

**DELHI HIGH COURT STATES HUF
COULD BE HEADED BY WOMAN**

**Ref: The Times of India, Monday,
01.02.2016**



The Hon'ble Delhi High Court in its adjudication of a property dispute wherein the eldest daughter was fighting against her cousin brother. The Court stated that the interpretation and scope of work of a Karta can very well be handled by a female and thus there is no impediment in the law restraining ladies to be Karta. This is a remarkable judgment as it shall have astounding implications vis a vis the female gender and joint Hindu family set up. Justice Waziri stated that the prerequisite of a person being declared as Karta was that he was the first born adult, accordingly a female can also be a Karta/co -parcener. Further, this customary norm that it is male only who could be Karta is absolutely contradictory with the amendments in Section 6 of the Hindu Succession Act, 2005. Thus, it was imperative that the rights of management were also endowed upon females equally as rights of inheritance.

**DR. REDDY'S LAUNCHING BRANDED
DRUGS**

**Ref: The Economic Times, Tuesday,
02.02.2016**



Dr.Reddy's Laboratories innovation on anti migraine injection Zembrace and skin approval treatment drug Zenavod has recently obtained approvals by US FDA. The company is elated to see conclusive results of its research and development teams at a juncture when Indian drug companies are tackling penalties for non-

compliance of prescribed processes. The anti migraine injection has a very high expected market size and the company is planning its marketing strategy accordingly. This approval shall be the progressive way ahead for Indian drug manufacturers and also assert trust in research and development faculties.

**MAHINDRA HOLIDAY & RESORTS V/S
CLUB MAHINDRA**

**Ref: The Economic Times, Tuesday,
02.02.2016**



Mahindra Holiday & Resorts India is planning stringent and immediate action for trademark infringement against a namesake entity which is approaching the members of Mahindra on basis of their falsified trademarks and offering new packages. The company in its endeavor to protect its members from fraudulent offers has issued caution notices to all its members and affirmed that they have no link with this company. This malicious conduct is a prima facie proof of the importance of brand protection as well as its enforcement in any sector including hospitality. However, another perspective is about exclusive use of the word Mahindra which is also a name/surname in India. This matter shall be significant for trademark implementation.

**CONSUMER WIN AGAINST PRICE
OVER MRP**

**Ref: The Times Of India, Thursday,
04.02.2016**



The consumer fought for almost 6 years against a Hotel which charged more than double the MRP of bottled water. The

Consumer Forum gave its verdict and penalized the Hotel to remit Rs. 2000/- as legal expenses other than refund of that amount for that overcharge. The Court held that charging over the MRP amounts to deficiency in service and unfair trade practice and thus the malafide acts should be curtailed. This is another case where awareness amongst consumers has ensured justice for the public at large.

ZIKA VIRUS REMEDY UNFURLED BY BHARAT BIOTECH

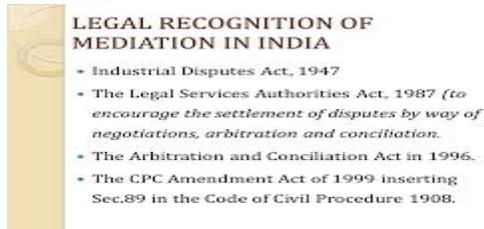
Ref: The Economic Times, Thursday, 04.02.2016



Zika Virus has been declared as global health emergency by World Health Organisation and to the astonishment of the authorities and public at large, an Indian Company Bharat Biotech stated that it has already been working on the vaccines for Zika virus since a year. The company stated that it has reached pre-clinical trial stages and shall make all endeavors to launch it at the earliest subject to government approvals etc. This development seems to be quite promising at the time of medical emergency being declared in countries like Brazil and government should make efforts for its approval and tie ups to ease of supply to other countries.

MEDIATION TO HAVE LEGAL FORCE

Ref: The Times Of India, Friday, 05.02.2016



Ministry of Law is contemplating to promulgate a new law for providing

statutory backing to the process of Mediation. The said proposal has its background in the immense efforts of all fields of judiciary for resolution of disputes through the mediation, however due to lack of its sanctity at times the matters are unable to proceed to their logical conclusion. Further, the parties retract at later stages thus wasting time of mediators, parties as well as lawyers and thus making the process futile. This law if notified shall have a long lasting effect and might bring more commercial disputes within its ambit.

DABUR V/S EMAMI

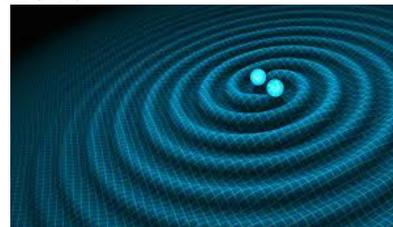
Ref: The Times Of India, Wednesday, 10.02.2016



The impact of Patanjali products on the FMCG giants Dabur and Emami is significantly apparent. Both Dabur and Emami(Zandu) are before Advertising Standards Council of India. The allegations are that their honey contains added sugar and Emami's advert was an outward comparison with Dabur's products. Thus, ASCI restrained Emami from airing the ad temporarily and samples of both the products have been asked to be retested by ASCI. This is an indirect effect of the new entrants in the 600 crore plus market segment. The results will showcase the accuracy of claims and accordingly ASCI shall issue advisory.

GRAVITATIONAL WAVES DETECTED

Ref: The Economic Times, Friday, 12.02.2016



Scientists and researchers have achieved a milestone by detecting gravitational waves for the first time in the world. Prime Minister immediately announced that India would be the leader to create a gravitational wave detector which would form part of their LIGO network and the project grant was also cleared by Cabinet. This development is the first evidence of existence of binary black holes. As per the scientists, the moment was like two stars thirty times the size of the sun, hitting each other at half the speed of the light. The collision created gravitational waves which travelled 1.3 billion light years to reach the earth. We are looking forward to immense research and development in this field of astrophysics.

ASHOK V/S RENAULT

Ref: The Times Of India, Wednesday, 17.02.2016



Ashok Leyland has assailed its JV partner Renault-Nissan Automotive India (RNAIPL) and Japanese car maker Nissan to court on ground of Criminal breach of trust and violation of the agreements. A suit has been filed by Ashok Leyland for violation of terms and obligations against Nissan. The legal proceedings are at only initial stages yet so the adjudication shall take time and decide and interpret the terms and conditions which both parties were required to fulfill. This has come as the products/car proposed “Evalia” and “Stile” to be manufactured did not receive proper market response and was dropped by the JV partners.

AYUSH WHO PARTNERED

Ref: The Times Of India, Thursday, 18.02.2016



Pact between Ayush and World Health Organisation in the parlance of traditional medicine was approved by Union Cabinet recently. Ayush stands for Ayurveda, Yoga and naturopathy, Unani, Siddha and homeopathy and this agreement has widened scope for concerted efforts to maximize these therapies worldwide. The first initiation step is for Indian to assign the development of technical documents and publications to WHO and then the ground level work shall commence.

SECTION 66A SEES A COMEBACK

Ref: The Economic Times, Friday, 26.02.2016



Section 66A which was nullified by the Hon'ble Apex Court a year back being unconstitutional and against the freedom of speech is expected to come back with a replacement. The government had set up a committee to evaluate the provisions and bring out clear and concise legal provisions so that the misuse can be curtailed. The experts state that the new amendment as proposed shall be limiting the scope of police officials and specifying the authorities who could order arrest along with the other implementing clauses. The aspect of national security cannot be ignored and it is imperative to have proper enforcement procedures against people who disturb it in the garb of freedom of speech and expression. This section shall be important for media as well as intelligence agencies.

PATENTS NOTIFICATION ROLLED BACK

Ref: **The Economics Times, Wednesday, 24.02.2016**



Computer related inventions for Software patenting guidelines whereby software with industrial applications were brought within the ambit of Patents was retracted by the Patent office on February 19, 2016. As per the notification following computer-related inventions will be excluded from patenting: “A mathematical or business method or a computer program per se or algorithms”, a literary, dramatic, musical or artistic work or any other aesthetic creation whatsoever including cinematographic works and television productions” and “a mere scheme or rule or method of performing mental act or method of playing game” and “a presentation of information”. The said notification is a relief to start ups and IT companies who found the guidelines as a major impediment in their product development which could land them in major and expensive legal battles. This move has been welcomed in the wake of Make in India and Start Up project by the Prime Minister recently and shall enhance innovation across varied sectors.

ADIDAS THREE STRIPES TRADEMARK UPHELD

Ref: **24TH FEBRUARY 2016**



European Union’s highest Court has upheld the exclusive rights of Adidas in its famous “three stripes” trademark across 28 member countries. A Belgian footwear company Shoe Branding was awarded

trademark registration for two stripe mark in 2009, order whereof was assailed by Adidas in the European Court. The ruling of lower court i.e. General Court was upheld on the ground that it made proper review and accordingly granted relief to the sports giant Adidas. This judgment shall open a Pandora box for design and trademark rights over symbols, lines, logos etc. and shall have astounding effect on importance of brand protection.

TATA SONS V/S ANIKET SINGH Ref: 2016(65)PTC 337 (DEL)



In a recent case wherein the defendant obtained domain name www.cyrusmistry.co and www.cyrusmistry.co.uk, the right to privacy was upheld. The use of the personal name of the Plaintiff’s managing director which has attained a distinctiveness amounts to an illegal and infringing act. The Delhi High Court held that such an act is apparently with an ulterior motive of extorting money and causing loss of reputation and goodwill to the Plaintiffs.



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