

MONTHLY IPR ROUNDUP

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IPR News and Insights by KAnalysis

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PROPOSED AMENDMENTS TO THE DESIGNS ACT, 2000

India's design ecosystem has grown rapidly over the last few years. Indian Design Office emerged as the fastest growing office, with 43.2% increase in filings in a year. Domestic applicants accounted for about 90% of total design filings in 2024-25 driven largely by startups, MSMEs, and design-intensive industries such as fashion, electronics, packaging, and digital products. This growth reflects a larger shift in how Indian businesses view design not merely as aesthetics, but as a commercial and strategic asset.

However, the Designs Act, 2000 was drafted in a very different technological and industrial context with focus to the tangible articles and the definitions of the same reflect the fact. At the time, design protection was closely linked to physical products and traditional manufacturing processes. In the today's context the same cannot be applied as the innovation is increasingly digital and further it is also largely dependent on the digital infrastructure. Graphical user interfaces (GUIs), icons, animations, and virtual designs play a central role in consumer experience across sectors such as fintech, e-commerce, gaming, and software. The existing legal framework does not adequately address this reality, creating uncertainty for designers and businesses alike.

To counter the abovementioned issues and to bring the Design Act, 2000 upto the latest standard and align it with the international laws and treaties. The following amendments are proposed in the current Designs Act, 2000:

- Extending design protection to virtual designs by making material changes to the definition of 'article' and 'design';
- Introduction of full grace period of 12 months;
- Introduction of the option of deferring publication of design for up-to 30 months;
- Introduction of timeline relief provision in alignment with Designs Law Treaty;
- Statutory Damages;
- Revision to term of protection;
- Introduction of multiple designs filings (in a single application);
- Option for division of applications;
- Introduction of a Chapter on international registrations, enabling filings under Hague;
- Other misc. changes aligned with DLT and Hague Agreement.

At the core, the proposed amendments to the Design Act, 2000 seek to reposition the act from a manufacturing era statute into an innovation era statute. The amendments aim to make India's design law suitable for today's technological reality by expressly incorporating the virtual designs like GUI within the definition of "design" to simplify procedures so that registration and enforcement become more efficient and business-friendly and to align India's design system with international standards to ensure that Indian designers can easily protect their designs abroad while foreign applicants can confidently seek protection in India. While the amendment appears to acknowledge the current digital expansion, it leaves a critical gap by failing to anticipate the evolving role of Artificial Intelligence in design. By not explicitly broadening the framework of the statute to cover AI-driven innovations, the statute risks becoming outdated as AI applications continue to grow, effectively creating a loophole that limits protection for future technological developments.

At a minimum, the amendments should acknowledge AI-assisted and AI-generated designs, clarify that protection hinges on human creative contribution, and empower the rule-making authority to issue examination guidelines addressing AI-related disclosures and ownership. This would ensure that the reformed Designs Act is genuinely future-proof rather than merely technology-adjacent. While the introduction of statutory damages is intended to strengthen enforcement, the proposal to impose a fixed upper cap of INR 50 lakhs risks being both under-inclusive and conceptually inconsistent with damages jurisprudence. Damages in IP law are fundamentally compensatory in nature and are meant to reflect the actual loss suffered by the right holder and/or unjust enrichment of the infringer, particularly cases involving large-scale commercial exploitation.

Rather than prescribing a hard upper limit, a more balanced approach would be to:

1. Treat statutory damages as a fallback mechanism where actual damages are difficult to prove, without restricting courts from awarding higher compensatory damages where evidence permits; and
2. Provide guiding factors or indicative bands (e.g., scale of infringement, duration, turnover of infringer, wilfulness) while preserving judicial discretion to award damages commensurate with real economic harm.

IP INSIGHTS – HIGHLIGHTS YOU SHOULDN'T MISS!

PATENTS

Dr. Dulal Kumar De Vs. Union Of India

The Calcutta High Court recently dismissed a writ petition challenging the rejection of a patent application for Herbal Anti-Venom. The application was deemed abandoned after the petitioner failed to respond to the First Examination Report (FER) within the prescribed timelines. The petitioner argued that service via email was invalid, as Section 149 of the Patents Act mentions service by post. However, the Hon'ble court ruled that the use of may in the Act implies discretion, making email a legally recognized and efficient mode of service under modern digital protocols. The decision reaffirms that statutory timelines are mandatory, and technical oversights regarding email communications do not justify relaxing these strict deadlines.

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Automat Irrigation Pvt. Ltd. Vs. Aquestia Limited Fao(Os) (Comm) 123/2025

The Delhi High Court recently dismissed an appeal concerning the infringement of a patent for kinetic air valves. The primary issue was whether the appellants' product was deceptively similar to the respondents' patented technology, thereby warranting an interim injunction. The appellants argued that the respondents' patent was vulnerable due to a lack of novelty and obviousness based on prior art. However, The Hon'ble court upheld the Single Judge's decision to grant an injunction. The Court ruled that since the patent was over six years old and the appellants failed to establish a credible challenge to its validity, the patentee's exclusive rights must be protected.

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TRADEMARKS

Holy Cow Foundation Vs. Patanjali Gramodyog Nyas (Trust) (C.O. (Comm.Ipd-Tm) 85/2021)

The Delhi High Court heard a rectification petition filed by the Holy Cow Foundation against Patanjali's registration of the mark "GONYLE". The petitioner, who adopted the mark "GAUNYLE" in 2013 for cow-urine-based floor cleaners, alleged that Patanjali's subsequent adoption of the phonetically and visually identical "GONYLE" in 2015 was dishonest and intended to trade upon their established goodwill. The issue was whether Patanjali's mark should be cancelled under Section 57 of the Trade Marks Act.

The judgment focuses on whether the "GONYLE" mark was wrongly remaining on the Register due to its identity with the prior "GAUNYLE" mark. It was held that the Impugned Mark, when viewed holistically with the prominent 'PATANJALI' House Mark, is not identical or deceptively similar to the Petitioner's Mark so as to cause confusion or deception amongst consumers of average intelligence and imperfect recollection.

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Siyaram Silk Mills Limited Vs. Stanford Siyaram Fashion Private Limited (Commercial Ip Suit No. 23 Of 2008)

The Bombay High Court recently granted an interim injunction against the use of the Siyaram mark by a defendant in the textile trade. The core issue was whether the defendant's adoption of the mark despite the plaintiff's registration since 1986 constituted infringement and passing off. The defendant argued that Siyaram, being the name of a Hindu God, could not be monopolized and claimed prior use. Rejecting these defences the Hon'ble court held that the defendant's adoption was dishonest and aimed at exploiting the plaintiff's immense goodwill, famously captured in the Come home to Siyaram tagline. This confirms that religious names can acquire distinctiveness through long-term use and that delay does not protect dishonest adoption.

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Karnataka Cooperative Milk Producers Federation Ltd. Vs. Vinod Kanji Shah ((T)Cma(Tm). No. 112 Of 2023)

The Madras High Court recently set aside an order that had dismissed an opposition to the registration of the trademark Nandini for Agarbattis. The primary issue was whether the respondent's use of the mark Nandini was deceptively similar to the appellant's well-known dairy brand, despite the products being in different classes. The Hon'ble Court ruled that the identical phonetic resemblance and the specific font style used by the respondent would likely mislead consumers familiar with the appellant's brand.

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President And Fellows Of Harvard College Vs. Big Red Education (Uid No. Hr-0141) (Cnr No. Hrgr01-013221-2025) (Cis No. Cs-113-2025)

The Gurugram Commercial Court recently addressed a trademark infringement suit filed by Harvard College against an Indian education entity. The primary issue was whether the defendant's use of Harvard's registered Veritas logo and name for educational services constituted infringement and passing off. Harvard contended that such unauthorized use would mislead students into believing the defendant had an official affiliation with the university. The Court granted an ad-interim injunction restraining the defendant from using Harvard's proprietary marks. This decision reinforces the global protection of academic brands in India, highlighting that the reputation of prestigious institutions transcends borders and will be protected against deceptive commercial exploitation.

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Mother Dairy Fruit & Vegetable Pvt. Ltd. Vs. Kumar Prahlad

The Delhi High Court recently addressed the pervasive issue of online financial fraud where certain websites impersonate well-known brands like Mother Dairy to dupe the public through fake distributorship offers. The case expanded beyond simple trademark infringement to tackle systemic issues, including the role of banks, domain name registrars (DNRs), and law enforcement in preventing cybercrime.

The Hon'ble court emphasized the need for real-time cooperation between financial institutions and agencies like CERT-In to block fraudulent accounts and websites. The Court issued directions to strengthen the Beneficiary Account Name Look-Up Facility and mandated the appointment of Grievance Officers by DNRs. This ruling sets a significant precedent for brand owners to combat digital impersonation and protect consumers from large-scale financial exploitation.

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COPYRIGHT

Jawed Habib Hair & Beauty Ltd. Vs. Kavita Janki Services Pvt. Ltd. (Commercial Ip Suit No.179 Of 2025)

The Bombay High Court addressed the unauthorised use of intellectual property following the expiration of a franchise agreement. The defendant continued using the Jawed Habib name, JH logo, and artistic labels after their license ended in 2017. The court discussed the issue at length deliberating whether this constituted trademark and copyright infringement, as well as passing off.

The Hon'ble Court held that once the agreement expired, the defendant's right to use the IP was extinguished. Consequently, the Court granted an ad-interim injunction to protect the plaintiff's exclusive rights.

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Aamir Khan Productions Pvt. Ltd. Vs. Action Lane C.S(Comm. Div) No. 11 Of 2026

The Madras High Court through its order protected the copyright of the film Happy Patel Khatarnak Jasoos ahead of its scheduled release on January 16, 2026. The primary issue involved infringement, where the production house sought to prevent unauthorized websites, internet service providers (ISPs), and cable operators from unauthorized streaming or distribution of the film. Given the film's imminent release, the court recognized that any unauthorized leak would cause irreparable financial injury to the producers.

The Hon'ble court granted an ad-interim injunction restraining unauthorized communication of the film to the public through John Doe orders against unknown infringing entities who were exploiting the commercial interests of the applicant.

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Commissioner Of Income Tax- International Taxation -3 Vs. Sri Lanka Cricket (Ita 4/2026)

In the present case the Income Tax Department challenged whether payments made for live telecast rights of cricket matches should be taxed as royalty under the Income Tax Act. The core issue was whether a live feed constitutes a copyrighted work or if it is merely a performance. The Court, following established precedents, held that a live telecast does not fall within the definition of work under the Copyright Act, 1957, as it lacks the "minimum requirement of creativity" and is considered a performance rather than a static work.

The Hon'ble Delhi High Court ruled that royalty presupposes an enduring benefit such as the right to record, preserve, and re-telecast the feed and thus payments for a one-time live broadcast cannot be classified as such. This decision has a significant impact on the sports broadcasting industry, as it affirms that live transmissions are distinct from copyrighted films or recordings, potentially reducing the tax burden on broadcasters who only acquire rights for live events.

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