

**SETTLEMENT ATTAINS FINALITY IN MATRIMONIAL MATTERS**

Ref: The Times of India, Saturday, 02.01.2016



The Hon'ble Delhi High Court gave a robust finding that retracting from settlement entered into before the court cannot be entertained even on ground of fraud. The Court on a contempt petition filed by a husband against his ex-wife upheld that the settlement terms cannot be breached and case cannot be re-opened again on grounds of fraud.

The plea of fraud cannot be taken in a whimsical matter for purposes of extorting and harassing the other party after the settlement has been finalized by a Court. This judgment would be beneficial and enhance the legal sanctity of settlement and its finalization.

**KHAN MARKET V/S SALMAN KHAN**

Ref: The Economic Times, 04.01.2016/16.01.2016



The confederation of all India traders is at loggerheads with the Bollywood icon Salman Khan over the web portal khanmarketonline.com. Salman Khan announced the launch on 27.12.2015 and the Khan Market trader's association immediately issued a cease and desist notice to the actor. The association claims that use of such name in the portal is prima facie with a malafide intention to harp on the well established

reputation of Khan Market of 65 years and thus cause confusion and deception amongst the public at large. The association is still awaiting response from the actor, failing which they might initiate legal recourse against him.

Though, the stand of the Association prima facie seems to be tenable. However, the use of an individuals' own name/surname of a person with a generic word of market and online shall also be examined. This matter if culminated in litigation shall be a precedent for well-known names as proprietary rights.

**IP RIGHTS FEUD IN KWALITY FAMILY**

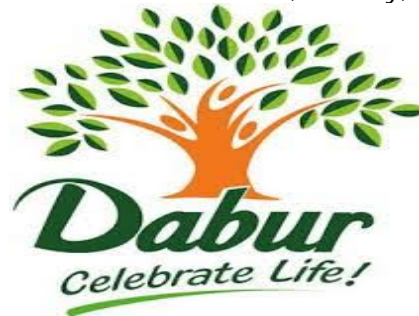
Ref: The Economic Times, Monday, 04.01.2016



Delhi High Court is in the midst of adjudication of copyright dispute between the founder of Kwality Brand and the former partner. The allegation is that the former partner Lamba without any locus sold the copyright in the artistic work for the brand "Kwality" to Delhi based Kwality Ltd., in August. The court has in the meantime, restrained both parties from the use of the logo/mark. This seems to be a cross generation litigation and shall have effect on varied mergers, assignments of brands across different arenas.

**PATANJALI IN FEAT WITH DABUR**

Ref: The Times of India, Monday, 04.01.2016





Patanjali's ingress in FMCG sector has purged Dabur for research and launch of Ayurveda based products. The company is planning to relaunch its earlier products in women healthcare. One parameter is Ayurveda, but the other major aspect is the pricing of the competitive products by Patanjali which shall change the scenario in the sector. HUL in consonance with understanding market changes had brought back its brand Ayush. It has also recently acquired the brand "Indulekha" and is on the verge of leveraging its new products in the market. Branding, natural herbs and marketing of products shall be the trilogy of this sector.

**START UP INDIA MOVE FOR INNOVATION**

Ref: The Economic Times, Friday, 08.01.2016/18.01.2016



Start up India launched on January 16 has emphatically laid its basis on innovation. The benefits of the scheme are limited to companies which shall be engaged with innovation and they shall be entitled till 5 years or upto turnover of Rs. 25 crore in sales. The move is to ensure that the entities are not splitting or restricting business with the sole motive of taking the advantages. The tax benefit is for three years, spread over five years subject to the condition of eligibility and

to not distribute dividend till the tax benefit bracket time period.

**PACHAURI OPPOSED COMPLAINANT'S PLEA**

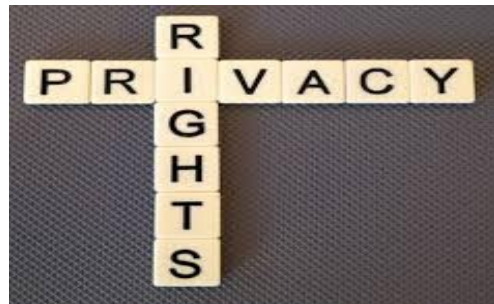
Ref: The Times of India, Friday, 08.01.2016



The complainant assailed that the recommendations of ICC were not being adhered to by TERI. The petition has been vehemently opposed by Pachauri. Pachauri states that an alternative statutory remedy has been exercised by the complainant and already similar issues are pending in industrial tribunal as well. Thus, to avoid multiplicity of litigations, such petitions should not be entertained till the adjudication conclusively culminates.

**RIGHT OF PRIVACY CONSTRICTED**

Ref: The Times of India, Wednesday, 13.01.2016



An European Court has recently held that an employer can look into or verify the emails or chats being done by the employees during the working hours. The same has been construed to be within their right and does not amount to infringement of privacy rights.

The employee who was fired had challenged the act of employers under violation of human rights, however, the courts held otherwise. This case has opened a Pandora box, as lots of employees and companies are now offering the

employee benefits of working from home. In that scenario though they are working, but it is not in the work premises, can the employer keep a tab on their emails/personal chats? It seems the court has to re-open the issue and explain vividly.

**GENETICALLY MODIFIED CROPS TO BE FAIRLY TESTED**

Ref: The Times of India, Wednesday, 13.01.2016

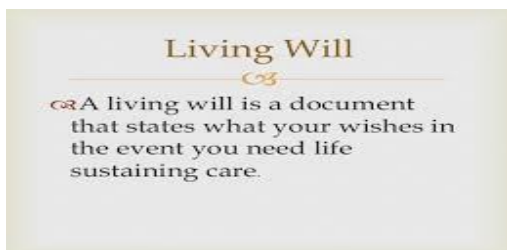


Scientist M.S.Swaminathan has proposed testing of genetically modified (GM) crops at farms of agricultural university with uniform standards and parameters of assessment nationwide. He further proposed establishment of Bio Safety Regulatory Authority to ensure fairness as well as reduce arbitrariness in this arena.

The mandate of such organization or regulations can be optimally fulfilled only if there is no delay in implementation and there is clarity and support from all levels. This in fact would enhance consumer confidence in GM Crops.

**LIVING WILL INTERPRETED BY APEX COURT**

Ref: The Times of India, Saturday, 16.01.2016



Five judge Constitution bench of the Hon'ble Supreme Court is examining the aspect of Living will to legalise passive euthanasia. The court has summoned the legislature to examine and promulgate the manner in which a person in sound mind and good health can decide that he should not be kept in a vegetative state. Keeping a person alive on artificial equipment's can be financially as well as emotionally straining the patient as well as the family. Further, medical institutions have taken an approach where they mandatorily are keeping patients on ventilator and raising bills for the same on whimsical grounds.

In 2011, in Aruna Shanbaug's case the passive euthanasia was legalized. However, a three judge bench later overruled that verdict and the matter is pending adjudication before the Constitution Bench.

**ASCI WIDENS ITS AMBIT**

Ref: The Economic Times, Thursday, 21.01.2016



Advertising regulator has commenced the policy to investigate and regulate the campaigns of Pan masala by celebrities. Clause 2 of the self-regulatory code specifies that advertisements of products which require a health warning and not for minors, should not feature well known personalities. On basis of this prohibition, the drive shall try to curtail the adverts of Pan Masala.

**LEE PHARMA RESTRAINED**

Ref: The Economic Times, Thursday, 21.01.2016

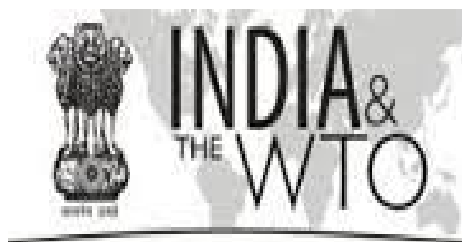
Lee Pharma cannot copy Astrazeneca medicines per the recent verdict of the Indian

Patent office on the application moved by Lee Pharma for compulsory licensing. The application was for making Onglyza, a copy of AstraZeneca's anti-diabetes drug saxagliptin. The company though assured to sell the drug at a much lower pricing, but the application was dismissed on the ground of lack of cogent evidence to show that the requirements of public were not being meted out, along with other statutory requirements.

The company intends to assail the order before the Appellate Board. The issue of compulsory licensing though appreciated by public in India has been condemned by overseas drug and research corporates. In coming times, we shall witness many more aspects of compulsory licensing and its interpretation as well as implementation.

**INDIAN DRUG EXPORTERS COMPLYING WITH EU NORMS**

Ref: The Times of India, Tuesday, 26.01.2016



Drug exports, one of the highest reported export sector is facing constraints due to higher parameters of enforcement of IP norms in EU, Latin America as well as Africa. Issue of trademark infringement would be another hurdle in lieu of legitimate generic medicines and make it cumbersome for countries to receive these drugs. It is apparently time for WTO to intervene and make things transparent as well as simpler so as to ensure that the medicines are made available to the patients who need them.

**CIPLA V/S LA ROCHE**

Ref: The Times of India, Thursday, 28.01.2016



The Hon'ble Supreme Court has admitted the plea of Cipla against the order wherein it was held liable for infringement of patent of Hoffman-La Roche. The drug Erlotinib was the patent at issue. The issue of expert opinion is one of the major basis of this appeal and the factum that the patent was rejected and thus was in public domain. The verdict by the Supreme Court would clearly interpret the issues involved.



**NOWLEDGENTIA  
CONSULTANTS**  
Corp Legal & Intellectual Property Rights Firm

**E – 71, L.G.F, GREATER KAILASH I,  
NEW DELHI –110048**  
**Telephone No: Delhi-011-46012100**  
**Chandigarh-0172-2544552**  
**Email: [info@knowledgentia.com](mailto:info@knowledgentia.com)**