

# KNOWLEDGEATE®-NOVEMBER 2025

IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL PROPERTY MATTERS

## PATENT OUTSIDE CCI: HELD BY NCLAT

Ref: 02.11.2025, Sunday, The Economic Times



### CCI lacks power to examine dispute over patented products: NCLAT dismisses appeal against Vifor International

Recently, The National Company Law Appellate Tribunal (NCLAT) has ruled that the Competition Commission of India (CCI) cannot investigate disputes involving patented products, holding that such matters fall exclusively under the Patents Act rather than the Competition Act. The tribunal dismissed an appeal against a CCI order closing a probe into Swiss pharmaceutical company Vifor International. Clear boundaries between patent rights and competition law help provide legal certainty for innovators and competitors alike. Upholding the distinct roles of intellectual property and antitrust frameworks encourages investment in research while ensuring that competition policy is applied appropriately. A balanced legal approach ultimately fuels both innovation and consumer welfare.

## LITIGATION TIME EXCLUDED FOR EC

Ref: 03.11.2025, Monday, Hindustan Times



Ministry of Environment, Forest and Climate Change (MoEFCC) has clarified that periods lost due to court cases or insolvency proceedings will not be counted while calculating the validity of environmental clearances (Ecs). Through a notification issued on October 30, the ministry stated that time spent in proceedings before courts or the National Company Law Tribunal (NCLT) will be treated as a “zero period”. The decision is expected to benefit projects across sectors, including real estate, manufacturing, and infrastructure, where insolvency or legal disputes often halt construction and investment despite compliance with environmental norms. This clarification strikes a pragmatic balance between environmental regulation and economic reality.

## ANTITRUST DISPUTE BETWEEN GOOGLE & EPIC SETTLED

06.11.2025, Thursday, Hindustan Times



Google and Epic Games have finally settled a prolonged litigation over application distribution practices. A US jury agreed with Epic, prompting a federal judge to order Google to ease restrictions on rival app stores, permit developers to direct users to alternative payment systems, and curb preferential treatment for its own services. This settlement reflects a growing recognition that fair competition and developer choice are essential for a healthy digital ecosystem. By loosening gatekeeping practices while maintaining platform safety, it strikes a balance between innovation and accountability. Ultimately, consumers and smaller developers stand to benefit from a more open and competitive app marketplace.

## DHOKHA' CLAIM HELD DISPARAGING UNDER ADVERTISING LAW

Ref: 07.11.2025, Friday, Business Standard



Dabur assailed Patanjali for its competitive disparaging remarks making averments of fraud on all other Chyawanprash products. This case highlights the need for ethical boundaries in competitive advertising, especially in sectors linked to health and consumer trust. While healthy competition benefits consumers, branding rival products as “fraud” risks misleading the public and eroding confidence in regulated markets. Court stated that the remarks carried a serious allegation of deception and differs from merely calling rival products inferior. After hearing both sides, the court reserved its order, reiterating that comparative advertising is allowed, but disparagement is not.

## BLOCKCHAIN REFORMS FOR PROPERTY REGISTRATION BACKED BY SC

Ref: 08.11.2025, Saturday, Business Standard



The Union government will focus on encouraging innovation in artificial intelligence before introducing strict regulatory controls which is a pre requisite prior to AI governance. Together, these developments reflect a pragmatic governance approach that balances innovation with reform. Encouraging AI growth before overregulation can unlock economic and social gains, provided safeguards evolve in step with risks. At the same time, modernising property registration through technologies like blockchain can reduce fraud, litigation and citizen distress. Both signal the need for forward-looking policies that use technology to improve trust, efficiency and public welfare.

## SC CLARIFICATION OF APPLICABILITY OF SERVICE TAX ON LAND SALE

Ref: 12.11.2025, Wednesday, Business Standard



Supreme Court has held that the outright sale of immovable property does not constitute a “service” under the Finance Act, 1994 and therefore cannot be subjected to service tax. The ruling strengthens legal certainty and protects citizens and businesses from arbitrary tax expansion by reaffirming clear boundaries between sales and services. By prioritizing substance over labels, the Court promotes fairness, transparency, and trust in the tax system. Such clarity ultimately encourages lawful investment and reduces unnecessary litigation.

## DPDP RULES NOTIFIED BY CENTRE

Ref: 15.11.2025, Saturday, Business Standard



The Union government has notified the administrative rules under the Digital Personal Data Protection (DPDP) Act, formally operationalising India’s national framework for digital data privacy. Experts have welcomed the move, noting that it brings long-awaited clarity to how personal data must be collected, processed, and safeguarded across India’s expanding digital economy. The rules introduce a phased implementation schedule, giving most data fiduciaries, including social media platforms, e-commerce companies, and online intermediaries, up to 18 months to align their systems with the law. Entities seeking to function as consent managers will have 12 months to register with the Data Protection Board (DPB). Organisations must adopt reasonable security safeguards such as encryption or tokenisation, maintain breach-detection systems, and keep access logs for at least one year. In case of a data breach, affected users and the DPB must be informed within 72 hours, along with details of the incident, its impact, and remedial steps taken. Large digital platforms will also be required to delete personal data of inactive users after three years, subject to prior notice. Additionally, significant data fiduciaries must conduct annual audits and data protection impact assessments to ensure that their systems and algorithms do not infringe users’ rights.

**Opinion:** The DPDP rules are a vital step toward restoring trust in the digital ecosystem by placing user rights and accountability at the centre of data governance. A phased rollout balances privacy protection with practical compliance, giving businesses time to adapt without stifling innovation. If enforced transparently, the framework can strengthen digital confidence while supporting responsible economic growth.



## CRI PATENTABLE WITH TECHNICAL ADVANCEMENT

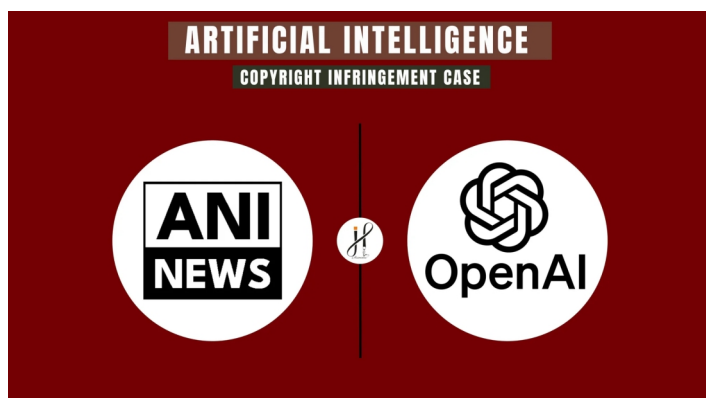
Ref: 17.11.2025, Monday, Live Law



In *Ab Initio Technology LLC v. Controller of Patents & Designs*, the court allowed an appeal by a US technology company whose application had been denied on the ground that its innovation was merely a “computer programme per se”. The bench observed that when a claimed invention improves a technical process such as enhancing query performance or providing a concrete technological effect it goes beyond abstract software and qualifies for patent protection under Sections 2(1)(j) and 3(k) of the Patents Act. Recognizing the patentability of software-enabled inventions with real technical contribution encourages innovation in emerging fields like data processing, AI and digital systems. Clear legal standards help inventors, universities and startups invest confidently in research that can drive technological progress and economic growth.

## COPYRIGHT ANI ISSUE STILL PENDING

Ref: 22.11.2025, Saturday, Business Standard



OpenAI, the company behind ChatGPT, informed the Delhi High Court that a threshold issue in the copyright dispute filed by Asian News International (ANI) is whether India’s Copyright Act applies to the alleged use of content for training artificial intelligence models. The same was in lieu of the ongoing litigation in UK. This case highlights the urgent need for clear, balanced rules on how AI systems may lawfully use copyrighted material without undermining creators’ rights on an international level. A nuanced judicial approach can help ensure that innovation and freedom of information progress together, rather than at each other’s expense. Clarity in this area will benefit both technology development and the sustainability of creative industries.

## FIRST SMELL PROTECTION GRANTED IN INDIA

Ref: 21.11.2025, Friday, Bar and Bench



Recognising smell trademarks encourages creativity in branding and strengthens IP protection for innovative products. Broader trademark categories can help businesses differentiate offerings while inspiring scientific and marketing collaboration. This evolution of law enhances India’s global competitiveness in intellectual property. The olfactory trademark application for a scent mark filed by Japanese tyre maker Sumitomo Rubber Industries has claimed exclusive rights over a rose-like floral fragrance infused into tyres as part of its product identity.

## TESLA POWER RESTRAINED FROM USING TESLA

Ref: 25.11.2025, Tuesday, Business Standard



The Delhi High Court has restrained Gurugram-based Tesla Power India from manufacturing, selling, or promoting electric vehicles and from using the name “Tesla” until the trademark infringement suit filed by Tesla Inc. is finally decided. The order reinforces the importance of protecting intellectual property rights to maintain fairness and trust in the marketplace. It also sends a clear message that brand value built over years cannot be freely appropriated in the name of competition or entrepreneurship. Strong enforcement of trademark law ultimately safeguards consumers from confusion and promotes genuine innovation.

## KNOWLEDGENTIA CONDUCTS POSH SESSION AT THAPAR INSTITUTE Date: 27.11.2025



In a significant step towards promoting dignity, equality and safety at the workplace, Knowledgentia Consultants conducted a comprehensive POSH awareness session at Thapar Institute of Engineering and Technology. Knowledgentia Consultants conducted the session which was organised by Thapar Institute's Internal Complaints Committee (ICC) as part of the nationwide 'Elimination of Violence & Discrimination Against Women Pakhwada'. Participants were familiarised with the functioning of the Internal Complaints Committee, complaint redressal mechanisms and the importance of gender sensitivity in fostering a respectful campus culture. The initiative was widely appreciated for reinforcing Thapar Institute's commitment to creating a workplace rooted in dignity, equality and mutual respect, while empowering its community with legal awareness and ethical responsibility.

## HERMES' BIRKIN SHAPE WELL KNOWN

Ref: 28.11.2025, Friday, Times of India



The Delhi High Court has officially recognised the three-dimensional shape of the Hermès Birkin bag, along with the Hermès name and two of its stylised logos, as well-known trademarks in India under the Trade Marks Act, 1999. Recognising distinctive product shapes as well-known trademarks helps protect creative and cultural expressions while discouraging knockoffs that mislead consumers. Strong IP enforcement fosters fair competition and encourages businesses to innovate responsibly, strengthening market trust and benefiting both creators and purchasers alike. However, for bags is it innovative or is it anti competitive is another aspect which shall come to light once the decision is being enforced.



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