

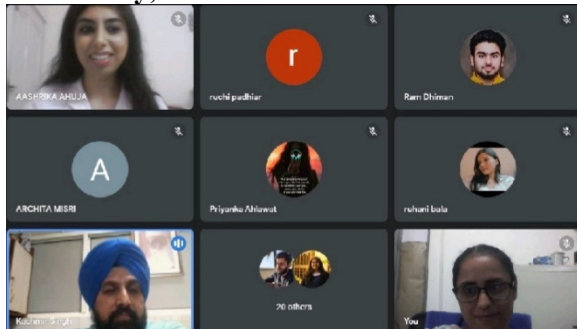
**IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL PROPERTY MATTERS**

**MASTERCLASS ON LEGAL COMPLIANCES FOR START UPS**  
**Wednesday, 10.08.2022**



Innovation Mission in collaboration with Knowledgegia Consultants organised a Masterclass Compliance session for Start ups on 10.08.2022. The session evoked great participation from startups across diverse areas who were able to find a clear way forward in terms of legal compliances for their ventures.

**OVERVIEW OF IPR WITH CASE LAWS AT PANJAB UNIVERSITY**  
**Wednesday, 24.08.2022**



Panjab University, DST Centre for Policy Research, Department of Chemistry & Department of Biotechnology collaborated with Knowledgegia Consultants for an online event on 24.08.2022. The event covered briefly about intellectual property rights and their types along with need for protecting IPR. With help of case studies, implications of effect of registration of IP and importance of IP as a source of development of economy as well as Science and technology were briefly discussed. Role of IP, inventors and

organizations to find solutions to economic, social, health, environmental challenges to achieve United Nations Agenda for Sustainable Development Goals towards 2030 will be crucial.

**SPECIAL DRIVE FOR DISPOSAL OF EXPEDITIOUS DISPOSAL OF TM CASES**  
**Ref: [ipindia.gov.in](http://ipindia.gov.in), Monday, 01.08.2022**



To commemorate the 75<sup>th</sup> anniversary of India's independence, the government launched its special initiative. "Azadi ka Amritmahotsav" a significant drive for disposal of IP disputes wherein parties were encouraged to dispose the pending opposition and rectification cases. After amicable settlement of disputes among themselves, parties can report to Trademarks registry for formal settlement. Further, parties those who have not been able to arrive at an amicable settlement have been encouraged to settle disputes through utilizing various alternate mechanisms for dispute settlement. The matters will be disposed on the receipt of settled matter along with settlement letter and withdrawal request on the newly introduced online portal. The trademarks Registry will pass suitable orders as per provisions of trademarks act and only then the matter will be considered disposed off.

**THEOS V. THEOBROMA**  
**Ref: [barandbench.com](http://barandbench.com), Friday, 05.08.2022**



Theobroma and Theos have recently reached a mutual settlement in a trademark dispute before

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Delhi High Court. A trademark infringement dispute was filed against Theobroma by Theos injuncting Theobroma from using the mark THEOS. The confectionary brand Theos has agreed to restrain its services for goods bearing the Theos mark to Delhi NCR region. As per the court's decision, Theos has been given full liberty to register its own mark "THEOS"/"THEO'S" as a word mark or in any logo form with respect to goods and services circulating within Delhi NCR region. Further, Theos is not allowed to make any online sales and in case Theos wishes to expand its services outside Delhi NCR, it has to carry out the same under mark "THEOBROMA." Theobroma on the other hand shall continue to retain all its trademark registrations for 'THEOBROMA' and its registered variants and derivatives, including 'THEOS' and 'THEO'. Theobroma shall be entitled to protect and take all enforcement-related steps and opposition-related actions to safeguard its rights in these names and marks.

**DELHI HC GRANTS INTERIM INJUNCTION AGAINST FLIPKART**  
Ref: Livelaw.in, Friday, 05.08.2022



In a recent case titled, Akash Aggarwal v. Flipkart Internet Private Limited and ors., 2022 Live Law (Del) 756, Delhi High Court has held that permitting a third party seller to latch on to Best Seller's name or trademark is nothing but 'riding piggyback', which also constitutes passing off. This suit was filed by the plaintiff who being sole proprietor, operated under the trademark "V Tradition", has been engaged in business of sale of clothing for women on various retail e-commerce platforms including the defendant Flipkart. Plaintiff alleged that when a third party seller wishes to place a listing on

flipkart, the platform software suggests "V Tradition" products as one of the most popular listing and "Best Sellers" allowing third party sellers to add various products under Plaintiff's mark to their own listings along with Plaintiff's products, photographs by way of the "Opportunities" options under the "Listings" tab. As such, various third party sellers who were portraying themselves as "V Tradition" were riding on the popularity of its products and designs. This feature was recognized by the court to be very damaging resulting into misuse of Plaintiff's mark.

**TKDL DATABASE ACCESS TO USERS**  
Ref: pib.gov.in, Wednesday, 17.08.2022



Prime Minister Modi's cabinet has approved "Widening access of the traditional Knowledge Library database, besides patent offices". The Traditional Knowledge Digital Library (TKDL) is a prior art database of Indian traditional knowledge established in 2001, jointly by the Council of Scientific and Industrial Research (CSIR) and Ministry of AYUSH. The TKDL currently contains information from existing literature related to Ayurveda, Unani, Siddha, Sowa Rigpa and Yoga. The information is documented in a digitized format in five international languages - English, German, French, Japanese and Spanish. TKDL provides information in languages and format understandable by patent examiners at Patent Offices worldwide, so as to prevent the erroneous grant of patents. Until now, access to the complete TKDL database was restricted to 14 Patent Offices worldwide for the purposes of

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search and examination. This defensive protection through TKDL has been effective in safeguarding Indian traditional knowledge from misappropriation, and is considered a global benchmark. This move will definitely be a catalyst for driving research, development and innovation based on India's valued heritage across diverse fields. Traditional system of medicine and wellness from our country namely Ayurveda, Siddha, Unani, Sowa Rigpa and Yoga have been instrumental in serving mental and physical wellbeing of people in India and abroad since centuries. Further, recent COVID - 19 pandemic has witnessed extensive use of Indian traditional medicines whose benefits range from immune-boosting to symptoms-relief to anti-viral activity. The World Health Organization (WHO) has also established its first off-shore Global Centre for Traditional Medicines (GCTM) in India this year. This move will give wider acceptance to traditional knowledge worldwide. The TKDL can cater to a vast user base that would include businesses/companies {herbal healthcare (AYUSH, pharmaceuticals, phytopharmaceuticals, and nutraceuticals), personal care, and other FMCG}, research institutions: public and private; educational institutions: educators & students; and others: ISM practitioners, knowledge holders, patentees and their legal representatives, and government, among several others. The access to the TKDL database would be through a paid subscription model with a phase-wise opening to national and international users.

### SEXUAL HARASSMENT OFFENCE VIA PROVOCATIVE DRESSING

Ref: [timesofindia.indiatimes.com](https://timesofindia.indiatimes.com),  
Wednesday, 17.08.2022



In a case registered under Section 354 A(2), 341 and 354 of IPC, while granting anticipatory bail, a court in Kerala has recently observed that Section 354 A of the Indian Penal Code, shall not

stand against the accused if a woman is wearing sexually provocative dress. The court in this matter also observed how impractical it is that any physically disabled man aged 74 years can forcefully put a woman in his lap and sexually molest her. The bail was granted with conditions. The court clarifying certain legal principles concerning criminal jurisprudence made it abundantly clear that in cases where there has been a delay in lodging FIR, the same must be properly explained and in order to make out a case of sexual harassment, intention on the part of accused, physical contact and advances involving unwelcome and explicit sexual overtures must be brought about clearly. While a certain section of society is still grappling with what provocation means as per their ideologies, it's a high time that the law is able to have clear lines on what is provocation and what is not in order to avoid biased and emotional interpretations by all communities as a result of absence of clear cut guidelines.

### MODERNA SUES PFIZER OVER PATENT INFRINGEMENT OF COVID-19 VACCINE

Ref: [thehindu.com](https://thehindu.com), Friday, 26.08.2022



The technology claimed to be developed by Moderna many years ago relating to covid-19 vaccine is now a bone of contention between Moderna and Pfizer. Pfizer's German partner Biotech too has been dragged in the battle. These two parties were first groups to have worked on and developed the vaccine for novel coronavirus. Moderna had innovated messenger RNA vaccine technology that led to unprecedented development of Covid 19 vaccine at a fast pace. These vaccines are unique as they teach human cells how to make protein that will trigger an immune response. Moderna has alleged that Pfizer has copied its technology which was patented between 2010 and 2016. As post covid



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era opens up, infringement, enforcement and protection of intellectual property rights shall assume greater importance and the snippets of the same can be already seen in these legal battles that have become part and parcel of the day specially in pharma companies.

### PATENT OFFICERS BODY APPROACHES CAT

Ref: [business-standard.com](http://business-standard.com), Tuesday, 30.08.2022



The All India Patent Officer's Welfare Association has moved to the Central Administrative Tribunal against Controller General of Patents, Designs and Trade Mark seeking judicial intervention against high work target fixed by the body. Processing of 360 files per year has been the target that has invited a standoff between officers and the concerned body. Choosing quantity over quality is impacting India's economic interests lately.

### 'TELEGRAM' TO DISCLOSE INFO OF COPYRIGHT INFRINGERS

Ref: [livelaw.in](http://livelaw.in), Wednesday, 31.08.2022



The Delhi High Court in a suit titled Neetu Singh & Anr. v Telegram FZ LLC & Ors., dealt with permanent injunction for restraining infringement of copyright, damages and other reliefs in respect of unauthorized dissemination of videos, lectures, books over messaging app Telegram. The court has observed that copyright infringers cannot be

permitted to seek shelter under messaging platform Telegram's policies merely on ground that its physical server is in Singapore. Disclosure of personal data for the purpose of any proceedings such as proceedings related to infringement of copyright will be recognized as an exception to data privacy under Personal Data Protection Act, 2012, Singapore. Information Technology Intermediary guidelines and digital media ethics, 2021 do not in any manner obviate the duty of Telegram as a platform to take all effective steps required to protect IP rights including rights of copyright owners. Court thus ruled out that copies circulated on telegram would constitute infringing copies. If infringers are permitted to mask their identity through technological means such as messaging apps, the remedy of damages against infringement would be rendered completely nugatory altogether.



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