

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

**KNOWLEDGENTIA CONSULTANTS AND
DST CENTRE FOR POLICY RESEARCH,
PANJAB UNIVERSITY SIGN MOU
Wednesday, 15.02.2023**



We are glad to announce that today we have signed MOU with prestigious DST Centre for Policy Research (CPR), Panjab University, Chandigarh. Knowledgentia Consultants will be striving with greater zeal towards strengthening IP ecosystem across the length and breadth of India. The MoU will cater the capacity building through awareness programs on IP, collaborative publications and will give exposure and support to the students and faculty of the university to enhance and upgrade their research into IP and technology. The signing parties will organize the awareness programs on copyrights, patents, industrial designs, trademarks, geographical indications by holding seminars, workshops and training with the industries to promote IP/technology commercialization in the university.

**COLLABORATION WITH FIEO
Wednesday, 08.02.2023**



Knowledgentia Consultants, Founding Partner Ms. Aparna Jain, delivered a session on Precautions to be taken by Exporters in International Trade on 08.02.2023 at an event organized by FIEO.

**LECTURE ON FUTURE PROSPECTS OF
STENOGRAPHY
Thursday, 16.08.2023**



Advocate and Founding Partner, Ms. Aparna Jain, delivered a lecture on Future Prospects of Stenography for students and faculty of Government Industrial Training Institute for Women at Chandigarh. The session opened up student's horizon to vast number of opportunities available in this profession who are all geared up to train themselves to be ready for society.

**INCREASED BUDGET ALLOCATION FOR
IPR**

Ref: economicstimes.indiatimes.com,
Wednesday, 01.02.2023



In the revised budget, allocation for copyright office and Controller General for patents, designs

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and trademarks has increased. These enhanced funds have been allocated to strengthen Intellectual Property Rights Management policy and infrastructure development. This very increased allocation points towards increased focus of the government on strengthening the IP ecosystem in the country.

NCLAT DELHI RULING ON FINANCIAL DEBT

Ref: livelaw.in, Friday, 03.02.2023



In the case titled, Priyal Kantilal Patel v. IREP Capital Pvt Ltd & Anr., NCLAT held that nature of financial debt would not change on account of breach of consent terms. Since the consent terms provided for restoration of Section 7 petition, the mere fact that instead of reviving the earlier petition a fresh petition has been filed by the Financial Creditor, would be no ground for rejection of the subsequent petition.

**LIBYA'S TRADEMARK OFFICE
SUSPENDS TM REG TEMPORARILY**

Ref: intellectual-property-helpdesk.ec.europa.eu, Friday, 03.02.2023



Libya's trade mark office has suspended trademark applications and registrations of trademarks filed by foreign applicants with effect from 01.11.2022. The office will be operating with limited functions such as accepting applications of companies owning to national production and services units, archiving issued trademark decisions, preparation of information systems in cooperation with economic information and documentation center, maintenance of register of companies dealing with trademark office in registering trademarks, continuing to maintain the register of transfer and assignment of ownership of trade marks.

DELHI HC IMPOSES 1 LAKH COST IN POSH MATTER

Ref: livelaw.in, Tuesday, 07.02.2023



In the case titled P v. Union of India and Ors, 2023 LiveLaw(Del) 126, Delhi High Court while observing the importance of constitution of internal complaints committee held that institutions need to accept liability in cases where sexual harassment complaints have been dragged on for a long period of time and the management and authorities need to behave in a responsible manner. While imposing costs of Rs. 1 lakh in this matter, the court has set the record straight in sensitive matters concerning implementation of POSH Act.

DELHI HIGH COURT RESTRAINS 24 FOOD ENTITIES FROM USING "KHAN CHACHA"

Ref: livelaw.in, Wednesday, 08.02.2023

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Delhi High Court in the case titled Gupta and Gupta Pvt Ltd v. Khan Chacha Hyderabad Biryani and Ors., has restrained 24 food entities from using “Khan Chacha” trademark and also directed their delisting from the platforms of food delivery companies like Zomato and Swiggy. The order was specifically directed at usage of identical goods and services under class 29 and class 43. Zomato and Swiggy were also directed to take action of blocking the websites and mobile apps of defendants. The main case of the plaintiffs was that 24 entities had been doing business under the mark “KHAN CHACHA” without any authority and thereby liable for infringement under the Trademarks Act.

COMPETITION LAW AMENDMENTS
Ref: [livemint.com](https://www.livemint.com), Tuesday, 14.02.2023



The government has proposed amendments to India’s competition law and is set to introduce Competition Amendment Bill 2023 in the Parliament. As per this Bill, Competition Commission of India can now impose penalties upto 10% of total global turnover of enterprises found to have contravened the competition law. As per the current laws, penalties are calculated

as a percentage of only “relevant turnover” in India, which excludes sales from products which have no relation to the contravention. The Apex Court in the year 2017 clarified that when contravention involves one product, there seems to be no justification for including other products for imposing a penalty. Another interesting change in the 2023 Bill is the expansion of the scope of liability of cartel facilitators. The amendments proposed to codify the liability of cartel facilitators which ‘actively participate’ in the furtherance of a cartel. Such a broad provision raises over-enforcement risks and may expose certain entities (including digital intermediaries and national industry bodies organizing meetings without any agenda to share sensitive information) to the undue hardship of having to rebut such a presumption during a probe (as this issue is unlikely to come up before the CCI at the preliminary pre-investigation stage). It may, therefore, be prudent to limit this provision to cover only genuine cartel facilitators.

KFC CANNOT HAVE EXCLUSIVE RIGHT IN THE WORD “CHICKEN”
Ref: [sconline.com](https://www.sconline.com), Friday, 17.02.2023



Delhi High Court in the case of Kentucky Fried Chicken International Holdings LLC v. The Registrar of Trade Marks , 2023 SCC Online Del 897, held that KFC did not have any exclusive right in the word “CHICKEN” but the Trade Mark Registry could proceed for advertisement of application for the mark “CHICKEN ZINGER” in Class 29. The Court noted that the subject mark comprised of two words, “CHICKEN” and “ZINGER” and the dictionary meaning of “ZINGER” was “a thing

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outstandingly good of its kind” or *“a wisecrack; punch line”* or *“a surprise question; an unexpected turn of events”*. The Court opined that use of the word *“ZINGER”* in conjunction with *“CHICKEN”* did not draw an instant connection with the kind of goods/services and may at best, be considered suggestive. The Court further noted that the appellant had registration of the marks *“ZINGER”* and *“PANEER ZINGER”* in Class 29 itself and objection under Section 9(1)(b) of the Act seemed to be based on the use of the word *“CHICKEN”*, over which, the Court held that the appellant could not have any exclusivity.

MADRAS HIGH COURT DIRECTS TN GOVT TO NOTIFY INAUGURATION OF ITS INTELLECTUAL PROPERTY DIVISION
Ref: livelaw.in, Monday, 20.02.2023



Madras High Court in the case titled *M/s Galatea Limited v. The Registrar General and Others*, 2023 LiveLaw (Mad) 58, has directed the State Government to notify the inauguration of Intellectual Property Division. After abolishment of Intellectual Property Appellate Board, Intellectual Property Division was inaugurated to fill in the gaps and provide speedy remedy in IPR cases. Non functioning of this division has left many litigants remediless which has become a cause of concern and hence action has been taken on immediate basis to release the notification with appropriate approved rules.

PATENT FILINGS HIT A RECORD HIGH IN 2022

Ref: news.un.org, Tuesday, 28.03.2023



United Nations

According to WIPO, Huawei has a whopping 7600 patent filings to its name with maximum filings in the year 2022. Huawei is followed by Samsung, Qualcomm, Mitsubishi and Ericsson. Despite huge challenges to world economy due to ongoing war between Russia and Ukraine, Covid pandemic, rising inflation and supply chain issues, 2022 has seen record number of patent filings. Asia has been declared as the fastest growing region in this aspect. International Industrial Design applications have also grown exponentially. Use of International trademark system for protecting brands has also seen exceptional growth.



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