



LEGAL MEDIA GROUP

# LEGAL ERA

[www.legaleraonline.com](http://www.legaleraonline.com)

[www.legaleraonline.com](http://www.legaleraonline.com) | June 2024 | Vol. XV | Issue II | Pages 158



**Justice B.N. Srikrishna**  
Former Justice, Supreme Court of India  
Eminent Jurist of the Millennial



**Tushar Mehta**  
Solicitor General of India  
Senior Counsel of the Year



**Shardul Shroff**  
Founder and Executive Chairman, Shardul Amarchand Mangaldas & Co.  
Sutradhar Award of the Year as a Legendary Leader & Lawyer of the Decade for his immense contribution towards Legal & Business Ecosystem

**13<sup>TH</sup> ANNUAL LEGAL ERA INDIAN LEGAL AWARDS 2023-2024**



**AASHIRVAAD**  
Presents



**LEGAL ERA**  
Indian Legal Awards  
2023-24

Legal Era Indian Legal Awards 2024 – Recognising Legal Finesse, Accomplishments & Celebrating the Constant Striving Towards Legal Excellence



**Dev Bajpai**  
Executive Director, Legal & Corporate Affairs and Company Secretary, Hindustan Unilever Ltd.  
Sutradhar Award of the Year for Law & Policy Initiatives (In-House)



**P&A Law Offices**  
Competition And Anti- Trust Law Firm of the Year



**Cyril Amarchand Mangaldas**  
India Law Firm of the Year



**Pravin Anand**  
Managing Partner, Anand and Anand  
Sutradhar Award of the Year for Law & Policy Initiatives in the field of IP & Innovation

# ADVANCEMENTS & CHALLENGES

## IN RECENT INTELLECTUAL PROPERTY JURISPRUDENCE: AN ANALYSIS

Despite recent judicial pronouncements, there is a continual need for robust legal analysis and adherence to procedural fairness to maintain the integrity of legal frameworks and foster innovation in the digital age





**SHIRAZ R. PATODIA**  
Senior Solicitor



**JUHI CHAWLA**  
Partner

**DUA ASSOCIATES**  
Advocates & Solicitors

In recent years, the Indian judiciary has witnessed a surge in intellectual property (IP) disputes, reflecting the increasing importance of protecting creative and innovative endeavours in a rapidly evolving digital landscape. From landmark copyright rulings to trademark infringement disputes and jurisdictional clarifications, Courts have played a pivotal role in shaping the legal framework governing intellectual property rights.

This analysis delves deeper into recent judicial pronouncements, examining their implications across various domains of IP law.

### **Copyright Law: Navigating Ownership and Protecting Creative Works**

The realm of copyright law has witnessed several noteworthy developments, particularly in cases involving ownership disputes and the protection of creative works. In the case concerning the copyright ownership of the screenplay, the Delhi High Court provided clarity on the distinction between the copyright in the screenplay and the film itself. By its ruling, the court not only settled a long-standing dispute but also set a precedent for future copyright licensing agreements in the film industry.

Similarly, in a case involving film actor Anil Kapoor, the Delhi High Court reinforced personality rights, emphasising the importance of protecting individuals from unauthorised commercial exploitation. This ruling underscored the judiciary's commitment to safeguarding the integrity of personality rights amidst evolving commercial practices, setting a benchmark for similar cases in future.

Furthermore, the issuance of a groundbreaking "Dynamic+" injunction by the Delhi High Court in favour of major studios against online platforms infringing on copyrighted content marks a significant development in combating online piracy. This innovative legal mechanism provides instant protection to rights' holders and reflects the judiciary's adaptability to emerging technological challenges in the digital age.

The recent ruling of the Andhra Pradesh High Court sheds light on the application of fair use in educational contexts. However, the judgement's analysis, particularly concerning the merger doctrine and fair use exemptions, lacks depth and thoroughness, raising questions about its potential impact on copyright jurisprudence. This judgement merely notes that since the books are put to education use for the benefit of students in educational institutions, the infringing copies are saved by 'fair use' exception, is vague and open-ended and given rise to a broad-based defense which may be prone to commercial abuse.

Additionally, in recent cases before the Delhi High Court, Phonographic Performance Ltd. secured ex-parte ad interim injunctions in copyright infringement disputes. In one such case, the Court granted an ex-parte ad interim injunction, thereby restraining

“ In a case involving film actor Anil Kapoor, the Delhi High Court reinforced personality rights, emphasising the importance of protecting individuals from unauthorised commercial exploitation.

the defendants from exploiting the copyrighted sound recordings. Similarly, in another case, the Court issued an ex-parte ad interim injunction, prohibiting the defendants from utilising the plaintiff's copyrighted works without a valid licence.

### **Trademark Law: Upholding Brand Integrity in the Digital Era**

Trademark law has witnessed significant developments aimed at maintaining the integrity of brands in the digital marketplace. The Delhi High Court's clarification on the use of trademarks in online advertising and its emphasis on the obligations of resellers to ensure product authenticity reflect the judiciary's commitment to fostering consumer trust and preventing trademark infringement.

Moreover, the Madhya Pradesh High Court's ruling on Geographical Indication (GI) infringement establishes the rights of registered proprietors to file suits without necessarily involving authorised users. This ruling not only strengthens the enforcement of GI rights but also provides clarity on the legal remedies available to rights' holders in cases of infringement.

In a notable case heard before the Delhi High Court, the court addressed issues surrounding trademark infringement and the responsibilities of resellers in ensuring product authenticity. The defendants sought to vacate a previously granted ex parte interim injunction order arguing that the products with faulty expiry dates were supplied to them by their suppliers and should not be attributed to them. However, the court dismissed this argument, emphasising that the defendant should have conducted proper due diligence before procuring the goods. This case highlights the importance of maintaining product authenticity and the obligations of resellers to ensure consumer trust and prevent trademark infringement.

### **Patent Law: Promoting Innovation and Competition**

Patent-related judgements have played a crucial role in shaping India's intellectual property landscape, particularly in balancing innovation and competition. The Delhi High Court's clarification of the requirements for patentability of computer-related inventions and its emphasis on the obligations of licensors and licencees under

fair, reasonable, and non-discriminatory (FRAND) terms have provided much-needed clarity in a complex legal terrain.

Moreover, the validation of Standard Essential Patents (SEPs) underscores the judiciary's commitment to promoting fair competition and innovation in the technology sector. By upholding the validity of SEPs and emphasising the importance of adherence to FRAND terms, the court has laid down guidelines for future patent disputes, ensuring a level playing field for all stakeholders.

In a significant ruling, the Delhi High Court clarified the requirements for patentability of computer-related inventions, providing clarity on the eligibility criteria for patent protection in the technology sector. This ruling not only strengthens the patent system but also encourages innovation by providing clear guidelines for inventors and businesses operating in the digital domain.

### **Jurisdictional Issues: Facilitating Effective Dispute Resolution**

Jurisdictional issues have been addressed judiciously by the courts, ensuring that intellectual property disputes are adjudicated in the appropriate legal forum. The meticulous examination of legal provisions and the determination of jurisdiction based on the location of the cause of action highlight the judiciary's commitment to procedural fairness and effective dispute resolution.

### Challenges and Criticisms: Addressing Ambiguities and Deficiencies

Despite the significant advancements in intellectual property jurisprudence, some judgements have been criticised for their lack of thoroughness and clarity. The absence of detailed reasoning on key aspects, particularly concerning FRAND terms and calculation of damages in patent disputes, raises concerns about the coherence and consistency of judicial decisions.

Furthermore, the analysis of certain judgements, particularly concerning fair use exemptions in copyright disputes and the application of trademark law in online marketplaces, lacks depth and thoroughness.

### Conclusion: Paving the Way for a Dynamic Intellectual Property Landscape

It's crucial to note the escalating disputes surrounding patent and trademark protection, particularly in the pharmaceutical sector. The burgeoning demand for patent protection for innovative drugs and the intensifying battle against counterfeit pharmaceutical products underscore the need for robust legal frameworks and efficient dispute resolution mechanisms to safeguard intellectual property rights in the pharmaceutical industry.

In conclusion, recent judicial pronouncements reflect the judiciary's proactive role in shaping India's intellectual property landscape. While these decisions provide clarity and guidance, there is a continual need for robust legal analysis and adherence to procedural fairness to maintain the integrity of the legal framework and foster innovation in the digital age.

By navigating the complexities of intellectual property law and addressing emerging challenges, the courts are paving the way for a more equitable and dynamic environment for creators, innovators, and rights' holders.

Through a comprehensive understanding of legal principles and a commitment to upholding intellectual property rights, the judiciary is poised to play a central role in fostering innovation and creativity.

**Author: Shiraz R. Patodia**  
Designation: Senior Solicitor

A Senior Solicitor at Dua Associates, Shiraz is a highly regarded advocate, with over 37 years of experience and a proven track record in her practice areas of Dispute Resolution-Litigation & Arbitration, Intellectual Property and International Trade. She has worked with clients ranging from Fortune 500 companies to closely held Indian and foreign companies, in a broad range of civil and criminal matters.

Shiraz heads the Firm's International Trade & Customs practice and is also a recognised authority on World Trade Organization agreements having worked on WTO negotiations on anti-dumping and anti-subsidies agreements. Shiraz is credited with creating a specialist practice group at the firm on Anti-Corruption & White-Collar Crimes, under which she has handled advisory as well as litigation assignments and internal corporate investigations in different parts of India.

**Author: Juhi Chawla**  
Designation: Partner

Juhi is a highly regarded legal professional and a Partner at Dua Associates. With over 12 years of experience in Dispute Resolution, Arbitration, and Intellectual Property, she has built a solid reputation for her exceptional skills and unwavering commitment to her clients' best interests. She has a proven track record of handling complex dispute resolution cases and providing strategic advice to Fortune 500 companies, foreign entities, leading Indian corporates, government bodies, municipal corporations, and PSUs across various sectors.



*Disclaimer – The views expressed in this article are the personal views of the authors and are purely informative in nature.*

## GLOBAL IP & TECHNOLOGY PROFESSIONALS MEET 2024



**LEGALERA**  
**GLOBAL**  
**IP & TECH**  
**CONCLAVE**  
&  
**AWARDS 2024**

8<sup>th</sup> - 10<sup>th</sup>

Oct 2024

Dubai



**GIPTCA**  
**FESTIVAL**

**THEME: IP INNOVATION, STRATEGY, EMERGING LANDSCAPE, CHALLENGES & OPPORTUNITIES**

Contact: +91-8879634922 | +91-9871617888

Email us at: [shruti@legalera.in](mailto:shruti@legalera.in) | [aditi@legalera.in](mailto:aditi@legalera.in) | [rahul@legalera.in](mailto:rahul@legalera.in)

For more information please visit: [www.legaleraonline.com](http://www.legaleraonline.com)

ORGANIZED & CONCEIVED BY

