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(SYLLABUS 2022)

for

June, 2026 Examinations
(Amendments covering June 01, 2025 to November 30, 2025)

Intellectual Property Rights – Law & Practice

GROUP 1, ELECTIVE PAPER 4.3

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Students appearing in Examination shall note the following:

Students appearing in June, 2026 Examination should also update themselves on all the relevant Notifications, Circulars, Clarifications, Orders etc. issued by CGPDTM, DPIIT & Central Government/ other Regulatory authorities upto November, 2025.

The students are advised to acquaint themselves with the monthly and Regulatory updates published by the Institute.

This supplement is to be read with the IPR-Law and Practice study material (Syllabus 2022) updated up to May, 2025.

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LESSON 4

INDIAN PATENT LAW AND ITS DEVELOPMENTS

Patent Amendment Rules, 2025 [Department for Promotion of Industry and Internal Trade Notification Dated 25th November, 2025]

Key Highlights:

- The Ministry of Commerce and Industry has issued the Patents (Amendment) Rules, 2025, further modifying the Patents Rules, 2003. The amendments introduce Chapter XIV-A, detailing the adjudication of penalties and appeal procedures under the Patents Act, 1970.
- Key provisions define adjudicating officers, appellants, and appellate authorities, and set out procedures for filing complaints electronically under sections 120, 122, and 123.
- The rules prescribe notice requirements, inquiry procedures, evidence submission, and penalty imposition, ensuring fair opportunity for the parties.
- Appeals against adjudicating officer orders can be filed electronically within 60 days, with the appellate authority required to issue reasoned orders within six months.
- All communications are mandated via electronic means, and penalties collected are credited to the Consolidated Fund of India.
- The rules also introduce Forms 32 and 33 for filing complaints and appeals, streamlining compliance, enhancing transparency, and expediting resolution of contraventions under the Patents Act.

Revised Guidelines for Examination of Computer Related Inventions (CRIs), 2025 (July 29, 2025)

The Office of the Controller General of Patents, Designs & Trade Marks (CGPDTM) has released the Revised Guidelines for Examination of Computer Related Inventions (CRIs), 2025. The new guidelines aim to enhance clarity, consistency, and predictability in the examination of CRIs, while aligning India's patenting practices with global standards. This has been done in response to the rapidly evolving technological landscape.

The revised guidelines incorporate key considerations for inventions related to emerging technologies such as Artificial Intelligence (AI), Machine Learning (ML), Deep Learning (DL), Cloud Computing, Quantum Computing, and Blockchain.

Key highlights of the revised CRI Guidelines, 2025 include:

- Inclusion of a detailed chapter on jurisprudence elaborating the nuances of CRIs;
- Step-wise assessment methodology for Section 3(k) of the Patents Act, supported by multiple examples;
- Flowcharts to assist stakeholders, including IPO officials, in understanding the assessment process under Section 3(k);
- A Comprehensive Chapter on Examination of Inventions related to Artificial Intelligence (AI), Machine Learning (ML) and Deep Learning (DL), Blockchain, Quantum Computing, with scenario based examples, sufficiency of disclosure requirements and aspect(s) which may take it out of the purview of exclusion under section 3(k),
- An annexure comprising an indicative list of 40 additional examples—apart from the 20 examples in the main body—illustrating allowable and non-allowable claims under Section 3(k).

The revised guidelines are intended to bring uniformity and transparency to CRI examination practices and will help streamline the decision-making process within the Indian patent ecosystem.

Link to access the Guidelines:

[https://ipindia.gov.in/writereaddata/images/pdf/CRI/1.%20GUIDELINES%20FOR%20EXAMINATION%20OF%20COMPUTER%20RELATED%20INVENTIONS%20\(CRIs\)-%202025.pdf](https://ipindia.gov.in/writereaddata/images/pdf/CRI/1.%20GUIDELINES%20FOR%20EXAMINATION%20OF%20COMPUTER%20RELATED%20INVENTIONS%20(CRIs)-%202025.pdf)

For details:

<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2149719®=3&lang=2>

LESSON 7 TRADEMARKS

September 26, 2025	HOTELS.COM, LP(Plaintiff) Versus BARATH M L and Anr (Defendants)	Delhi High Court CS(COMM) 1133/2024
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Initial Interest Confusion Test under Trademark Law

Brief Facts

The Plaintiff has filed the present Suit for a decree of permanent injunction restraining infringement of its Trade Mark, passing off, dilution, damages, rendition of accounts, delivery up, etc. The dispute between the Parties, essentially pertains to the Defendants' unauthorized use of the Marks, 'HOTELCOM'. The Plaintiff is the owner and proprietor of the Trade Mark, 'HOTELS.COM' ("Plaintiff's Mark") registered in India under Classes 9, 35 and 43 and other variants of the Plaintiff's Mark which are registered outside of India.

Judgement

Based on the documents on record, it is apparent that the Plaintiff has built substantial goodwill and a strong reputation both globally and in India over the years. In view of the overall similarity between the Plaintiff's Mark and the Impugned Marks, the Defendants' infringing activities are bound to cause confusion in the minds of the consumers, who will assume the Defendants' products and services to have originated from the business or house of the Plaintiff.

High Court referred to the case of *Armour Inc v. Anish Agarwal 2025 SCC OnLine Del 3784*, wherein it was held that the initial interest confusion Test proceeds on the principle that confusion in the minds of consumers may arise at the preliminary stage, prior to the actual purchase being completed. At the point of finalising the transaction, the consumer may no longer be in doubt as to the true origin of the goods or services. Nonetheless, even such transient confusion at the initial stage is sufficient to meet the requirement of deceptive similarity under Section 29 of the Trade Marks Act, 1999. The infringer's objective may be served merely by diverting the consumer's initial attention. The consumer may, thereafter, consciously opt for the infringer's product on account of its own characteristics, with complete knowledge that it is unconnected with the registered Trade Mark. The Defendants' use of the Impugned Marks is with the purpose of causing confusion in the mind of the customers to generate traffic to the Impugned Marks riding upon the goodwill of the Plaintiff's Mark. The Defendant cannot be allowed to take advantage of the Plaintiff's goodwill and use a Mark that is deceptively similar to the Plaintiff's Mark in order to generate traffic to the Impugned Website.

In *Cartier International A.G. v. Gaurav Bhatia 2016 SCC OnLine Del 8*, while granting the damages in case where the defendants did not appear to contest the suit filed by the plaintiff, this Court has observed that the defendant who deliberately avoids court proceedings should not be allowed to benefit from such evasion as that would be unfair to a defendant who submits account

records and is held liable for damages, while one who evades proceedings escapes liability due to the absence of financial records.

High Court held that the present Application is allowed and it is directed that: i. The Suit is decreed against the Defendants in terms of Paragraph No. 45(a) to (e) of the Plaint. ii. The Defendants shall pay an amount of ₹5,00,000/- (Rupees Five Lakhs Only) as damages and costs.

For details:

https://delhihighcourt.nic.in/app/showFileJudgment/68726092025SC11332024_171356.pdf

01.07.2025	VIP INDUSTRIES LTD Versus CARLTON SHOES LTD & ANR.	Delhi High Court (Arising out of FAO(OS) (COMM) 151/2023 & CM APPL. 37334/2023)
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BRIEF FACTS:

Both VIP and Carlton Shoes Ltd. (CSL) owned registered trademarks for the word "CARLTON" under Class 18 of the Trade Marks Act, 1999. CSL originally registered "CARLTON" in India in 1994, primarily for footwear, but the registration also covered goods like bags and luggage.

VIP claimed rights through assignment from Carlton International Plc in 2004, and began selling CARLTON branded travel bags in India from 2004–2006.

In 2019, CSL filed a suit against VIP alleging passing off and infringement. VIP filed a cross-suit seeking similar relief against CSL.

JUDGEMENT:

No infringement claim is maintainable as both parties are registered owners of "CARLTON" in Class 18 (Section 28(3), TM Act).

Trans-border reputation claimed by VIP through Carlton International Plc was not proved in India as it could not produce sufficient evidence of presence or consumer recognition in India before 2004.

CSL proved prior use and goodwill in India for the CARLTON mark at least from 2003, including for bags, through:

- Sales invoices and outlets from 2003–2005,
- Advertisements in Indian media,
- Sales records, VAT registrations, and e-commerce presence,
- Consumer complaints evidencing confusion.

VIP's evidence of use (invoices and reports) only proved usage from 2006 onwards.

The court reaffirmed the territoriality principle that the goodwill must be established within India, not just overseas.

Thus, the VIP's interim injunction application was dismissed and VIP was restrained from using "CARLTON" for bags and similar goods in Class 18.

The Court concluded that in a passing off action, goodwill must be shown in India, not merely abroad. Trademark rights are territorial, and without evidence of prior use or customer recognition

in India, trans-border reputation will not support a claim. Where both parties hold registration, infringement does not lie, but passing off may be determined by actual goodwill and prior use in the Indian market in the specific category of goods.

For details:

https://delhihighcourt.nic.in/app/showFileJudgment/CHS01072025FAC1512023_134044.pdf

India's First Smell Mark Application

On November 21, 2025, the Indian Trade Marks Registry issued a ground breaking order accepting India's first smell mark application. Sumitomo Rubber Industries Ltd., a Japanese company, applied to register "FLORAL FRAGRANCE/SMELL REMINISCENT OF ROSES AS APPLIED TO TYRES" for vehicle tyres in Class 12. This was unprecedented in India, as smell marks fall outside conventional trademark categories. The company had previously registered the same rose-scented tyre mark in the UK in 1996 (registration number UK00002001416), making it the first olfactory trademark recognized there.

Legal Challenges and Solutions

The application initially faced objections under the Trade Marks Act, 1999, for two critical reasons: lack of distinctiveness and absence of graphical representation (both mandatory requirements under Section 2(1)(zb)). To address these concerns, the Registry appointed Pravin Anand as amicus curiae (friend of the court). The breakthrough came when professors from IIIT Allahabad—Prof. Pritish Varadwaj, Prof. Neetesh Purohit, and Dr. Suneet Yadav—developed a novel graphical representation. They mapped the rose smell as a vector in 7-dimensional space, with each dimension representing one of seven fundamental smells: floral, fruity, woody, nutty, pungent, sweet, and minty. This scientific approach provided the required visual representation of an otherwise intangible mark.

Final Decision and Significance

The Controller General of Patents, Designs and Trade Marks ruled that the smell mark met all legal requirements as it was clear, precise, self-contained, intelligible, objective, and graphically represented. The mark was deemed inherently distinctive because rose fragrance bears no natural relationship to tyres—when a vehicle with these scented tyres passes by, customers would easily associate the unique smell with the manufacturer rather than expecting the typical rubber odor. The application was accepted for advertisement as an "olfactory mark," positioning India alongside countries like the UK, USA, Australia, and EU nations that recognize smell marks as valid trademarks. This decision opens new possibilities for non-conventional trademarks in India's intellectual property landscape.

LESSON 8 COPYRIGHTS

September 24, 2025	Mr. AR Rahman (Appellant) Versus Ustad Faiyaz Wasifuddin Dagar & Ors(Respondents)	Delhi High Court FAO(OS) (COMM) 86/2025 & CM APPL. 27354/2025
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Judgement

Copyright is a right to stop others from exploiting the work without the consent or assents of the owner of the copyright *Eastern book company v. D.B. Modak, (2008) 1 SCC 1, Para 8*. The Hon'ble Supreme Court has characterised copyrights the "exclusive right", subject to the provisions of the Act, to do or authorise the doing of certain acts "in respect of a work" *Engineering Analysis Centre of Excellence Private Limited vs The commissioner of Income Tax Anr. Civil Appeal Nos 8733-8734 of 2018, Para 35*. The copyright act does not require compulsory registration of the work for availing the benefits and protection available to the owners. Under Section 45 of the Act, the registration of copyright has been made optional. A perusal of Section 45 would show that the usage of word "may" in the Section with respect to registration, is very significant.

The usage of word "may" being used for registration of the copyright shows that the copyright act does not require compulsory registration of the work for availing the benefits and protection. The registration of copyright has been made optional and can be denoted from the usage of "may" in Section 45 while referring to registration. Further, the provisions of Section 51 of the Act refer to infringement not being barred by unregistered copyright.

Further, by virtue of Section 17, the author is the first owner of the copyright, if a work is an original work of the composer, the same would be entitled to protection under Section 13(1) of the Act. Thus, law is very much settled to the extent that if there is clear authorship and the work is original of the author, the rights under Act are enforceable.

It is a settled law that copyright is only enforceable for original works of authorship and there must be an identifiable author who contributed some creative originality beyond what is already in the public domain as held by in *Eastern Book Company (supra)* The Hon'ble Supreme Court in this particular case cleared the law with respect to the originality aspect. The relevant portion is reproduced below:

"57. The Copyright Act is not concerned with the original idea but with the expression of thought. Copyright has nothing to do with originality or literary merit. Copyrighted material is that what is created by the author by his own skill, labour and investment of capital, maybe it is a derivative work which gives a flavour of creativity. The copyright work which comes into being should be original in the sense that by virtue of selection, coordination or arrangement of pre-existing data contained in the work, a work somewhat different in character is produced by the author. On the face of the provisions of the Copyright Act, 1957, we think that the principle laid down by the

Canadian Court would be applicable in copyright of the judgments of the Apex Court. We make it clear that the decision of ours would be confined to the judgments of the Courts which are in the public domain as by virtue of Section 52 of the Act there is no copyright in the original text of the judgments. To claim copyright in a compilation, the author must produce the material with exercise of his skill and judgment which may not be creativity in the sense that it is novel or non-obvious, but at the same time it is not a product of merely labour and capital. The derivative work produced by the author must have some distinguishable features and flavour to raw text of the judgments delivered by the Court. The trivial variation or inputs put in the judgment would not satisfy the test of copyright of an author”

The Hon’ble Court further held at paragraph 59; inter-alia:

“59. The aforesaid inputs put by the appellants in the judgments would have had a copyright had we accepted the principle that anyone who by his or her own skill and labour creates an original work of whatever character, shall enjoy an exclusive right to copy that work and no one else would be permitted to reap the crop what the copyright owner had sown. No doubt the appellants have collected the material and improved the readability of the judgment by putting inputs in the original text of the judgment by considerable labour and arranged it in their own style, but that does not give the flavour of minimum requirement of creativity. The exercise of the skill and judgment required to produce the work is trivial and is on account of the labour and the capital invested and could be characterised as purely a work which has been brought about by putting some amount of labour by the appellants”.

For details:

https://delhihighcourt.nic.in/app/showFileJudgment/75224092025FAC862025_173013.pdf

September 09, 2025	Aishwarya Rai Bachchan (Plaintiff) Versus Aishwaryaworld.Com & Ors (Defendants)	Delhi High Court CS(COMM) 956/2025
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Unauthorized Exploitation of the Attributes of An Individual’s Personality, Which in Turn Leads to Undermining Right to Live with Dignity

Brief Facts

The Plaintiff is one of the most celebrated and internationally recognized personalities in the Indian entertainment industry. She is a global icon, an acclaimed actress, former Miss World, and global ambassador for various brands. She has earned immense fame and respect for her prolific acting career, philanthropic endeavours, and global representation of Indian culture and cinema. Plaintiff’s Personality Rights misused by Defendants includes false impersonation of the Plaintiff and unauthorized use of the Plaintiff’s images on websites, applications etc., The Plaintiff inter alia seeks appropriate orders to take down infringing links of third parties / John Does as well as obtain proper details of such parties from the platforms and to implead them as parties in the Suit, if required.

Judgement

Hon'ble Delhi High Court inter alia referred to the case of *Anil Kapoor v. Simply Life India, 2023 SCC OnLine Del 6914*, wherein Delhi High Court observed that a celebrity's right of endorsement acts as a major source of livelihood for the celebrity and any attribution of their persona without their consent is impermissible in law. The Court held as under:

“38. Fame can come with its own disadvantages. This case shows that reputation and fame can transcend into damaging various rights of a person including his right to livelihood, right to privacy, right to live with dignity within a social structure, etc. There can be no doubt that free speech in respect of a well-known person is protected in the form of right to information, news, satire, parody that is authentic, and also genuine criticism. However, when the same crosses a line, and results in tarnishment, blackening or jeopardises the individual's personality, or attributes associated with the said individual, it would be illegal.

39. There can be no justification for any unauthorised website or platform to mislead consumers into believing that they are permitted to collect fee by incorrectly portraying that they can bring the Plaintiff as a motivational speaker. Using a person's name, voice, dialogues, images in an illegal manner, that too for commercial purposes, cannot be permitted.

40. The celebrity's right of endorsement would in fact be a major source of livelihood for the celebrity, which cannot be destroyed completely by permitting unlawful dissemination and sale of merchandise such as t-shirts, magnets, key chains, cups, stickers, masks, etc. bearing the face or attributes of their persona on it without their lawful authorisation.”

Personality Rights of individuals, simply put, entail the right to control and protect the exploitation of one's image, name, likeness or other attributes of the individuals' personality, in addition to the commercial gains that can be derived from the same. Personality Rights can be located in the individuals' autonomy to permit or deny the exploitation of the likeness of other attributes of their personality.

35. When the identity of a famous personality is used without their consent or authorization, it may not only lead to commercial detriment to the concerned individual but also impact their right to live with dignity. In other words, the unauthorized exploitation of the attributes of an individual's personality may have two facets – first, violation of their right to protect their personality attributes from being commercially exploited; and second, violation of their right to privacy, which in turn leads to undermining their right to live with dignity. The Courts in such cases of unauthorized exploitation of one's Personality Rights, cannot turn a blind-eye to the same and shall protect the aggrieved parties so as to avert any harm to them resulting from the said unauthorized exploitation.

Since the Plaintiff is one of the most celebrated personalities in the Indian entertainment industry, who has served various brands as their ambassador, she has garnered significant goodwill and reputation such that the members of the public repose their trust in the brands endorsed by the Plaintiff. Any infringement of the Plaintiff's Personality Rights, while causing confusion amongst the members of the public regarding endorsement or sponsorship of a product or service by the Plaintiff, will also lead to dilution of the Plaintiff's reputation and goodwill.

38. Therefore, the Plaintiff has established a prima facie case for the grant of an ex-parte injunction. Balance of convenience lies in favour of the Plaintiff and if an injunction is not granted in the present case, it will lead to an irreparable loss / harm to the Plaintiff and her family, not only financially, but also with respect to her right to live with dignity.

For Details:

https://delhihighcourt.nic.in/app/showFile/1757512215_1cb76f8292e125e6_687_9562025.pdf/2025

Lesson 10

Geographical Indications

Geographical Indications of Goods (Registration and Protection) (Amendment) Rules, 2025 (November 03, 2025)

The Department for Promotion of Industry and Internal Trade (DPIIT) has notified the Geographical Indications of Goods (Registration and Protection) (Amendment) Rules, 2025. The amendments substitute the First Schedule in the Geographical Indications of Goods (Registration and Protection) Rules, 2002, providing an updated fee structure with reduced official fees across several stages of GI filing and registration.

One of the most notable aspects of the Amendment Rules, 2025 is the substantial reduction in statutory fees across several key categories.

1. The application fee for registration of a GI has been slashed by 80%, from ₹5,000 to 1,000 while renewal fees have dropped from ₹3,000 to ₹500.
2. Similarly, the fee for seeking additional protection for certain goods under Section 22(2) has been reduced from ₹25,000 to 12,000.

Few entries in the amended First Schedule are listed below:

Entry No.	On What Payable	Old Fee (₹) under 2002 Rules	New Fee (₹) under 2025 Rules
1A	On application for the registration of a geographical indication for goods included in one class	5000	1000
1B	On application for the registration of a geographical indication for goods included in one class from a convention country	5000	1000
1C	On a single application for the registration of a geographical indication for goods in different classes	5000 for each class	1000 for each class

1D	On a single application for the registration of a geographical indication for goods in different classes from a convention country	5000 for each class	1000 for each class
4A	For renewal under section 18(1) of the registration of a geographical indication at the expiration of the last registration	3000	500
9A	On application to Registrar for additional protection to certain goods	25000	12000

The entire newly substituted First Schedule can be accessed at https://ipindia.gov.in/writereaddata/Portal/Images/pdf/GAZETTE_NOTIFICATION_AMENDED_GI_RULES_2025.pdf