation, possessed patents that were essential for the functioning of DVD technology, indicating that any manufacturer aiming to adhere to international DVD standards was required to utilize Philips' technology.

The defendants, who included Rajesh Bansal, were engaged in the manufacturing and sale of DVD players in India without securing a license from Philips, leading the company to initiate a patent infringement lawsuit.

The defendants contested the validity of Philips' patents and contended that Philips' FRAND (Fair, Reasonable, and Non-Discriminatory) commitments restricted its capacity to enforce them. They also presented claims of anti-competitive behaviour. The Court investigated whether the patents were indeed essential to the DVD standard, their validity, and whether the actions of the defendants constituted infringement. Additionally, it deliberated on the ramifications of FRAND obligations under Indian law and the interplay between patent

enforcement and competition law.

The Delhi High Court (Single Bench) ruled in favour of Philips, determining that the patents were valid and that the defendants had infringed upon them by utilizing the DVD technology without a license. The Court clarified that SEPs are entirely enforceable in India and that while FRAND obligations necessitate licensing on fair and reasonable terms, they do not inhibit a patent holder from enforcing their rights. Furthermore, it underscored that claims of anti-competitive conduct do not automatically exempt infringers from liability. This ruling has emerged as a pivotal reference for SEP enforcement in India and offers direction on reconciling patent rights with FRAND obligations.

K K Bansal vs. Koninklijke Electronics N.V on 18 May, 2026

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

The case of K.K. Bansal v. Koninklijke Philips Electronics NV is an important judgment delivered by the Delhi High Court relating to Standard Essential Patents (SEPs), patent infringement, and FRAND licensing in India. Koninklijke Philips Electronics NV, a multinational electronics corporation, owned patents associated with DVD technologies that were considered necessary for manufacturing DVD players in accordance with international standards. Philips alleged that K.K. Bansal and the other defendants were manufacturing and selling DVD players without obtaining a valid licence, thereby infringing Philips' patent rights.

The main question before the Court was whether Philips' patent actually qualified as a Standard Essential Patent and whether the defendants' products infringed the said patent. Philips argued that compliance with DVD standards necessarily involved the use of its patented technology. On the other hand, the defendants contended that Philips had failed to sufficiently establish the essentiality of the patent and further argued that the technology was incorporated in third-party chips supplied by MediaTek. The Court examined various issues concerning SEP enforcement, infringement through standards compliance, and the duty of patent holders to offer licences on Fair, Reasonable and Non-Discriminatory (FRAND) terms.

The Delhi High Court (Division Bench) eventually

ruled in favour of the defendants and set aside the earlier decision that had been passed in favour of Philips. The Court held that Philips was unable to satisfactorily prove the essential nature of the patent or conclusively establish infringement by the defendants' DVD players. Even though the final ruling favoured the defendants, the judgment continues to hold great significance as it clarifies important legal principles relating to SEPs, FRAND licensing, and patent enforcement in technology-related industries. The decision is regarded as a major precedent in the field of intellectual property law in India.

ISSUE	SINGLE JUDGE	DIVISION BENCH
Standard & SSO	Accepted DVD Forum material	No strict proof of valid SSO or standard
SEP Essentiality	Relied on US/EP patents	Indian essentiality required independent proof
Claim Mapping	Broad equivalence accepted	Exact claim-to-standard mapping required
Infringement	Relied on testing/function	Strict product-to-claim mapping
	ality	required
Indirect Test	Not fully applied	Patent and product both had to map to standard
Foreign Reports	Treated as persuasive proof	Could not replace Indian evidentiary proof
Patent Exhaustion	Weak analysis	Licensed chips may exhaust patent rights
Chip vs Product	Royalty on full DVD player	Royalty should relate only to patented component
FRAND Analysis	Licensing program accepted	FRAND terms required strict proof
Willing Licensor	Focused on defendants	Philips first had to prove fair licensing conduct
Comparable Licenses	Limited scrutiny	Full disclosure/comparison necessary

Damages	Accepted royalty framework	Royalty calculation legally flawed
SEP Framework	Treated like ordinary patent suit	SEP litigation requires heightened scrutiny

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ZEE ENTERTAINMENT PURSUES COPYRIGHT ACTIONS AGAINST RELIANCE-DISNEY AND NYKAA OVER ALLEGED UNAUTHORIZED USE OF MUSIC CONTENT

Zee Entertainment Enterprises Limited (ZEEL) has recently initiated significant copyright actions against major corporate entities, including the Reliance-Disney media venture and beauty and lifestyle platform Nykaa, alleging unauthorized use of its copyrighted musical works. These disputes highlight the increasing importance of intellectual property compliance in India's rapidly expanding digital entertainment and advertising ecosystem.

In one matter, Zee has reportedly filed a lawsuit against the Reliance-Disney entity seeking damages of approximately USD 3 million (around INR 25 crore) for the alleged unlicensed use of songs from its music catalogue. According to Zee, the defendants utilized copyrighted musical content without obtaining the necessary licences or paying royalties, amounting to both copyright infringement and breach of contractual obligations. The dispute is expected to involve complex issues relating to digital rights management, sublicensing arrangements, and the impact of large-scale corporate mergers on existing licensing frameworks.

Separately, Zee has also accused Nykaa of using its copyrighted songs in promotional Instagram Reels without authorization. Zee alleges that Nykaa incorporated tracks from its music library into commercial marketing content aimed at promoting products and increasing consumer engagement on social media platforms. The company contends that such commercial use required proper licensing and royalty arrangements, which were allegedly not obtained. The Nykaa dispute highlights a growing concern within the advertising and influencer economy regarding the commercial use of trending music on social media platforms. While many social media applications provide access to music libraries for

personal and non-commercial content creation, businesses using such content for promotional or advertising purposes may still require separate commercial licences from copyright owners.

Through these legal actions, Zee appears to be reinforcing the principle that copyrighted content, irrespective of the duration or platform of use, cannot be commercially exploited without appropriate authorization. The company's actions reflect a broader shift within the media and entertainment industry towards stricter enforcement of intellectual property rights across digital platforms, streaming services, and online advertising channels.

Both disputes are likely to have broader implications for the Indian media, entertainment, and digital marketing sectors. Legal experts suggest that these cases may encourage companies to adopt more rigorous internal compliance mechanisms for content usage, licensing verification, and royalty management. The matters may also contribute to greater clarity regarding the distinction between personal and commercial use of copyrighted material on social media platforms.

As digital marketing and online content distribution continue to expand, the protection and monetization of creative assets are becoming increasingly central to business strategy. The outcome of these disputes may therefore influence future licensing practices, platform policies, and copyright enforcement standards within India's evolving digital economy.

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TORRENT PHARMA GAINS EARLY LEAD IN INDIA'S GENERIC SEMAGLUTIDE MARKET

Torrent Pharmaceuticals has rapidly established itself as a leading player in India's generic semaglutide market following the expiry of Novo Nordisk's patent protection. Within just one month of the patent expiry, the Ahmedabad-based pharmaceutical company reportedly captured approximately 38% of the market and recorded sales of nearly ₹17 crore during April 2026.

The total generic semaglutide market in India generated estimated sales of around ₹44 crore during the same period. Other major pharmaceutical companies, including Zydus and Dr. Reddy's Laboratories, reported sales of approximately ₹4 crore each, while Sun Pharma recorded sales of nearly ₹2.3 crore.

Industry observers attribute Torrent Pharma's early market success to its diversified product portfolio. The company is currently the only Indian pharmaceutical manufacturer offering semaglutide in all three commonly used delivery formats — oral tablets, reusable injection pens, and disposable pens. This broad product range enables greater treatment flexibility for healthcare professionals and patients while ensuring continuity of therapy and convenience in administration.

The development highlights the growing importance of strategic product positioning in the pharmaceutical sector, particularly in highly competitive generic drug markets. Analysts note that market leadership increasingly depends not only on the timing of product launch but also on differentiated delivery formats, accessibility, and patient-centric solutions.

India's anti-obesity pharmaceutical market is currently estimated to be worth approximately ₹1,600 crore and is expected to witness substantial growth over the coming years. As demand for GLP-1 therapies continues to rise, the semaglutide market is likely to become one of the most closely watched segments within the Indian pharmaceutical industry.

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DELHI HIGH COURT RESTRAINS GOOGLE FROM ALLOWING USE OF "HINDWARE" AS ADVERTISING KEYWORD

In a significant ruling on trademark protection in the digital advertising space, the Delhi High Court has permanently restrained Google from permitting the use of the trademark "HINDWARE" and its variants as keywords in its Google Ads programme. The Court held that allowing competitors to bid on a registered trademark as an advertising keyword amounted to trademark infringement under the Trade Marks Act, 1999.

The dispute originated in 2013 when sanitaryware manufacturer Hindware discovered that competing companies, including Cera Sanitaryware and Grohe, had allegedly purchased the keyword "HINDWARE" through Google's advertising platform. As a result, internet users searching for Hindware products were shown sponsored links redirecting them to competitor websites.

Although Hindware subsequently settled its

disputes with the competing companies, legal proceedings continued against Google to determine whether the use of a registered trademark as an invisible keyword trigger constituted "use in advertising" under Indian trademark law.

Justice Mini Pushkarna of the Delhi High Court held that it was not necessary for a trademark to visibly appear in an advertisement for it to qualify as use "in advertising." The Court observed that using a registered trademark as a keyword to trigger advertisements for competing products amounted to unauthorized commercial exploitation of the mark.

The Court further noted that "HINDWARE" is a coined and distinctive trademark with no dictionary meaning, implying that users searching for the term were specifically seeking Hindware's products and services. By allowing advertisers to bid on the trademark, Google was found to be commercially benefiting from Hindware's established goodwill and brand recognition through its pay-per-click advertising model.

Rejecting Google's argument that keywords are merely invisible backend tools and therefore do not amount to trademark use, the Court emphasized that digital advertising mechanisms such as keywords and meta-tags play a direct role in diverting consumer traffic and influencing purchasing behaviour. The judgment compared the use of trademarked keywords to the unlawful use of meta-tags designed to redirect consumers from the trademark owner's website to competing businesses.

The Court also rejected Google's claim for intermediary protection under Section 79 of the Information Technology Act, holding that Google was not acting as a passive intermediary. Instead, the Court found that Google actively facilitated and monetized the use of trademarked terms through its advertising system and failed to exercise the due diligence required under Indian law.

In addition to granting a permanent injunction, the Court directed Google to pay damages of ₹30 lakh to Hindware.

The judgment is being regarded as a landmark development in India's digital trademark jurisprudence and may have significant implications for online advertising practices,

keyword bidding systems, and platform liability in the digital economy. Legal experts believe the ruling could encourage stronger enforcement of trademark rights in online marketplaces and advertising ecosystems.

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DELHI HIGH COURT CLARIFIES NBA APPROVAL REQUIREMENT IN PATENT APPLICATIONS INVOLVING BIOLOGICAL RESOURCES

In a significant ruling concerning patent applications involving biological resources, the Delhi High Court has held that the absence of prior approval from the National Biodiversity Authority (NBA) at the time of examination cannot, by itself, be a ground for rejecting a patent application.

The decision was delivered in Manu Chaudhary v. Controller of Patents and Designs [C.A.(COMM.IPD-PAT) 36/2024], where the Court examined the interplay between the Patents Act and the provisions of the Biological Diversity Act, 2002.

Under Section 10(4)(ii)(D) of the Patents Act, inventions involving biological material obtained from India require disclosure regarding the source and geographical origin of such material. Additionally, Section 6 of the Biological Diversity Act mandates that applicants obtain approval from the National Biodiversity Authority before the grant of a patent involving Indian biological resources.

In the present case, the Controller of Patents had rejected the patent application on the ground that the applicant failed to submit NBA approval either along with the patent application, during the hearing process, or before the issuance of the impugned order dated 22 February 2024.

The Appellant contended that an application for approval had already been filed before the NBA and that the Patent Office had been informed regarding the acknowledgement received from the Authority. The actual approval from the NBA was subsequently granted on 4 July 2024, approximately five months after the rejection order had been passed.

The Appellant argued that the Controller ought to have deferred the final decision on the patent application until the NBA approval process was completed rather than rejecting the application outright.

While interpreting the statutory framework, the

Delhi High Court observed that the applicable provisions and the "Guidelines for Processing of Patent Applications relating to Traditional Knowledge and Biological Material" only require that NBA approval be obtained prior to the grant of the patent. The Court emphasized that there is no legal provision mandating automatic rejection merely because the approval was pending during examination or hearing proceedings.

The Court specifically noted that no provision had been identified by the Respondent demonstrating that a patent application must necessarily be rejected if NBA approval, though applied for, had not yet been formally received at the relevant stage.

Accordingly, the Court set aside the rejection order and remanded the matter back to the Controller of Patents for fresh consideration. The Controller was directed to re-examine the application after providing the Appellant an opportunity of hearing and taking into account the NBA approval that had subsequently been granted. The judgment is expected to provide important procedural clarity for patent applicants dealing with inventions involving biological resources and may help prevent premature rejection of applications solely on account of pending regulatory approvals.

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EUIPO Rejects LABUBU Trademark Following Opposition by BUBU Mark Owner

The EUIPO refused registration of the figurative trademark LABUBU following an opposition based on the earlier figurative trademark BUBU covering goods in Classes 16, 18, 24, 25, and 28. Although the marks contained different visual and graphic elements, the EUIPO held that "BUBU" remained the dominant and distinctive component of the contested mark, while the prefix "LA" was considered weakly distinctive for French-speaking consumers.

Considering the visual and phonetic similarities between the marks and the similarity of the goods, the EUIPO found a likelihood of confusion among consumers. It further observed that consumers could perceive LABUBU as a variation, extension, or sub-brand of BUBU rather than as a separate and independent trademark. The decision reiterates that registration may be refused where a later mark incorporates the distinctive core of an earlier **trademark.**

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