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IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL PROPERTY MATTERS

EPIC VS GOOGLE

Ref: Hindustan Times, Tuesday, 01.10.2024



Epic Games recently accused Alphabet's Google and Samsung of protecting Google Play store from competition by filing a lawsuit in California against a mobile security feature. It has been alleged that the said feature termed as Auto Blocker deter users from downloading apps from sources other than the play store or Samsung's Galaxy store, which the Korean company chose to put on the back burner. Samsung and Google are violating US antitrust law by reducing consumer choice and preventing competition that would make apps less expensive, said US based Spic, which is backed by China's Tencenat. The allegations of unfair competition and misleading the users that other games are inferior has been averred. It would be interesting to witness the outcome of this litigation for users.

BHARAT PE SETTLES DISPUTE

Ref: Business Standard, Tuesday, 01.10.2024



Ashneer Grover, former co – founder of BharatPe has amicably settled their long impending dispute. Both parties have decided to close all cases and the shareholding of Ashneer Grover shall be transferred to family trust. After various rounds of complaints and cases the matter got resolved through talks and solution-based approach.

VANS INC. USA V. FCB GARMENT TEX INDIA (P) LTD. & ANR. Ref: 2024 (99) PTC 301 [Del]



Vans Inc., a well-known footwear and apparel brand established in 1966, filed petitions for the cancellation of two trademarks "IVANS" and "IVANS NXT" registered by FCB Garment Tex India (P) Ltd. These marks, registered in Class 25 for apparel, were argued by Vans to be deceptively similar to its "VANS" mark, which is widely recognized and used for footwear and apparel. The Hon'ble Court held that the defendant was using the mark much prior to the entry of VANS in India. There prior and honest concurrent user was thus protected and further the court stated that as the target consumers were different for both the Plaintiff and Defendant there was minimal risk of confusion. The delay and acquiescence further weakened the case of Vans. Thus, petition for cancellation was dismissed and the marks "IVANS" and "IVANS NXT" trademarks remain on the register.

ESTATE PLANNING

Ref: Hindustan Times, Wednesday, 02.10.2024



In today's uncertain and dynamic world, it is imperative that the assets of an individual should become assets and not liabilities for legal heirs or beneficiaries. It is essential to write and document your will for all your assets during your lifetime so as to enable the heirs to enjoy it rather than litigate to have the same in their names/ownership. It is thus essential and advisable that the persons in their own capacity and without any pressure do finalize their wills after a certain age bracket.

SMART PACKAGING FOR PHARMA SECTOR

Ref: Business Standard, Tuesday, 03.10.2024



Indian pharmaceuticals companies are stepping up their efforts to combat the problem of counterfeit drugs, from packaging innovations to engaging private investigation agencies. Handling counterfeit goods for users as well as competitors who make all endeavours to tarnish reputation of the company is an upheaval task. The substandard drugs named by the CDSCO included various popular brands such as Pan-D, Clavam 625, Pantocid and Shelcal 500. Thus, adding QR Codes to the medicine packaging as well as 3D security strip are a few steps undertaken by companies. Meanwhile, the Indian Pharmaceutical Alliance (IPA), representing the nation's largest pharma firms, has called on the largest pharma firms, has called in the CDSCO to make a clear distinction between spurious drugs and non-standard quality (NSQ) drugs. It's a critical matter which needs a proper resolution efficaciously and expeditiously.

FREEDOM TM AT DISPUTE

Ref: Business Standard, Friday, 04.10.2024



LML has recently sued Bajaj Auto over use of the trademark "FREEDOM", claiming that it was illegally using its 'Freedom' trademark in newly launched Bajaj CNG motorbikes, the company said in statement on Thursday. SG Corporate Mobility claims that the term 'Freedom' has a deep-rooted association dating back to 2002 when the company when the introduced its 'LML Freedom' motorcycle. The trademark 'Freedom,' along with 'LML' brand, was officially assigned to SG Corporate Mobility in 2021 after being transferred by LML. The lawsuit claims that Bajaj Auto's use of 'Freedom' infringes on these trademark rights, as well as the goodwill associated with the brand. Though the Court is going to adjudicate whether the use amounts to infringement or not, but another aspect is that should a generic word/mark "Freedom" be registered as a trademark?

MAKE IN INDIA 10 YEARS OLD

Ref: Business Standard, Monday, 07.10.2024



An uptick in manufacturing activity a decade since the launch of the Make in India initiative notwithstanding, India's integration with global value chains faces some challenges. Global Value Chain (GVC) related trade, a measure of country's participation in the multi stage trade process accounts for more than half of the gross trade in India's manufacturing sector. The initiative had aimed to strengthen self-reliance and boost exports. However, India's share in the world's merchandise exports has remained stagnant despite exceeding 400 billion in the decade since the initiative was launched. India has taken its share of high technology exports in total manufactured goods exported up by over 23 percentage points between 2014 and 2022, while in the same period, China has seen a drop of over 6 percentage points. The share of India's overall high technology exports, though, remains small compared to China, Vietnam, and the global average. Thus, the Make in India initiative still has a long way to showcase better manufacturing capabilities of India.

QUICK HEAL'S ANTIFRAUD.AI EYES SMALL FIRMS

Ref: Hindustan Times, Saturday, 05.10.2024

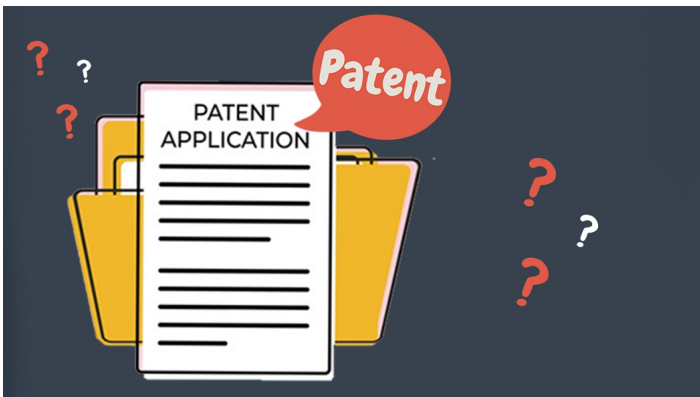


Quick Heal technologies Ltd, which provides cyber security software, aims to make small business and individuals the largest category of users for its new artificial intelligence powered anti-fraud tool called Antifraud.ai. In an exclusive interaction with Mint, the Pune based company's top executives Sanjay Katkar, said that the software introduced at 750 per installation, has seen a higher-than-expected uptake in the pre-launched days in the past month. "Fraudsters are not only using social engineering, but they are also taking advantage of technology, they are automating their attack selection, which calls for technological help in calls for technological help in solving or fighting this kind of fraud,". The phenomenon is referred to as digital arrest, a highly contextualised scam

where some kind of personal information of the victim is accessible to fraudsters. Consumers are also falling prey of phishing and other forms of scam via fake trading, banking and loan apps. The software, once installed on a device, evaluates the user's risk profile. Using AI alerts on receiving a potential fraudulent call, the tool protects from phishing link scams, alerts when a call may potentially lead to fraud, detects fake apps, and QR codes. These kinds of technologies are the need of the hour in such rampant use of Internet and linkages with all financial accounts as well.

KAWAKAMI, SHIGEKI & ORS.V. ASSISTANT CONTROLLER OF PATENTS AND DESIGNS

Ref: 2024 (99) PTC 593 [Del]



The Appellant assailed the order dated 15th November 2021 from the Assistant Controller of Patents and Designs, which rejected Patent Application No. 201817032492 filed by the appellant. The application was initially filed on 30th August 2018 as a National Phase Application based on PCT Application No. PCT/JP2017/004049. The court found that the rejection of the application solely on the basis of a newly introduced objection (lack of novelty) violated the Principles of Natural Justice, as the appellant was not given an opportunity to contest this ground during the hearing. The impugned order was set aside, and the matter was remanded to the respondent for fresh consideration. The patent application was restored to its original status, and the respondent was instructed to issue a new hearing notice, including all objections, within four weeks. The decision on the application must be made expeditiously, within four months.

TATA BACKED START-UPS MORE 'INTUITION'

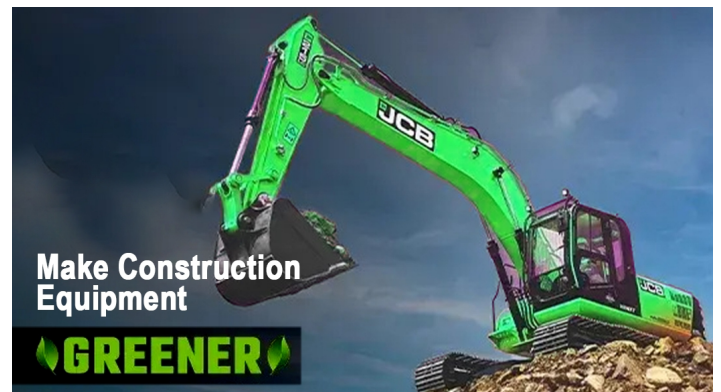
Ref: Hindustan Times, Thursday, 10.10.2024



In December 2019, Ratan Tata created a pitch deck that entrepreneurs could use to tap investors. After retiring as the Tata Sons chair in 2012 at the age of 75, Tata had devoted most of his time to investing in start-ups through RNT Associates, his personal investment vehicle. Many founders were reaching out to him for advice, he said in his Instagram post in 2019, when he had already built an enviable start up portfolio. The 16 slides deck was fairly basic, it advised founders to include elements such as the core problem, a unique selling proposition, validation of every idea with data, competitive information, a revenue model, and details of the team. But towards the end, the deck cautioned: "Getting funded does not mean success." Tata also appeared to have made money through his exits. He exited Bluestone in 2022. Tata didn't downplay challenges, but said the confident entrepreneurs would find creative way to overcome. "Entrepreneurs today who will find ways to enable new or modified enterprises that would be the benchmarks of tomorrow. It can all start on a clean sheet of paper that looks at ways of doing things that were never thought of before. This crisis will force entrepreneurs to adapt and create," he said. Mr. Ratan Tata and his approach towards business, humanity as well as entrepreneurship was radically outstanding, a person who was larger than life through his actions has passed away leaving a void for India.

JCB GOES 'GREENER'

Ref: Business Standard, Friday, 11.10.2024



JCB, which is growing in double digits this year, is planning to make its machines "greener" by reducing fossil fuel consumption. The company has launched JCB NXT 215 LC Fuel Master which has been designed to reduce fuel consumption by 14 per cent compared to its previous model. It's also developing machine on hydrogen combustion engine as well as CNG based. However, the focus on infrastructure remains and we have seen a double-digit growth both for JCB and also the industry.

IT FIRMS FOCUS ON BUILDING IP

Ref: Business Standard, Friday, 11.10.2024



Recently there has been a spurt in litigation by information technology (IT) services players as the industry's business model transitions towards platform and intellectual property-led deals. According to the lawsuit field, Infosys allegedly misused TriZetto's software to create a competing product. Cognizant is seeking monetary compensation and also an injunction against Infosys from further using its proprietary information. Last year, United State (US) court had asked Tata Consultancy Services (TCS) to pay up to 210 million for allegedly misappropriating the source code of US-based services firm DXC. Earlier this year, according to media reports HCL Tech sued French IT firm Atos for copyright infringement. With the rapid use of AI by various corporates the chances of conflict have highly increased as IP generated has to be protected through these cases. It seems with the proliferation of customised AI platforms, the growth of agentic AI, and the automation of AI, there would be a greater incidence of IP breach, which could end in "serious litigation". "The industry is still adjusting to this new reality and this trend is likely to accelerate until this adjustment is complete. This is likely to take a couple of years.

INDIA PATENT FILING HIGH IN AI

Ref: Business Standard, Monday, 14.10.2024



India is advancing aggressively in the race to shape the next generation of wireless technology based on various studies, the country ranks between fourth and sixth globally in filing patents related to 6G technology, a promising indicator of its potential influence on the 6G standard-setting process. India hosted the World Telecommunications Standardisation Assembly (WTSA) in Delhi providing a forum for delegates from 190 countries to discuss future standards for crucial technologies such as 6G, artificial intelligence, and big data. India is at 6th position with 188 6G related patent based on government data The patent filing by India is

particularly concentrated in areas like block chain and distributed ledger technology, general 6G communication, artificial intelligence, energy harvesting, and quantum, communication, according to Questel, a French IP solutions firm. India's government has clearly outlined its 6G aspirations: To capture 10 per cent of global 6G patents and contribute one-sixth to global standards within three years. Initiatives to support this goal include the establishment of the Bharat 6G Alliance, a comprehensive stakeholders network the launch of a Bharat 6G vision, and commissioning of test beds for 6G trials. Beyond patents, the country is striving to influence the 6G standards-setting process through greater involvement in technical committees and subcommittees in IDO, which has members from standard bodies across 160 countries

INDIA – WORLD BANK DISPUTE CENTRE

Ref: Business Standard, Friday, 18.10.2024



The International Centre for settlement of investment dispute (ICSID) is a World Bank Group institution set up in 1996, with a specific mandate to resolve dispute that arise between foreign investor and the countries in which they invest. Although India actively participates with the World Bank and its affiliated institutions-the International Finance Corporation and the Multilateral Investment Guarantee Agency-it is not a signatory to ICSID. India's hitherto non participative position in UCSID requires a fresh assessment, as in the world of global investment flows, ICSID stand out as a credible institution for cross border investment related dispute resolution. As of December 31, 2023 it had 158 Contracting states and seven Signatory States Under its fold, with 967 arbitration and conciliation cases registered under it. The ICSID has demonstrated over the years that it plays a crucial role in maintaining stability in international investments through arbitration, conciliation, and mediation. Its inclusion in numerous treaties and national laws underscore its significance in shaping the cross-border investment landscape which has grown exponentially since the institution's founding. Being a signatory to ICSID would provide the much-needed booster does of confidence to a new cohort of foreign investors. Overall, India's outward investment flows are expected to continue growing as Indian companies seek strengthen their global presence and competitiveness. This trend underscore India's increasing economic influence on the global stage. The ICSID offers a credible risk-mitigating opportunity. By becoming its members, India can provide foreign investors with a trusted legal framework for disputes resolution, significantly enhancing its appeal as an investment destination. Indian businessman investing abroad would also benefit from similar protections. It's important to note that ICSID membership aligns with India's model bilateral investment treaty. It would complement India's broader effort around legal reforms, such as the need to make judicial procedures more efficient and responsive to current needs. Ultimately investors benefit from a range of options to settle disputes, both domestic and international. The competition for global capital is fierce and India must leverage every tool at its disposal. In this fiercely competitive global market, joining the ICSID is a move India cannot afford to miss.

JUDICIAL SYMBOL REVAMPED

Ref: Hindustan Times, Monday, 21.10.2024



Symbols holding meaning: The National emblem that India adopted after Independence, the lion capital, for example, symbolize ideals for power and the triumph of truth. Any institutional change in iconography should make us pause for reflection. Last week, in a remarkable move to shed colonial baggage, the Supreme Court unveiled a redesigned version of 'Lady Justice.' The old statue, whose origin can be traced to ancient civilizations around the Mediterranean Sea, had balancing scales in one hand of a blind folded woman, with the sword in the other. The scales, which represent impartiality in the weighing of cases, have been retained. The sword of enforcement has been replaced with a copy of India's Constitution, on which the rule of law is based, making an Age-of Reason shift to what must be enforced from how. The blindfold is gone, with Lady Justice's eyes wide open to affirm our quality. "The law is not blind: it sees everyone equally," said Chief Justice of India D.Y. Chandrachud at the unveiling ceremony. The rationale to keep up with evolving ideals in India's own context of interpretations is in consonance with our commitment to institutional sovereignty. This incremental change unveils the progressive approach of the country and its judicial system as a whole.

ATYATI Technologies P.Ltd.v. COGNIZANT Technologies Solutions US Corporation
2024 (99) PTC 417 [Bom]



ATYATI, the Plaintiffs, an established IT services and consulting company since 2006, filed a Commercial Intellectual Property Suit against the Defendants Cognizant for infringing their registered trademarks and copyright, as well as passing off. They seek a permanent injunction to prevent the Defendants from using marks that are identical or deceptively similar to theirs. The Plaintiff adopted the mark "ATYATI" in 2008 and

introduced a unique Device Mark in 2019, which has become exclusively associated with them and had valid subsisting registration. The Plaintiff filed for interim relief in the form of a temporary injunction against the Defendants to prevent infringement by use of a deceptively similar logo. The Plaintiffs discovered the Defendants filed an application (No. 5795221) for a similar trademark, deemed fraudulent and intended to exploit the goodwill of the Plaintiffs' ATYATI marks. The Court found a prima facie case favoring the Plaintiffs, indicating the Defendants' use of the Impugned Mark/Logo is likely to mislead the public regarding affiliation, with notable similarities between the marks likely causing consumer confusion. The Court granted ex-parte ad-interim relief to the Plaintiffs, restraining the Defendants from using the Impugned Mark/Logo and infringing the Plaintiffs' copyright in the ATYATI Device Mark.

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