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AUGMENTING HUMAN CAPITAL & INSTITUTIONS FOR INTELLECTUAL PROPERTY





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Chairman, FICCI IPR Committee & Former Deputy Director General, WIPO

In a technology-driven era, the economic well-being for any country aspiring to grow rapidly over a long period can only come from innovation and creativity. As the global economy becomes more innovation-driven powered by knowledge, creativity and technology and supported by IP and IPR protection, measures to catalyse human resource development and build human capital in intellectual property become crucial. With India rightly identifying innovation as a key priority, the ongoing efforts must be stepped up to increasingly equip individuals and institutions with the skills, knowledge and resources necessary to develop, protect and commercialize IP.

The development of human capital in the field of IP is an integral component of strengthening the IP ecosystem in India. The development and management of IP require a skilled workforce that can foster the creation, protection and utilisation of IP assets. Human capital in IP is essential in identifying and developing new ideas, inventions, and creative works, converting them into tangible goods and services and protecting their legal rights against violations and infringements. Despite India's significant progress in the field of IP and innovation in recent years, India needs a growing pool of IP professionals and experts in industry, academia, legal practitioners, judiciary and civil society that can accelerate the generation of IP assets and efficiently utilize these to harness the country's full potential of IPRs for economic growth.

In this context, it would be relevant to refer to Objective 7 of the National IPR Policy, May 2016, namely, to strengthen and expand human resources, institutions and capacities for teaching, training, research and skill building in IP. The policy enumerates a number of steps to be taken to attain this objective, which include, 'strengthening RGNIPM, Nagpur to conduct training for IP administrators and other stakeholders; energizing IP Chairs in educational institutes of higher learning; introducing IP courses/modules in major national academies and making IP a compulsory subject in all legal educational institutions and specialized apex institutions; creating of IPR cells in major professional institutes; formulating institutional IP Policy/Strategy in Government Departments, higher education, research and technical institutions; developing distance

learning and on-line courses on IP; and collaborating with international organizations and reputed universities for IP research and training'.

While there has been a good progress on implementing many recommendations of the Policy, the important and futuristic recognition of the need for the government to establish a national level Institute of Excellence to provide thought leadership in IP remains to be seriously considered. Additionally, this institute would 'conduct policy and empirical research; examine trends and developments in the field of IP at the national and international level; support the government in strategic development of IP systems and international negotiations; establish links with similar institutes and experts in other countries for exchange of ideas, information and best practices; and suggest approaches and guidelines for interdisciplinary human capital development'. While apex level institutes or bodies exist for most sectors of national importance, such an institution has yet to be established for IP development. The closest announcement in this respect is contained in the Budget Speech of Honourable Finance Minister in the budget of 2020-2021, when the FM announced that '... in an Institute of Excellence, a Centre would be established that would work on the complexity and innovation in the field of Intellectual Property'. Evidently, creating an autonomous Institute of Excellence for IP, preferably in collaboration with Indian industry, should not be delayed any further.

As I mentioned, there have been many positive steps taken by Government of India for creating and expanding the pool of IP professionals that deserve a mention. These include strengthening of the IP Chairs in educational institutes to facilitate quality teaching and research; introduction of multi-disciplinary IP courses in major training institutes like the national academies for judiciary, administrative services, police, customs, foreign services; making IPR an integral part of curriculums for legal, technical, medical, management, agricultural, skill development institutions; empowering RGNIPM-Nagpur to train IPR administrators, managers, academicians, R&D institutions; creation of technology development units in institutions of designs, agriculture, management, and so on.

Further, IP teaching has been progressively introduced in schools, colleges and skill development institutions. Govt. departments & institutions of higher education, research, etc. are being encouraged to formulate IP policies and strategies. UGC also is promoting innovation by supporting researchers/innovators through IP Cells/Innovation Councils that promote innovation and entrepreneurship among students; Faculty Development Programs that enhance understanding of IPR in research and innovation, and the National Innovation Foundation that promotes grassroots innovation and supports innovators, including to file and commercialize patents.

The Indian Patent Office backed by investments in human resources has increased staff strength and regular training of its officers has significantly improved efficiency in processing patent applications, bringing pendency down from nine years in 2015 to between four and five years in 2020-21. Pendency in Trademarks has come down drastically and there is no backlog in Copyright area. CIPAM, under the aegis of DPIIT, has been

doing an excellent job in creating awareness about IPRs among stakeholders through capacity building programs and seminars countrywide on different aspects of IPR, and several online platforms and e-learning courses.

Several other ministries have also taken initiatives in the IP field. Department of Science & Technology, for instance, has established several IPR promoting institutions e.g., the Patent Facilitation Centre and the Technology Development Board that provide support to inventors/entrepreneurs in filing patents, conduct workshops, fund R&D projects and help acquire IPRs, besides collaborating with international bodies like WIPO to facilitate IPR protection & management. CSIR, India's premier R&D organization, has a dedicated IP management division that handles its innovations besides commercializing/licensing in-house technologies. They have filed over 13,000 patents in India and abroad, which is one of the highest number of patents filed by any Indian organization. It also has a dedicated patent information centre providing services to inventors, researchers and industry partners. Further, CSIR has been working closely with government agencies to develop policies & programs that promote IPR awareness and protection. Similarly, Ministry of Education has set up several centres of prominence for IP education & research, including at IIT Kharagpur, the National Law School of India University and RGNNIPM that provide IP education and training to students, researchers, and professionals.

These measures are certainly bolstering India's IP ecosystem and will be crucial in promoting innovation, technology transfer and economic growth. More such initiatives should be rolled out especially targeted at the youth, start-ups, MSMEs, women, informal sector, members of the rural and marginalised communities. The Union Budget of 2023-24, where allocation for the IP ecosystem was up by 15% to Rs 329 crore, rightly addresses the need for increased support to these key socio-economic groups.

It is gratifying to note that India has further consolidated its innovation and IP ecosystems as it climbs up the Global Innovation Index to be placed 40th in WIPO's latest rankings. Notably, for the first time India's domestic patent filings surpassed foreign filing, while filings by startups have also seen a substantial rise. Indeed, the Government's sustained efforts at building innovation aiding institutions and infrastructures

supported by policies and programs are helping to facilitate the process, enabling India to emerge as a global innovation hub. These developments have also come through owing to the sustained nationwide awareness drives, training and capacity building exercises, the focus on building human resources and other initiatives. These efforts need to be continued.

Additionally, India must increasingly leverage the significant pool of talented and qualified individuals both within the country as well as the diaspora to ramp up its innovation agenda. Opportunities to collaborate with international bodies and other countries to learn from their experience in building national capacities in the IPR field should also be explored.

FICCI, besides its varied activities on encouraging protection and enforcement of IPRs, has been working closely with industry and government departments to build IP capacities among stakeholders through extensive training and capacity building exercises for industry, law enforcement agencies, the judiciary as well as for the youth and general public. Since 2012, FICCI has also been running an IP Education Centre that imparts quality education through 4 courses on general and specialised IP subjects, including instructions by industry leaders and domain experts from top institutions. The courses, pursued by students from all disciplines, lawyers, IP professionals and government officials, have so far trained over 6000 candidates. FICCI will continue to pursue opportunities to further develop and strengthen human resources and institutions in IPRs.

It is gratifying to witness an ever increasing pool of IP attorneys, professionals, researchers, patent agents, judges, enforcement agencies, scientists, industry representatives, policy makers and negotiators being created to strengthen and widen the IP ecosystem in India. This momentum in building human capital in IP must be maintained to provide a boost to Make in India and Atma Nirbhar Bharat.

I wish all those engaged in this laudable endeavor much success ahead.

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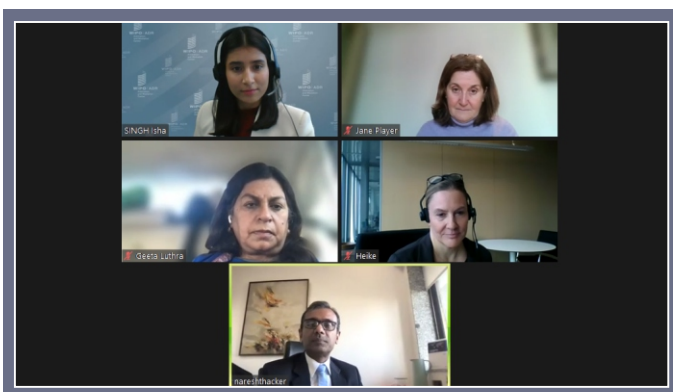


Webinar on Resolving IP & Commercial Disputes through Mediation and Arbitration

8 February, 2023

Alternative dispute resolution (ADR) refers to the different ways of resolving disputes without a court trial. ADR, especially arbitration and mediation, are now being increasingly favoured over litigation for resolution of IP infringement and other commercial disputes as it is less costly and time consuming, of higher quality, more private and flexible. In India too, due to the lengthy pendency of civil lawsuits in courts, arbitration is a well-recognized alternative to resolving business disputes where parties can exercise substantial autonomy and control over the process.

To discuss the various ADR options available for domestic or international commercial disputes and aspects like arbitration proceedings and agreements; practical issues about claims, defence statements and counterclaims etc., FICCI collaborated with WIPO and ICA to organize a webinar on “Resolving IP and Commercial Disputes through Arbitration & Mediation” on 8 February 2022. Several eminent dispute-resolution experts from India and overseas addressed the participants that included representatives of the legal fraternity arbitration, business leaders and other stakeholders.



Ms. Heike Wollgast, Head of WIPO Center, said that arbitration was a consensual and neutral process between parties, and a confidential procedure where the arbitral tribunal's decision was final and easy to enforce. She also described the WIPO Center's role in resolution of IP disputes, and how it helped parties to submit disputes to the WIPO procedures, in selecting mediators/arbitrators and in liaising among the stakeholders to ensure optimal communication and procedural efficiency. Further, she spoke about WIPO-eADR, an online case management tool that facilitated conduct of cases under WIPO Rules and enabled parties in the proceedings to share/access case-related information through a single and secure portal.

Mr. Naresh Thacker, Partner, Economic Laws Practice, speaking on the arbitrability of IP said though most such disputes were amenable to arbitration, not every dispute on the IP validity or ownership were arbitrable. Also, while patents could be arbitrable, the underlying pattern of novelty, non-obviousness etc. may not be. Arbitration had several advantages e.g., being simple, informal, efficient, flexible, confidential, expeditious

and the ability to opt for tribunals that were adept at specialised subjects like IP, though there were concerns as well like arbitrator neutrality, ground for challenge and subsequent relief. He suggested that Indian courts should adopt a wider and pro-arbitration approach to help facilitate foreign investments and globalisation.

Ms. Geeta Luthra, Senior Advocate, Supreme Court of India & Vice President, ICA, elaborated on the advantages of mediation and arbitration in the resolution of commercial disputes, including how various other countries were looking at ADR as a medium to resolve IP and commercial cases. She also provided her views on the arbitrability of IP cases, adding that resolution through ADR was possible if the dispute in question was not affecting the rights of a third party and in this context referred to the case of Vidya Drolia vs Durga Trading Corporation where it was felt that adjudication through the ADR route would not be appropriate and enforceable.

Ms. Jane Player, Commercial Mediator, Independent Mediators of London, said that though globally very few IP disputes were going into arbitration it was important to understand that ADR was not a substitute but rather an expeditious and economical process that complimented the redressals of disputes concerning IP. She added that many large corporations with vast IP rights were now looking at mediations as a way to generate more creative outcomes and values out of their IP portfolios and were engaging in ADR and mediation to turn a business threat to a commercial opportunity. Lawyers advising clients, therefore, need to adapt their counselling accordingly and find innovative and interest-based solutions to effectively manage IP cases and prevent other expensive disputes.

FICCI IP Conclave and IPTSE Awards

19 January 2022, Federation House, New Delhi

Intellectual property rights protect innovations and crucial inventions arising from research activities which, in turn, form the core of a knowledge-based economy. With over half of India's population below the age of 30, the early education of youngsters on the importance of IP for a modern economy can help build a sustainable future, where awareness on and respect for IP rights would drive innovation and creativity in the country.

FICCI organized the 5th edition of the 'IP Conclave and IPTSE Awards' on 19 January 2023 in New Delhi, in association with CIPAM, Govt. of India and IPE Academy. The youth-focused event brought together senior government representatives, industry stalwarts and academia to deliberate on creating a conducive IP regime in India that promotes inventive endeavours, especially among youngsters, that ensures an ecosystem of fair and equitable rewards, enabling continuous research and innovation.

Mr. Som Parkash, Minister of State for Commerce and Industry, Chief Guest on the occasion, noted that IPR was a fast-emerging area in India due to its globalizing economy and the extensive research activities. With the economy on a healthy growth path, efforts made by the Government to modernize India's IP infrastructure and to create awareness on its importance among industry professionals and the general public, are

showing the desired results. He also welcomed the growing interest of youngsters from schools and universities in IPR and related fields which would be a crucial element for success of all future businesses including start-ups. Adding that the National IPR Policy sets the desired roadmap for India, he said that DPIIT was mandated to coordinate implementation of initiatives such as 'Start-up India' with other ministries and govt. departments dealing with Science & Technology, Biotechnology, Labor & Employment, Corporate Affairs and NITI Aayog.



Mr. B B Swain, Secretary, Ministry of Micro, Small & Medium Enterprises, informed that an important task of his Ministry was to protect innovative ideas through the IPR provisions to help the MSME sector progress further. MSMEs in India were the driving force behind a large number of innovations, besides contributing massively to the economy by creating jobs, investments and exports. Emphasizing that innovation was the key driving force for India's competitiveness and its economic future, he informed that the Ministry had set-up 88 Intellectual Property Facilitation Centers (IPFCs) in the country that were focused on IPR awareness promotion and adoption of IP practices by small and medium business, besides making high-quality IP services and resources accessible to the MSME sector.

Justice Pratibha M Singh, Judge, Delhi High Court, while felicitating the IPTSE Award winners, welcomed the efforts of policy makers in creating an effective IPR ecosystem which was leading to the sector seeing significant importance as well as growth as reflected by way of the legislative reforms, the rising IP filings, the country's improved rankings in IP and innovation indices, among others. Further, India's courts and the judicial system were increasingly being geared up, with Delhi High Court dedicating three judges for IP cases. She added that with IP gaining prominence globally, students now had excellent professional opportunities in areas like IP valuation, economics of brands, IP-backed financing, among other careers.

Mr Arun Chawla, Director General, FICCI, in his welcome remarks, said that the youth in India must increasingly understand the benefits of IPR in safeguarding their creation, the competitive edge that it provided and its key role in nation-building. Observing that the National IPR Policy rightly emphasized the need to encourage and incentivize IP generation among students at all levels, he welcomed the many ongoing Government initiatives to create awareness and appreciation of IP among the youth and other stakeholders, adding that FICCI frequently conducted such awareness campaigns for educational institutions across the country

Training Session on Legal Compliances and IP for Women-led Start-ups

16 December, 2022

With the vision of empowering women at every level of the economy and enterprise, FICCI and FICCI Ladies Organization initiated a mega mission called 'Empowering the Greater 50%' in June 2020. Launched by Ms. Smriti Irani, Minister of Women and Child Development, on 19 June 2020, this initiative is designed to 'Support, Empower and Inspire Women' in all walks of life to step forward and be the best forms of themselves. The mission, chaired by Dr Sangita Reddy, Past President, FICCI and Joint MD, Apollo Hospitals and Co-chaired by Ms. Harjinder Kaur, Past President, FICCI Ladies organization and MD & CEO, Comvission India, lays special emphasis on enhancing the entrepreneurial and decision-making skills of women through various offerings including Mentorship programmes.

Under the aegis of this mega women empowerment mission, FICCI has been partnering with We HUB, a state-government led entity in Telangana and organising a series of mentorship programmes titled 'WE SPARK' for aspirational and existing women entrepreneurs based on a 12-week training curriculum, which helps them to start, sustain and scale their businesses.



Dr. Hemang Shah, India Engineering Lead, Qualcomm India and Member, FICCI IPR Committee, conducted this session as an industry expert and spoke about the importance of IPR as a business strategy for start-ups. Dr. Shah elaborated on how a robust IP portfolio helped the innovations of Indian start-up in numerous ways as they prepared to scale up, including in protection against infringement, building brand value, and commercialization, emphasizing that since the market for Indian startups was global, their IP filing must capture the markets of interest. He also shared helpful resources to startups including on the Startup IP policy incentives and the 'L2Pro India' platform, an IP e-learning course developed by DPIIT, NLU Delhi, and Qualcomm. Over 50 women entrepreneurs participated in the event.

Meeting with Danish Patent and Trademark Office (DKPTO)

15 November 2022, Federation House, New Delhi

India and Denmark have developed strong commercial ties with over 200 Danish companies present in India and more than 60 Indian enterprises operating in Denmark. Of late, the relationship has broadened considerably, especially in sustainable development following the Green Strategic Partnership established during the September 2020 Summit. With IP forming a key element in this evolving partnership, it is imperative that Indian enterprises become aware of its role in

these alliances, besides exploring potential joint opportunities. India can also benefit from the substantial Danish experience in protecting and enforcing IPR, and their expertise in IP valuation and commercialization.



On 15 November 2022, FICCI organized a meeting with a delegation of Danish Patent & Trademark Office (DKPTO) and officials of the Danish Embassy, in New Delhi. The DKPTO officials comprised of Mr. John Jensen, Deputy DG, Mr. Michael Poulsen, Head, International Projects and Ms. Tina Poulsen, Country Coordinator for India, besides Dr. Louise Boisen, IPR Counsellor, Embassy of Denmark.

The discussions in the meeting were primarily on the possibilities of conducting joint FICCI-DKPTO programs on IPR on subjects like IP valuation and commercialisation where Danish industry had immense experience, and in capacity building and awareness activities for enforcement agencies and industry stakeholders. With Denmark ranking consistently among the world's top innovative economies, the exchanges provided important insights on Danish IP and innovation techniques, the strategic use IP system by businesses, the support measures that promote and help adopt innovative technologies and validating commercializable inventions. The prospects of organising programs under the Indo-Danish Green Strategic Partnership, in collaboration with Govt. departments, were also discussed.

Experts Meeting on Trade Secrets

18 November, 2022

While information is an asset for any business, trade secrets are often crucial for a company's survival. These include formulae, strategies, designs, client database or any information that is confidential in nature and needs to be kept a secret. However, unlike other IP assets such as patents, trademarks etc, India currently does not have any legislation for trade secrets and these rights are enforced through contract law, principles of equity or by common law action for breach of confidential information which is leading to uncertainty and adversely affecting the image of India's ecosystem for safeguarding trade secret rights. This is a key challenge that Indian industry faces when it comes to technology transfers especially through FDI as foreign companies become sceptical about working their trade secrets in India. Notably, India's IPR Policy as well as the Parliamentary Committee Report 2021 endorse a separate legislation for

securing trade secrets to make India an attractive global investment destination.

A meeting of the FICCI Expert Group on Trade Secrets was organised on 18 November 2022. The objective was to examine the statutes adopted by various countries in this area and propose a possible way forward for India by way of a 'White Paper on Trade Secrets' with recommendations on the broad contours of the kind of trade secret law that India should have and present the report to the Govt. for its consideration. The Expert Group, comprising senior IP leadership from across sectors including Ms. Viji Malkani, HUL; Ms. Chitra Iyer, Philips IP & Standards; Mr. Vivek Kashyap, Roche India; Ms. Sheetal Chopra, Ericsson; Mr. Faiz Rahman, Infosys; Ms. Dhvani Rao, Nestle; Mr. Ravi Bhola, K&S Partners, deliberated on the way trade secrets were regulated, protected and enforced in various global jurisdictions, the allied laws and exemptions, licensing processes, the advantages these rights provided to businesses, issues around the start-up ecosystem, besides eliciting suggestions on creating a strong trade secret regime in India.



Stakeholder Consultation with Mr. Anurag Jain, Secretary, DPIIT

3 November 2022, New Delhi

FICCI participated in a DPIIT stakeholder consultation, chaired by Mr. Anurag Jain, Secretary, DPIIT, on 3 November 2022 at Vanijya Bhawan, New Delhi. Initiating the meeting, Mr. Jain informed that the objective was to invite industry suggestions on the need to streamline IP registration processes in keeping with the National IPR policy objectives, and to reduce pendency across all IPR segments. The intent, he said, was to further strengthen the overall IP ecosystem, besides facilitating ease of doing business and creating a robust enforcement mechanism for IPR protection in the country.

During the interaction, FICCI's views were presented by several members of its IPR Committee, including Ms. Viji Malkani, Senior IP Counsel, HUL, Ms. Sheetal Chopra, India Lead-IPR Policy, Ericsson, Ms. Archana Shanker, Senior Partner, Anand & Anand, and Ms. Sunita K Sreedharan, CEO, SKS Law Associates. Senior Govt. officials present in the meeting were Ms. Shruti Singh, Joint Secretary, DPIIT; Mr. Karan Thapar, Director DPIIT, Mr. Sachin Dhaniala, Deputy Secretary, DPIIT, and several representatives of the Indian IP Office.

As suggested by DPIIT Secretary, FICCI subsequently submitted its recommendations on the subject for Government's consideration, which were based on inputs received from various industry quarters. The key proposals included the need for complete digitization of all registration processes including office actions, the provision for multiple embodiments of the

same design, among others. The need for amending the Trade Marks Act in areas such as statutory provision for powers of police officer for search and seizure, timelines for determination of well-known Trade Marks and additional forum for enforcement against infringement were also underlined.



Academia-Industry Collaboration during COVID-19 guiding the Innovation Pathway



Dr. Kshitij Kumar Singh

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The COVID-19 pandemic witnessed collaboration between the university and industry on a rapid scale. It reflects that biomedical innovation grows in a university-industry-government complex, where intellectual property (IP) strategies and R&D initiatives play a critical role. Patents become one of the measures of academic progress that helps achieve research grants. However, how to make inventions workable or commercialise patents in academia has remained a challenging issue. Regular interaction between university and industry can do the due as industries are better acquainted with the market mechanics of transforming an invention into a usable product. Universities, on the other hand, provide the knowledge base for industries to advance the state of the art through innovations. The mutual realisation of their interdependence to grow together brought universities and industries closer to promote and nourish the academia-industry relationship. This collaboration can yield meaningful solutions if guided by an efficient policy framework.

Academia-Industry Collaboration in India

Despite having many universities and a reasonably high publication and citation index, India needs to catch up in University-Industry collaboration. However, there have been some significant improvements in recent years. The debate about regulating the university-industry relationship is entrenched between two continuums; to adopt a stringent law similar to the US Bayh-Dole Act or go for a more flexible policy framework. The Protection and Utilisation of Public Funded Intellectual Property Bill, 2008 was proposed but not passed due to numerous reasons, including that it may shift the focus of universities to industrial interests and change the nature of academic institutions to act like business entities; that it may curb the open and free sharing environment in academia by hampering basic science and promoting only applied research; and that the mandatory obligations under the Bill may dictate the terms with academics, curtailing their academic freedom and autonomy. Though many still believe that stringent legislation, such as the Bayh-Dole Act with mandatory provisions, may lead to the growth of university-industry collaboration. National IPR Policy 2016 defines the IP strategies, including the collaboration between academia and industry. The policy document emphasises creating “an industry-academia interface for encouraging cross-fertilisation of ideas and IPR-driven research and innovation in jointly identified areas”. The policy tries to fine-tune the balance between the creation of IP with the absorption of failure and the commercialisation of IP with a culture of open innovation.

Institutional IPR and R&D Policy and Share of Profit

Institutional IPR policy can play a vital role in promoting innovation, but it depends on institutional autonomy and the research and innovation ecosystem. Those universities or institutes that are better placed with infrastructure and investment may have an advantage compared to others. For example, in India, premier institutions such as IITs and the Indian Institute of Science are better equipped with the infrastructure with well-defined institutional IPR policies, earmarking the share of profits and credits of academics and researchers based on linear or non-linear models. However, if we are to promote inclusive innovation in academia, we need to increase the research base by outreaching every university. Technological solutions could be found by identifying area-specific problems, and both big and small academic institutions could do it. Though the National IPR Policy recommends “encourage researchers in public funded academic and R&D institutions by having uniform guidelines for division of royalties between the organisations and individual researchers and innovators”, it is yet to be achieved.

Within the university set-up, a bottom-up approach is needed to include all the stakeholders as participants, such as students, teachers and industry. A specific course for knowledge translation needs to be developed jointly by industry and university. Universities need to earmark the specifically dedicated workforce for all three stages, i.e., knowledge innovation stage, applied research stage and patent commercialisation stage and allocate dedicated funds for these stages. Academia needs to restructure the research and innovation ecosystem by conducting regular science, technology and IP audits; endorse industry-led PPP models to create additional funding mechanisms in relevant sectors. Big tech companies can contribute to providing fellowship through corporate social responsibility. Through non-exclusive licensing, private companies and academia can exchange their technology and know-how to develop crises critical products. COVID-19 pandemic has set many examples, and we need to nourish it.

Learnings from COVID-19 Pandemic

The interaction of academic institutes with local manufacturers helps provide valuable solutions to local problems. During COVID-19 pandemic, a collaboration of the Indian Institute of Science with local manufacturers resulted in providing oxygen cylinders. IITs are establishing world-class research parks, and the government has helped expand the number of such parks. Universities need to promote the creation of their startups and spinoffs and develop close ties with other startups through academia-industry collaboration. Various vaccines using different technologies became possible due to rapid collaboration with university researchers. During Covid-19 pandemic, a temporary waiver of IPR and open and non-exclusive licensing by different companies facilitated university-industry relationships to develop and distribute critical products. The critical solutions provided during COVID-19 pandemic are based on basic science; therefore, we need to

understand the importance of basic science, which should not be avoided while making university-industry relationships.

Conclusion

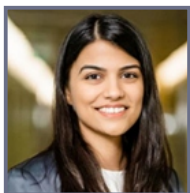
One of the main learnings from COVID-19 pandemic is recognising the value of collaborations in finding solutions for local, national and global problems. We need to recognise different incentive models suitable to a given situation by appreciating the value of open and collaborative innovation models. In promoting the academia-industry relationship, too

much concentration on generating revenue may be counterproductive. The larger goal should be to promote scientific and technological progress to yield pragmatic results to society, and to let science serve people and further public good. There is a need to improve mechanisms for researchers to access industry data in emergencies. If we are to be better prepared for future pandemics, we need a sustainable relationship between universities and industries in critical research areas.

Disclaimer: *This article contains the views of the author alone.*



Naked Licensing of Trademarks: Dos and Don'ts



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The advent of novel technologies has generated new branding avenues for companies. Some examples are the creation of branded digital stores in the metaverse, creation of a brand's NFTs and so on. In all such arrangements, the brand owner grants a license to the relevant third party to use their trademarks for the purpose of integration in the digital works. Brand licensing forms the cornerstone of several more commonly known business arrangements as well. The most common example of this is franchising arrangements wherein the franchisee adopts the trademarks of the franchisor.

In any such arrangement, wherein a third party is allowed to use a trademark by its registered proprietor, adequate quality control measures are essential. Quality control measures ensure that the brand is used in accordance with the expectation of the registered proprietor and only in relation to the goods and services in respect to which the mark is registered. Without quality control measures, the licensee is free to decide how to use the trademark. For instance, a metaverse platform which has been allowed to integrate the trademark "Gucci" onto their platform may choose to use it in relation to a store where users can purchase weapons. Such use may not only be against the brand values of a particular brand but may also result in loss of the distinctive value of the trademark.

Agreements which lack quality control measures to monitor and regulate the use of a trademark by a licensee are considered as naked licenses. In this article, we discuss the consequences of naked licensing and some key terms that agreements must have to ensure quality control.

Concept of Naked Licensing

Trademarks are commonly understood as source indicators of all goods and services. They help consumers in identifying and differentiating one good or service from others in the market. When purchasing goods or services that display a specific mark, the customers have faith that the business meets the standards associated with the mark or brand. For example, a person visiting Mc Donald's in Mumbai can expect the same quality of burgers when visiting Mc Donald's in Delhi.

When a trademark owner grants a license to a third-party allowing use of their mark, but the licensee uses the mark in a manner which is not consistent with the use of the trademark owner, the issue of naked licensing arises. A naked license poses the risk of causing confusion in the minds of the public regarding the source of the mark resulting in consumers dissociating the mark with the trademark owner. This results in the mark losing its distinctive value.

Legal Framework

The Trademarks Act, 1999 ("Act") recognizes that a person other than the registered proprietor of a trademark can use the trademark so long as such use is authorized. While the Act does not expressly state the term "naked licensing", it does have provisions which can be construed as quality control measures.

Section 49 of the Act deals with registration of a user as a registered user. A registered user is any entity permitted to use the trademarks by the registered proprietor. Section 49(1)(b)(i) mandates the inclusion of an affidavit describing the relationship between the registered proprietor and the proposed registered user including particulars showing the "degree of control" over the use of products or services by the registered proprietor. Further, Section 50(1)(d) of the Act stipulates that the registration of a person as registered user may be cancelled on the ground of non-compliance with the conditions set out in the trademark licensing agreement regarding the quality of goods and services in relation to which the trademark is being used.

Even with respect to unregistered trademarks, the Act provides that "permitted use" of a trademark by a person other than a registered user and the registered proprietor is use by a person with, inter alia, the consent of the registered proprietor in compliance of the conditions and limitations to which such person is subject to.²

Consequences of Naked Licensing

A major risk posed by naked licensing is the possible loss of distinctiveness of the mark. The Delhi High Court ("Court") in *Rob Mathys India Pvt. Ltd. v. Synthes Ag Chur*³ noted that conditions of control are adequate to maintain the connection in the course of trade between the proprietor of the trade mark and the goods in relation to which the trade mark is used by the licensee. The Court further noted that lack of adequate control or lessening of control over a period of time would be fatal to the distinctiveness of a trademark.

Loss of distinctiveness of a trademark is a ground for seeking cancellation of the trademark under the Act. Section 57 of the Act lists the grounds for rectification/cancellation of a trademark. One of the grounds is that the trademark is wrongly remaining on the register.⁴ Under this ground, cancellation can be sought on the ground that the mark is devoid of any distinctive character and hence, cannot remain registered as per Section 9 of the Act.⁵

Measures to prevent naked licensing

In order to prevent naked licensing, businesses should carefully examine and incorporate quality control measures similar to those listed below:

- Identification of the goods and services in relation to which the trademark can be used. There should be a prohibition on use of the mark in relation to any other goods and/or services;
- Strict quality control measures in relation to the quality of the goods and services being offered under the mark;
- Restriction on any unauthorized morphing, editing, modification and alteration of trademark;
- Reserving the right to audit the use of trademark and the quality of the goods and services offered under the trademark; and
- Restriction on adoption of the same/similar marks by the licensee during the subsistence of the license and after expiry;

Conclusion

Consumers associate with a brand based on the quality of goods and services provided by the brand. If the brand does not retain its distinctiveness, it leads to confusion in the minds of the consumer and loss of distinctive value. For this reason, licensors should carefully incorporate adequate controls in their licensing agreements to ensure their decades of hard work in building a brand does not go in vain.

Disclaimer: *This article contains the views of the authors alone.*

1. Section 48 of the Act

2. Section 2(1)(r)(ii) of the Act

3. 1997 (SUP) ARBLR 0218 DEL

4. Section 57(2) of the Act

5. *As per Section 9(1)(a) of the Act, trademarks which are devoid of any distinctive character, that is to say, not capable of distinguishing the goods or services of one person from those of another person should not be registered*



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BACKGROUND

- FICCI Launched its unique initiative - FICCI IP FORUM - in May 2020 to provide an interface for businesses to resolve their issues pertaining to intellectual property rights and also develop a pool of IP professionals whose knowledge and expertise will benefit the industry at large.

OBJECTIVE

- To create a consortium of legal professionals who are keen to support IP and encourage innovation, brand protection and creativity among various stakeholders.
- To strengthen the IP ecosystem in India and play an important and more comprehensive role in addressing existing and evolving issues in the area of IP in India.

BENEFITS

- Engagement in IP Policy Advocacy
- Networking through various FICCI national & international seminars/conferences
- Speaking/ participating opportunities in various FICCI Webinars
- Enhanced Visibility for forum members
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CONTACT

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FOR DETAILS



Visit our website www.ficciipcourse.in or write to us at ipcourse@ficci.com

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Union Budget 2023-24 Allocation for IPR ecosystem up by 15% to Rs 329 crore

The Union Budget of 2023-24 announced by Finance Minister Ms. Nirmala Sitharaman on February 01, 2023 has increased budget allocation for IPR ecosystem in India. Reportedly, the budgetary allocation for IPR ecosystem has been increased to Rs. 328.981 Crore, which stood at Rs. 285.41 Crore last year. The allocation of budget for the Copyright Office and Controller General of India of Patents, Designs and Trade Marks arose to Rs. 281.60 crore. The Budget for the Department of Promotion of Industry and Internal Trade (DPIIT) was increased by 22% from Rs. 6,725.01 Crore as in the revised estimate to Rs. 8,200.63 Crore.

The government's focus on strengthening the IPR ecosystem is seen as a positive step towards attracting foreign investment and promoting domestic innovation and entrepreneurship. It is hoped that the increased allocation will help address some of the challenges faced by the IPR ecosystem in India, such as the backlog of patent and trademark applications, and the low level of awareness and understanding of IP rights among the general public.

Source

<https://www.indiabudget.gov.in/doc/eb/sbe11.pdf>
<https://ssrana.in/articles/union-budget-2023-india/>

DPIIT Initiatives to speed up Patent Applications and Eliminate Pendency

DPIIT has taken various initiatives to expedite the process of patent applications and eliminate pendency, including manpower augmentation, setting up of feedback mechanism and appropriate legislative amendments. However, the most notable initiatives were implementation of WIPO IPCCAT to ease the process of international patent classification in India, adding of 500 extra positions other than the Patent Office's existing 936 officers. Further, permission for the hiring of 200 contractual workers has been granted to help the Patent officers expedite the review of applications. Also, a thorough e-filing system that is accessible 24/7 has been implemented to enable applicants located anywhere in India to submit their patent applications without the need to individually approach the Patent Office.

Source

<https://pib.gov.in/PressReleasePage.aspx?PRID=1884258>

The DABUS Patent Case: An Update

Stephen Thaler invented the AI machine known as 'Device for Autonomous Bootstrapping of Unified Sentience' (DABUS) to generate inventions. Thaler has filed international and national patent applications which mentioned DABUS as an inventor. His applications indeed challenge the orthodox practice or expectation that only humans can be named as inventors in a patent application. The Australian Patent Office refused to proceed with the application. Thaler appealed to the Federal Court and succeeded but was later rejected. The European Patent Office also rejected the applications, and the German Patent Office also ruled the same. The United States and the United Kingdom also refused to allow the application stating that the law requires the inventor to be a natural person and not an AI. It was only the South Africa IP office which granted the patent application.

Source

<https://www.ipstars.com/NewsAndAnalysis/The-latest-news-on-the-DABUS-patent-case/Index/7366>

Geographical Indications Registry Numbers

Any individual or business cannot sell an alike product under the same name after a product has a GI tag. This tag is effective for ten years, after which it can be reissued. The Government of India has brought an initiative that will offer financial support to qualified organisations for launching projects for the promotion of GIs, which intends to raise knowledge of the value of GIs and their exclusivity, promote already-registered Indian GIs, recognise prospective GIs, and persuade stakeholders to register them, this initiative is in accordance with the objective of the country's national IPR policy. The goal is to give GI stakeholders a variety of platforms, offering them several prospects for company growth and revenue creation.

As on 31 December 2022, a total 429 Geographical Indications (GIs) have been registered (List available at <https://ipindia.gov.in/registered-gis.htm>). In 2021-22, 116 applications for GIs were received and 50 applications were registered, while from 1 April to 31 December 2022, the GI Registry received 178 applications, 12 GIs were registered, and 46 GI Applications were advertised. Further, in the April 2021-March 2022 period, 574 GI Authorised User applications were received and 2201 GI Authorised User applications were registered, whereas during 1 April to 31 December 2022, the GI Registry received 7514 GI Authorised User applications, 5883 GI Authorised User applications were registered, and 7385 GI Applications were advertised.

Source

<https://dpiit.gov.in/annual-report/annual-report-year-2022-23>
<https://economictimes.indiatimes.com/news/economy/finance/govt-to-provide-financial-support-to-eligible-agencies-to-promote-gi/articleshow/98578844.cms>

Extension of SIPP Scheme

DPIIT through its SIPP Scheme (which commenced on 31-03-2017) announced its extension on 02.11.2022 for 3 years which, through the advice of IP Facilitators, assists start-ups in the filing and processing of their patent, design, or trademark application. After being implemented successfully and leading to a considerable rise in IP filings by start-ups, the Scheme was advanced for a further three years, ending on March 31, 2023. The scheme has recently been amended, and facilitation fees have been noticeably raised by at least 100%. This is done to further incentivize IP facilitators to offer start-ups high-quality solutions in order to boost the number of IP Applications filed by companies. The updated plan has taken effect from 2 November 2023.

Source

<https://www.pib.gov.in/PressReleasePage.aspx?PRID=1880465>

Delhi High Court Rejects Sci-Hub Founder's Application in Copyright Infringement Suit

The Delhi High Court dismissed the application of the inventor of Sci Hub's against publication companies action for copyright violation. Major publishing companies Elsevier, Wiley India, Wiley Periodicals, and the American Chemical Society brought the lawsuit against Sci Hub and Libgen, two online libraries. The websites, according to the publishers, engage in internet piracy by making their authors' work accessible to the audience for free. The court rejected the application of Alexander Elbakyan as unjustifiable and pointed out that Elbakyan, the creator of Sci-Hub, had explicitly acknowledged in her written statement that the publishing firms have copyright ownership of the literary works. In addition to this the high court pointed out that the publishers had provided 15 assignment agreements, which

represents as an example of the significant amount of agreements performed among the publisher and the authors and gave them the ownership to their literary works.

Source

<https://www.livelaw.in/news-updates/delhi-high-court-sci-hub-founder-application-rejection-of-plaint-publishers-copyright-infringement-suit-221693>

KFC has no exclusive trademark right over word 'Chicken': Delhi High Court

The Delhi High Court approved Kentucky Fried Chicken's (KFC) application to incorporate the term "Chicken Zinger" in Class 29 as a trademark. KFC does not have exclusive rights to the word "Chicken, and no such assertion has been presented. The Court further pointed out that KFC already held trademark registrations for other marks in the same class as the proposed "Chicken Zinger" trademark that contained the word "Zinger" (Class 29). The Trademark Registry is to review the application for "Chicken Zinger" in Class 29 after the High Court granted the appeal.

Source

<https://www.livelaw.in/news-updates/delhi-high-court-kfc-exclusive-right-trademark-registry-registration-chicken-zinger-mark-221656>

Lacoste files trademark applications to launch NFTs & virtual goods in Metaverse

In relation to non-fungible tokens and the metaverse, Lacoste, the French fashion business, has submitted five trademark applications for to the US Patent and Trademark Office. The company intends to release digital virtual goods including watches, jewellery, watches, sports equipment, mobile covers, and footwear. For application in the metaverse, the clothing line wants to release virtual and downloadable phone covers, jewellery, watches, and accessories, as well as leather products like luggage, wallets, sports bags, backpacks, and other items.

Source

<https://www.cryptotimes.io/lacoste-files-for-nft-metaverse-related-trademarks/>

Google LLC vs. Google Enterprises Pvt. Ltd.

1 March, 2023

The plaintiff is the registered owner of the trademark "GOOGLE" under Classes 16, 42, 35, and 9, which created and used the word "GOOGLE" as its company name and trademark in 1997. The plaintiff's mark "GOOGLE" was listed among the list of well-known trademarks and had gathered a high level of distinction. According to the records of the Registrar of Companies, Kanpur, Google Enterprises (P) Ltd. ("Google Enterprises"), Defendant 1, was incorporated under the corporate name "Google Enterprises Private Limited" and was active in the trade, consulting, and other related commercial operations. In August 2011, Google Enterprises submitted a trademark registration application for "GOOGLE ENTERPRISES" in Classes 35 and 42. The plaintiff issued a cease-and-desist letter in September 2011 after learning about 'Google Enterprises' business identity and the submission of trademark registration filings. Google Enterprise accepted to retract its trademark registration applications, but the company insisted on keeping the same business name.

The defendants were found guilty of passing off and infringement by the court. The plaintiff was awarded damages in the amount of Rs. 10 lakhs, which the defendants were ordered to pay. Additionally, the court ordered the defendants to handover any printed materials like brochures and stationery, carrying the mark or word "GOOGLE" to the plaintiff's authorised representative(s) for removal.

Source

<https://www.scconline.com/blog/post/2023/04/05/delhi-high-court-grants-permanent-injunction-to-google-llc-for-its-mark-google-and-awards-rs-10-lakhs-as-damages-in-a-trade-mark-infringement-case-legal-research-updates-news/>

Toyota Jidosha Kabushiki Kaisha vs. Tech Square Engineering Pvt. Ltd.

3 February, 2023

The dispute centres on the trademark ALPHARD which Tech Square filed for automobile equipment. In 2015, Tech Square submitted a request application for ALPHARD. In 2017, Toyota submitted an application to register the trademark "ALPHARD" in India. The Registrar denied the same on the grounds that it is substantially similar to Techsquare's trademark. The mark "Alphard" was, however, registered by Techsquare Engineering Pvt. Ltd. in 2015. The Court took note of the fact that although while the Petitioner initially used the mark ALPHARD worldwide in 1986 and has subsequently received some worldwide recognition in connection therewith, it only submitted an application for the mark's registration in India in 2017. Whereas the Respondent began using the mark in India in 2015 and registered the mark the same year, securing legal rights to the mark. Further, in order to get its trademark registered, Toyota had to demonstrate Alphard's goodwill abroad. The court on the basis of the evidence presented to it, rejected the application stating that the mark ALPHARD is already registered by Tech Square in India.

Source

<https://amlegals.com/delhi-high-court-rejects-toyotas-trademark-rectification-application/#>

iWinzo Games Private Limited vs. Google LLC & Ors.

14 February, 2023

The Delhi High Court recently declined an appeal by the internet gaming application Winzo challenging a Google search engine guideline that advised users not to install the defendant's service. The petitioner was not targeted out, the court noted, and stated that such cautionary procedures are standard

method in the commercial world. Also, it was noted that multiple additional internet browsers besides Google adopted the same cautions, which were required by the Information Technology Regulations, 2021 to protect online consumers from prospective hazards and concerns.¹

Source

<https://www.scconline.com/blog/post/2023/02/21/google-llcs-warning-in-respect-of-third-party-applications-a-mere-disclaimer-and-would-not-constitute-trade-mark-infringement-or-result-in-inducement-of-breach-of-contract-delhi-high-court-dismisses-w/>

Swiss Bike Vertriebs Gmbh vs. Imperial Cycle Mfg. Co.

13 December, 2022

Plaintiff was in the business of manufacturing and selling bicycles/cycle/bikes and operated a wide range of bike/bicycle brands. Plaintiff's bicycles/cycles/bikes were imported for the first time in India in 1910 and were sold under the mark 'SEN-RALEIGH'. Thereafter, the plaintiff commenced the use of the mark 'RALEIGH' and its different variations in India. Defendants based out of Ludhiana, Punjab were engaged in the manufacturing and selling of bicycles, city bikes, etc. under the mark 'RALLIES'.

The court ordered the defendant to curb producing and promoting items with the mark "rallies" or any other mark that's deceptively similar to the trademark of the plaintiff's both in physical and online mode.²

Source

<https://www.livelaw.in/news-updates/delhi-high-court-blocks-manufacturing-rallies-bicycles-trademark-infringement-suit-raleigh-bikes-producer-215628>

Plusplus Lifesciences LLP & Anr. vs. Dr. Shiwani Singh & Ors.

30 November, 2022

The Delhi High Court, 30 November, 2022 declined to order a halt to the sale of medicines with the brand names "Nutriopic" and "Untercare". The plaintiff claimed that the defendants, the competing product "Uttercare" was produced by utilizing trade secret belonging to the plaintiff's products "Trimacare". Additionally, it was claimed by the defendant that the plaintiff had entered the courtroom with unclean hands because it had concealed both the examination report from the Patents Office and Trademark Registry against its product "layercare" and "Trimacare", respectively.

To conclude, the Court dismissed the case in accordance with the arguments put up by the defendant.³

Source

<https://iprlawindia.org/case-summary-plusplus-lifesciences-llp-anr-v-s-dr-shiwani-singh-ors/>

Adobe Inc. v. Namase Patel

29 November, 2022

The Plaintiff had registered the trademarks 'ADOBE', 'SPARK', 'PHOTOSHOP', 'ADOBE SPARK'. These were infringed by the defendant. Plaintiff claimed to have adopted the word mark 'ADOBE' in 1986 and had been using it for its products and services worldwide. In case of Adobe Systems Inc. vs. Rohat Rathi the court had already noted that the 'ADOBE' is a well-known trademark under Section 2(zg) of the Trademarks Act, 1999.

In the present case, the Court restrained the defendants from using the infringing domains and were ordered to block the domains since they were infringing with the plaintiff's domain. The defendant was asked to pay damages in favour of the plaintiff.⁴

Source

<https://www.livelaw.in/news-updates/delhi-high-court-2-crore-damages-adobe-trademark-infringement-suit-habitual-cyber-squatter-215661>

Bennett Coleman and Company vs. E1 Entertainment Television LLC

28 November, 2022

The Plaintiff had filed a rectification petition seeking cancellation of the Defendant's mark "E!". The Defendant filed an application opposing the above petition and argued that the Plaintiff cannot seek rectification of its mark as it was aware of its registration during a previous suit. Thus, the Defendant argued, that the present rectification petition can only be filed when a preliminary issue regarding invalidity of the Defendant's mark is framed in the previous suit and thus is expanding the scope of the previous suit.

The court rejected the defendant's opposition to the rectification petition, finding that the prior lawsuit the petitioner filed was related to its mark "E Now" and defendant's use of similar marks "E! Now" and "E! News Now," and his arguments regarding the registration of the mark "E!" in the previous suit does not expand the scope of that lawsuit.

Source

<https://www.casemine.com/judgement/in/638b6df973564a2a41b42c45>

Milaap Social Ventures India Pvt. Ltd. vs. Google India Pvt. Ltd.

23 November, 2022

Karnataka High Court set aside an order passed by the District Court and held that a plaint seeking remedies against passing off can be amended to include remedy against infringement where cause of action is the same. The Plaintiff had filed the suit pending registration of its mark 'Milaap' seeking remedy against passing off. However, upon being granted the registration, it sought to amend the plaint and seek remedy for infringement as well. The District Court rejected the request and held that agreeing to it will relate back to the date of filing of the suit and therefore, if amendment is allowed, it would cause serious prejudice to the interest of the defendants. The High Court disagreed and held that if the cause of action for infringement and passing off actions are substantially identical and same in law and if plaintiffs intend to incorporate the relief relating to infringement of trademark, that would not fundamentally change the character of the suit.⁵

Source

<https://www.livelaw.in/news-updates/karnataka-high-court-amendment-of-plaint-trademark-infringement-passing-off-actions-cause-of-action-215378>

Louis Vuitton Malletier v. Futuretimes Technology India Pvt. Ltd

3 November, 2022

The defendants in this case, Futuretimes Technology India Pvt Ltd, who operated the website www.clubfactory.com, violated the plaintiff's rights in the Louis Vuitton mark and many other device marks. The clothing company also requested a temporary injunction to prevent the sale of its products on the Club Factory website.

Futuretimes Technologies India Private Limited and others had pledged before the HC that the URLs on which the infringing items are placed will be withdrawn when the case was originally brought on July 3, 2020. The High Court, however, determined that the items were still being marketed online on the website that certainly incorporate the application of the various products and word marks of Louis Vuitton.

According to the order issued through ruling dated 24 March 2022, the defendants were permanently forbidden from selling, producing, or offering for sale any goods, including face masks and other things, carrying the registered marks of Louis Vuitton.

The High Court considered and determined the trademark infringement matter in the prior proceedings, and as a result, the High Court found the Defendant accountable for trademark infringement of the Plaintiff's trademarks. The fashion house asserted a claim of Rs. 32,29,416. Following that, the HC declared: Assessing the facts of this case, costs of the amount of Rs. 20,00,000/- are granted in furtherance of the Plaintiff. The Plaintiff has filed no additional claims for relief.

Source

<https://amlegals.com/delhi-high-court-awards-global-brand-louis-vuitton-20-lakhs-in-trademark-infringement-suit-against-club-factory/>

Sukam Systems Private Limited vs. Lithium Power Energy Privet Limited

1 November, 2022

The plaintiff claimed that he is the owner of SU-KAM, BIG CONQUEROR TUBULAR BATTERY, BIG WARRIOR TUBULAR BATTERY marks. Moreover, it was claimed by the plaintiff that the SU-KAM trademark dominates its business identity and has used these marks on inverters since at least as early as 1998. The defendant was prohibited from producing, selling, offering for sale, advertising, or dealing in any goods or services bearing the contested marks 'Snow-Kam'. "Su-Kam" as the marks was owned by the plaintiff and has been in use for since 1998.

The Court granted an ex parte ad interim injunction in favour of Sukam Systems.⁶

Source

<https://www.sconline.com/blog/post/2022/12/15/delhi-high-court-grants-ex-parte-ad-interim-injunction-to-sukam-systems-p-ltd-for-its-trade-mark-su-kam-against-lithium-power-energy-p-ltd-in-a-trade-mark-infringement-suit/>

Ericsson Inc. and Telefonaktiebolaget Lm Ericsson vs. Apple Inc.

9 December, 2023

A conflict between Apple and Ericsson developed after a licence deal between the parties terminated. Although they were unable to decide on an extension, the corporations signed an agreement in 2015 for a seven-year tenure. Later, in the fall of 2021, Ericsson submitted a request for an anti-suit injunction against Apple to the District Court of The Hague. This was the first time a party had submitted such a petition to the Dutch courts. Moreover, Ericsson sued Apple in the Netherlands and Belgium for violating seven SEPs and two implementation patents. Afterwards, Ericsson sued Apple for violating various patents in Germany, the Netherlands, and Brazil. Apple likewise filed a complaint in Mannheim. The agreement, which was unveiled in a press release from Ericsson, puts a stop to all existing legal battles between the parties over patents in the US, Germany, the Netherlands, Belgium, and the UK. It also puts an end to legal challenges in Colombia and Brazil and is expected to improve worldwide cooperation between the two businesses. A worldwide licence deal for patents has been struck by Apple and Ericsson. It also gives a few other patent rights and a global cross-licence for patented cellular standard.

Source

<https://www.inquartik.com/blog/case-ericsson-apple-p1-patent-quality-analysis/>