Centre for CIPROM intellectual property management

NEWSLETTER

Volume No.10 | Issue No. 07

JULY 2026

Intellectual Property advocacy in the fields of:

- IP Infrastructure
- IP Policy
- Patent Law
- Copyright
- IP Valuation
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EDITORIAL

EMERGING ROLE OF AI IN IP PRACTICE

Artificial Intelligence (AI)? Is it for real or hype? At least in IP (Intellectual Property) practice, AI is emerging as a useful tool in patent prior art searches, in functioning of Patent claims and also in infringement enforcement brings effective and continuous automatic monitoring of IP infringements in the market place. On an advanced level, AI is getting recognized as a potential contributors and facilitator to every pursuit in IP especially in drug discovery and speeding up of the drug regulatory procedures such as Phase I, Phase II, and III trial which are key steps for the dossier submissions for drug approvals. AI, not only supplements human contributions in drug discovery, but also makes the process faster and finer with fool-proof results.

Generative AI tools helps in aiding infringement identifications and in enforcement, while it is not advisable to use the AI generated drafts in any or all applications. AI based data or formats generated can be made use of in finalizing legal drafts, notifications and draft documents in litigations processes, in current digital environs, AI is being extensively abused to invade into individual privacies and data thefts. AI can used to identify such criminal attempts at personal as well as professional privacies and critical data privacies, major copyright infringements such as unauthorized and un-acknowledged use of original manuscripts and monographs are effectively pursued and prosecuted using AI tools. While AI is a “double-edged sword”, putting AI itself to good use to restrict, control, prevent and punish cyber-crimes, data thefts and breach of personal and professional privacies is welcome in this emerging scenario. Ai can also be an advanced tool for functioning and fast tracking current practices in legal research as well as in tech based operations.

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Justice Prathiba M. Singh Inducted Into International IP Hall Of Fame 2026

In a landmark recognition for India's intellectual property ecosystem, Justice Prathiba M. Singh of the Delhi High Court has been inducted into the International IP Hall of Fame 2026, becoming the first Indian judge to receive this prestigious honour. The induction acknowledges her outstanding contribution to the development of intellectual property jurisprudence and her enduring impact on India's evolving IP landscape.

The recognition was conferred during the Intellectual Property Business Congress (IPBC) Global 2026, held in San Diego, California, where Justice Singh was inducted alongside distinguished Italian IP practitioner Roberto Dini and the late Professor William Cornish, who was honoured posthumously.

Established in 2006 by Intellectual Asset Management (IAM), the International IP Hall of Fame celebrates individuals whose work has significantly advanced intellectual property law, policy, and practice across the globe. Inductees are selected through an independent global nomination and peer-review process conducted by the IP Hall of Fame Academy, comprising eminent judges, academics, policymakers, and IP professionals.

Justice Singh has played a pivotal role in shaping India's modern intellectual property jurisprudence through several landmark decisions across patents, trademarks, copyright, and technology law. Her judicial contributions have significantly influenced the country's IP enforcement framework and supported the growth of a robust innovation ecosystem. She currently serves as the Chairperson of the World Intellectual Property Organization (WIPO) Advisory Board of Judges, reflecting her growing influence in the international intellectual property community.

During her acceptance address, Justice Singh described the induction as a defining moment in her professional journey. She acknowledged that many of the Hall of Fame's previous inductees including renowned IP scholars J. Thomas McCarthy, Melville Nimmer, and Paul Goldstein had greatly influenced her understanding of intellectual property law throughout her legal career.

Highlighting India's rapid progress in innovation, Justice Singh noted the country's remarkable growth in intellectual property filings, observing that more than 150,000 patent applications were filed in India during the past year. She also emphasised the establishment of specialised Intellectual Property Divisions (IPDs) and dedicated IP Benches across various High Courts, developments that have substantially strengthened India's capacity to adjudicate complex IP disputes efficiently.

Justice Singh further observed that India has emerged as an increasingly important jurisdiction for the resolution of sophisticated intellectual property disputes, particularly those involving **Standard Essential Patents (SEPs)** and technology licensing. She remarked that her induction reflects not only her personal journey but also India's growing prominence and credibility in the global intellectual property landscape.

Dedicating the honour to her family, colleagues, the Delhi High Court, and the nation, Justice Singh described the recognition as a testament to India's expanding role in shaping global intellectual property jurisprudence.

Her induction into the **International IP Hall** of Fame represents a significant milestone for the Indian judiciary and the country's intellectual property ecosystem. It underscores the increasing

global recognition of India's contributions to IP law and reinforces the nation's emergence as a key jurisdiction for innovation, technology, and intellectual property adjudication.

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Delhi High Court Affirms Rejection Of Asthma Herbal Composition Patent

The Delhi High Court has upheld the rejection of a patent application relating to a six-herb formulation intended for the treatment of asthma, reaffirming that approval under the **Biological Diversity Act, 2002** does not influence the assessment of patentability under the **Patents Act, 1970.**

In **Shaafi Naturcure LLP v. Assistant Controller of Patents & Designs,** decided on 22 June 2026, the Court dismissed the appeal against the Patent Office's refusal of Indian Patent Application No. 201911048481 titled "A Herbal Powder Composition for the Treatment of Asthma." The application covered a formulation comprising six indigenous medicinal plants—Tephrosia purpurea, Cuscuta reflexa, Morinda citrifolia, Terminalia arjuna, Piper longum, and Piper nigrum—claimed to provide therapeutic benefits in asthma management.

The Court held that the claimed invention failed to satisfy the requirements of an "invention" and "inventive step" under Sections 2(1)(j) and 2(1)(ja) of the Patents Act. It observed that prior art had already disclosed the medicinal use of the individual herbal ingredients for asthma or related respiratory disorders, while the patent specification did not adequately establish that combining the six herbs resulted in any unexpected technical advantage or synergistic effect.

Further, the Court agreed with the Patent Office that the application was barred under Section 3(p), which excludes from patentability inventions that merely represent an aggregation or duplication of known properties of traditionally used components. Referring to the Traditional Knowledge Guidelines, the Court noted that simply combining herbs already known for treating the same condition, or determining suitable proportions through routine experimentation, does not constitute a patentable invention.

The Bench also found deficiencies in the complete specification under Sections 10(4)(a) and 10(4)(b) of the Patents Act. It held that the application failed to fully and clearly describe the invention or disclose the best method of performing it. Notably, the specification did not include information regarding different variants of asthma or explain the significance of the claimed herb ratios and potential consequences of altering the formulation.

Rejecting the appellant's reliance on an affidavit submitted during prosecution, the Court reiterated the settled principle that post-filing evidence cannot be used to introduce or establish technical effects that are absent from the original patent specification. Citing AstraZeneca AB v. Alkem Laboratories Ltd., the Court clarified that such evidence may only corroborate technical effects already disclosed in the application, not create new grounds of patentability.

The Court also highlighted inconsistencies between the patent specification and the inventor's affidavit. Experimental data contained in the specification demonstrated therapeutic effects even with formulations containing fewer than six herbs, weakening the applicant's argument that the claimed six-component composition produced a unique synergistic benefit.

Addressing the appellant's reliance on approval obtained from the National Biodiversity Authority (NBA), the Court clarified that the NBA's role is limited to regulating access to biological resources under the Biological Diversity Act. Such approval neither examines nor determines whether an invention satisfies the patentability requirements prescribed under the Patents Act, making it irrelevant to the assessment of novelty, inventive step or statutory exclusions.

The judgment reinforces the principle that inventions based on traditional knowledge must demonstrate a clear technical advancement, unexpected synergistic effect, and full compliance with disclosure requirements to qualify for patent protection. It also underscores that regulatory approvals under statutes governing biological resources cannot substitute for the independent patentability assessment carried out under the Patents Act.

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Indian Drugmakers Prepare For The Next Major Biosimilar Opportunity As Keytruda Patents Near Expiry

Indian pharmaceutical companies are intensifying efforts to develop biosimilar versions of **Merck's blockbuster immunotherapy, Keytruda (pembrolizumab)**, as the drug approaches the end of its patent exclusivity in several key markets. The impending patent expiries are opening the door to what industry experts consider one of the largest biosimilar opportunities in the global oncology landscape.

Several leading Indian biopharmaceutical companies, including **Biocon, Zydus Lifesciences and Dr. Reddy's Laboratories**, are among the frontrunners preparing to enter this highly competitive segment. Their investments in biologics manufacturing, clinical development and regulatory capabilities reflect the growing strategic importance of biosimilars within their long-term growth plans.

Keytruda has transformed the treatment of multiple cancers, including melanoma, lung cancer, head and neck cancer, renal cell carcinoma and several other solid tumours. As one of the world's highest-selling medicines, the therapy has generated billions of dollars in annual global revenue, making its eventual biosimilar market particularly attractive for manufacturers worldwide.

The biosimilar landscape is also being shaped by evolving regulatory frameworks that are helping simplify development pathways while maintaining stringent standards for quality, safety and efficacy. These regulatory advancements are expected to reduce development timelines and costs, enabling manufacturers to bring high-quality biosimilars to market more efficiently.

The availability of more affordable biosimilar alternatives has the potential to significantly improve patient access to advanced cancer immunotherapies, particularly in price-sensitive healthcare systems. Reduced treatment costs could allow physicians to prescribe pembrolizumab earlier in the course of disease management and extend its benefits to a larger patient population that may previously have faced affordability barriers.

As competition intensifies ahead of the patent expiry, Indian pharmaceutical companies are expected to play a pivotal role in the global biosimilars market. Their established expertise in complex biologics development, combined with cost-efficient manufacturing capabilities, positions them strongly to capture a meaningful share of this high-value oncology segment. The coming years are likely to witness increased investment, strategic partnerships and accelerated product development as companies race to secure an early foothold in the post-patent Keytruda market.

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Jagannath Temple Secures Landmark Trademark Protection For Its Sacred Identity

In a significant development for the protection of India's cultural and religious heritage through intellectual property law, the **Shree Jagannath Temple Administration (SJTA), Puri**, has secured trademark registration for the temple's sacred identifiers under the **Trade Marks Act, 1999**. The registration represents a notable step towards safeguarding the temple's identity against unauthorized commercial exploitation and misuse.

The trademark protection covers key identifiers associated with the Jagannath Temple, enabling the SJTA to regulate their commercial use and prevent unauthorized reproduction on merchandise, promotional materials, and other commercial offerings. By securing exclusive legal rights over these identifiers, the temple administration aims to preserve the authenticity, reputation, and sanctity of one of India's most revered religious institutions.

The registration reflects the expanding role of intellectual property rights in protecting not only commercial brands but also institutions of historical, cultural, and spiritual significance. While trademarks have traditionally been associated with businesses, they are increasingly being recognised as effective tools for safeguarding institutional goodwill, preventing consumer confusion, and curbing the unauthorised use of distinctive names, symbols, and emblems.

For the Jagannath Temple, whose annual **Rath Yatra** attracts millions of devotees from across the globe, trademark protection assumes particular importance in an era of increasing commercialisation of religious symbols and cultural heritage. The registration empowers the temple administration to initiate legal action against infringing parties and ensures that the temple's sacred identity is not diluted through unauthorised commercial use.

Beyond its immediate legal significance, the development is expected to encourage other religious and heritage institutions to consider intellectual property protection as part of their broader heritage preservation strategy. As cultural assets increasingly intersect with tourism, digital platforms, merchandising, and branding, trademarks offer an important legal framework for maintaining authenticity while preventing misuse.

The Jagannath Temple's trademark registration underscores the growing recognition that intellectual property law can serve as an effective instrument for preserving cultural identity alongside protecting commercial interests. By securing legal protection for its sacred identifiers, the temple administration has taken a proactive step towards ensuring that its religious and cultural legacy remains protected for future generations.

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JIO PLATFORMS BREAKS INTO WIPO'S GLOBAL TOP 20 PCT APPLICANTS

In a significant milestone for India's innovation ecosystem, **Jio Platforms Limited (JPL)** has entered the **Top 20 global applicants** in the **World Intellectual Property Organization's (WIPO) Patent Cooperation Treaty (PCT) rankings** for 2025. The achievement marks one of the most notable rises by an Indian technology company in the global patent landscape, with Jio climbing an impressive **320 positions** to secure the **20th spot** among the world's leading innovators.

The PCT rankings, published annually by WIPO, recognise organisations based on the number of international patent applications filed through the Patent Cooperation Treaty system. Jio's inclusion places it alongside global technology leaders such as Huawei, Samsung, Qualcomm, LG, Panasonic, Nokia, Google, Apple and Microsoft, making it the **only Indian technology company** to feature in the coveted top 20 list.

The company's rapidly expanding patent portfolio reflects its strategic focus on next-generation digital technologies. Its filings span a broad spectrum of innovations, including **5G and 5G-Advanced technologies, 6G research, artificial intelligence (AI), AI-native telecommunications networks, cloud-native platforms, intelligent automation, radio access technologies, core network software, edge computing, fixed wireless access, network slicing, and digital services infrastructure.**

As of **31 March 2026**, Jio Platforms had filed **6,817 patent applications** globally, comprising **2,393 filings in India** and **4,424 applications across international jurisdictions.** The company has also secured **1,009 granted patents**, including **538 patents in India** and **471 overseas**, demonstrating the increasing maturity of its research and development capabilities.

Commenting on the achievement, **Akash Ambani, Managing Director of Jio Platforms**, stated that the company's entry into the global top 20 reflects years of sustained investment in research, innovation, and deep technology. He noted that the recognition underscores Jio's transformation into a technology-led enterprise and aligns with India's broader ambition of becoming a global hub for indigenous technology development and innovation.

Notably, Jio's rise in the rankings comes during a year in which **global PCT filings witnessed less than one per cent growth**, highlighting the company's exceptional pace of innovation relative to international trends. The achievement reinforces the growing prominence of Indian enterprises in the global intellectual property landscape and demonstrates how strategic investments in R&D and patent generation are enabling Indian companies to compete with some of the world's most established technology innovators.

Jio Platforms' performance in the latest WIPO rankings is expected to further strengthen India's position as an emerging source of high-value technological innovation and highlights the increasingly important role of intellectual property in driving competitiveness in the digital economy.

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Delhi High Court Clarifies Trademark Priority For 'Proposed-To-Be-Used' Marks

In a significant ruling on trademark priority, the Delhi High Court has reaffirmed that where competing trademark applications are filed on a **"proposed-to-be-used"** basis, the applicant who files first enjoys priority over a subsequent applicant, even if the latter commences commercial use of the mark earlier.

The decision came in ***Parle Products Private Limited v. The Registrar of Trade Marks & Anr.***, where the Court dismissed Parle Products' appeal challenging the registration of the trademark **"20-20"** in favour of Avon Agro Industries. The judgment provides important guidance on the interplay between the **"first-to-file"** and **"first-to-use"** principles under the **Trade Marks Act, 1999**, particularly in cases involving marks that have not been used at the time of filing.

Background of the Dispute

Avon Agro Industries filed an application for registration of the trademark **"20-20"** on **27 September 2007** on a proposed-to-be-used basis. Seven days later, **Parle Products** filed a similar application for the identical mark, also claiming a proposed-to-be-used status. Although Parle subsequently launched products under the "20-20" brand and obtained registration before Avon, it opposed Avon's application when it was advertised for registration.

The Trade Marks Registry rejected Parle's opposition, holding that Avon, having filed its application earlier, was the prior adopter of the mark. Parle challenged this decision before the Delhi High Court.

Arguments before the Court

Parle contended that it had commercially launched products bearing the "20-20" mark between 2007 and 2008 and had continuously used the mark thereafter. It argued that Indian trademark law accords priority to the **first user in the marketplace**, rather than the party who merely files an application first. Parle also questioned Avon's bona fide intention to use the mark, contending that prolonged non-use amounted to abandonment.

Avon, on the other hand, maintained that both parties had filed their applications on a proposed-to-be-used basis, making the date of filing the determining factor. It argued that Parle had filed its application despite being aware of Avon's earlier filing, as reflected in the examination report issued by the Trade Marks Registry. Avon further submitted that subsequent commercial use by Parle could not override its earlier statutory claim arising from its prior application.

Court's Findings

The High Court observed that neither party had commenced use of the trademark before filing their respective applications. In such circumstances, the Court held that the priority of rights must be determined by the **date of filing** rather than subsequent commercial use.

Relying on established judicial precedents and Section 18 of the Trade Marks Act, the Court held that where competing applications are filed on a proposed-to-be-used basis, the earlier applicant acquires superior rights. The Court further clarified that commencement of use after filing, but before registration, does not create any preferential right over an applicant who had filed earlier.

Accordingly, the Court dismissed Parle's appeal and upheld the validity of Avon's trademark registration.

Key Takeaways

The judgment reinforces an important distinction within Indian trademark law. While the **first-to-use** doctrine continues to remain a cornerstone of trademark protection where prior commercial use exists, the principle operates differently when competing parties have **not commenced use** before filing. In such cases, the **first-to-file** principle assumes greater significance, and the earlier applicant is entitled to priority.

The ruling also highlights the practical importance of filing trademark applications at the earliest opportunity. Businesses should not defer registration while preparing for product launches, as even a brief delay in filing may have lasting consequences where competing applications are made on a proposed-to-be-used basis.

Additionally, the case draws attention to the need for greater efficiency in trademark examination. The dispute arose despite the applications being filed only a week apart, yet the registration process extended over **17 years** before reaching judicial resolution. Timely examination and disposal of trademark applications would not only enhance legal certainty but also reduce avoidable litigation and strengthen confidence in India's trademark registration system.

The decision serves as a valuable reminder that an effective trademark strategy requires both early filing and consistent brand protection measures. While commercial use remains fundamental to trademark law, statutory rights acquired through prompt registration can prove decisive where competing claims arise before a mark enters the marketplace.

PATENT CLIFF: THE WAVE THAT WILL RESHAPE THE ENTIRE CROP PROTECTION INDUSTRY

The crop protection industry is heading into a major shift driven by an upcoming **patent cliff between 2026-2028**, where many high-value agrochemical products will lose exclusivity. This is expected to increase generic competition, lower prices, and significantly challenge the traditional business model of multinational companies that depended on patented molecules for long-term profits.

At the same time, rising R&D costs, long development timelines, and fewer successful new molecule launches are making the old innovation model less sustainable. In response, companies are restructuring through IPOs, spin-offs, and strategic realignments, while increasingly investing in AI-based discovery, biological solutions, and open innovation partnerships.

China is expected to expand its role in generics but faces overcapacity and pricing pressure, while India is emerging with a hybrid approach combining generics and innovation. Overall, the industry is transitioning from a patent-driven system to a more competitive, diversified, and technology-led ecosystem.