भारतीय कम्पनी सचिव संस्थान
THE INSTITUTE OF
Company Secretaries of India
IN PURSUIT OF PROFESSIONAL EXCELLENCE
Statutory body under an Act of Parliament
(Under the jurisdiction of Ministry of Corporate Affairs)

SUPPLEMENT

PROFESSIONAL PROGRAMME

(Syllabus 2022)

for

December, 2026 Examination

(Containing updates from 01st June, 2025 to 31st May, 2026)

Intellectual Property Rights – Law & Practice

GROUP 1

ELECTIVE PAPER 4.3

Index

Students appearing in Examination shall note the following:

Students appearing in December, 2026 Examination should also update themselves on all the relevant Notifications, Circulars, Clarifications, Orders etc. issued by DPIIT & Central Government upto May, 2026.

The students are advised to acquaint themselves with the subject specific updates published in Student Company Secretary Journal by the Institute.

This Supplement is to be read with the IPRLP Study Material (Syllabus 2022) updated up to May 2025.

LESSON 4
INDIAN PATENT LAW AND ITS DEVELOPMENTS

Patent Amendment Rules, 2025

Key Highlights:

- The Ministry of Commerce and Industry has issued the Patents (Amendment) Rules, 2025, further modifying the Patents Rules, 2003. The amendments introduced 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.

Adjudication of Penalties and Appeals (Chapter XIV-A)

Definitions

"Adjudicating Officer" means an officer authorised under section 124A of the Patents Act.

“Appellant” means a person aggrieved by an order of the adjudicating officer and who prefers an appeal before the appellate authority under section 124B (1) of the Patents Act.

"Appellate Authority” means an officer authorised under section 124 B (1) of the Patents Act. **(Rule 107A)**

Complaint

Any person may, in respect of any contravention committed under sections 120, 122, or 123 of the Act, file a complaint in Form 32 through electronic means before the adjudicating officer. (**Rule 107 B)**

Holding of Inquiry

1. For adjudication under section 124A of the Act, where the adjudicating officer has reason to believe that any person has committed a contravention specified therein, shall issue a notice to such person through electronic means, requiring him to show cause, within such period as may be specified in the notice, minimum of not less than seven days from the date of service thereof, as to why an inquiry should not be held against him.
2. Every notice under sub-rule (1) shall specify the nature of contravention alleged to have been committed.
3. Where, after considering the cause, if any, shown by the person referred to in sub-rule (1), the adjudicating officer is of the opinion that an inquiry should be held, shall issue a notice requiring the appearance of such person, either personally or through a legal practitioner, on such date as may be specified in the notice.
4. On the date fixed for inquiry, the adjudicating officer shall explain to the person proceeded against, the nature of the contravention alleged to have been committed by such person and the relevant provisions of the Act in respect thereof.
5. The adjudicating officer shall after giving the person referred to in sub-rule (3), reasonable opportunity of being heard and produce such documents or evidence as may be considered relevant to the inquiry and where necessary, the hearing may be adjourned to a future date.
6. While holding an inquiry under this rule, the adjudicating officer may require and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which, in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry.
7. Where any person fails, neglects, or refuses to appear before the adjudicating officer as required under this rule, the adjudicating officer may proceed with the inquiry in the absence of such person, after recording the reasons for doing so.
8. Where, upon consideration of the evidence produced before him, the adjudicating officer is satisfied that the person has committed the contravention, he may, by order in writing, impose such penalty under the Act as he considers appropriate.
9. Every order made under this rule shall specify the provisions of the Act in respect of which contravention has been committed and shall contain the reasons for imposing the penalty.
10. A copy of the order made under this rule, along with other copies of proceedings, shall be supplied free of cost to the person against whom the order is made.
11. The adjudicating officer shall complete the inquiry and pass an order under this rule within a period of three months from the date of issuance of the notice under sub-rule (3).
12. The adjudicating officer shall not be bound to observe the provisions of the Bharatiya Sakshya Adhiniyam, 2023(**Rule 107 C)**

Appeal

1. Any person aggrieved by an order of the adjudicating officer under rule 107 C may prefer an appeal in Form 33, through electronic means to the appellate authority within sixty days from the date of the receipt of the order:
   Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within such period.
2. Upon receipt of the appeal, the appellate authority shall issue a notice to the respondent requiring him to file a reply within such period as may be specified in the notice.

3. The appellate authority shall, after giving the parties a reasonable opportunity of being heard, pass a reasoned order, which may include an order for adjournment, and shall ordinarily complete the proceedings within a period of six months from the date of receipt of the appeal (**Rule 107 D)**

Service of Communications.

All communications under this chapter shall be effected through electronic means only (**Rule 107E)**

Extension of Time

The adjudicating officer or the appellate authority may, for reasons to be recorded in writing, extend any period specified in this chapter to such further period as may be deemed appropriate, with or without costs. (**Rule 107F)**

Order and penalties

1. Every order made under this chapter shall bear the date, be digitally signed, communicated to all parties concerned, and uploaded on the official website.
2. All sums realised by way of penalties under this chapter shall be credited to the Consolidated Fund of India.'
3. In the principal rules, in the SECOND SCHEDULE. –

(a) under the heading LIST OF FORMS, after entry 31, the following entries shall be inserted, namely: -

"32.	Section 124A, and rule 107B	Complaint for contravention under sections 120, 122 and 123 of the Act.
33.	Section 124B, and rule 107D	Appeal against an order of the adjudicating officer."

(b) after FORM 31, the following FORMS shall be inserted, namely: -

- FORM 32 (COMPLAINT FOR CONTRAVENTION OF SECTIONS 120, 122 and 123)
- FORM 33 (APPEAL AGAINST AN ORDER PASSED BY THE ADJUDICATING OFFICER) **(Rule 107G)**

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

For details: https://www.pib.gov.in/PressReleasePage.aspx?PRID=2149719&reg=3&lang=2

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LESSON 7
TRADE MARKS

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.

September 26, 2025	Hotels.Com, LP(Plaintiff) Versus Barath M L and Anr (Defendants)	Delhi High Court CS(COMM) 1133/2024

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

July 07, 2025	Asociacion DE Productores DE PISCO A.G(Petitioner) Versus Union of India & Ors(Respondents)	Delhi High Court W.P.(C)-IPD 17/2021, CM 139/2022 & CM 59/2023

Distinction of Rights under GI Act and Trade Marks Act

Brief Facts

The above case is based on dispute of GI Tag "PISCO" over the alcoholic beverage PISCO between Peru and Republic of Chile. Both Courtiers submitted before the Court that they possess authentic and long-standing claims to the name PISCO. The legal battle for GI tag between Peru and Republic of Chile brought that dispute to Indian Court.

Judgement

Hon'ble High Court inter alia observed that the rights conferred by GI Act are distinct from the rights conferred under the Trade Marks Act, 1999 ("Trade Marks Act"). While the trademark is a private right of an individual or an entity, GI is collective right of producers in a region. The Trade Marks Act distinguishes the goods and services of one trader from others. On the other hand, GI indicates a product's origin from a specific geographical origin. While a trademark can be assigned, transferred or licensed, a GI cannot be assigned or transferred. The trademark belongs to one person or entity; however, GI belongs to the community/region. Thus, any person claiming to be the producer of the goods in respect of which a GI has been registered, can make an application under Section 17 of the GI Act for registration as authorized user. The primary distinction noticeable between a trademark and GI is that while a trademark connotes the recognition of the manufacturer of certain goods or services, in contrast, a GI connotes the recognition of the origin of the goods, whose basis lies in a geographical region.

Court said that under the Trade Marks Act, priority of adoption and use of a mark are key concepts for determination of ownership of a trademark. However, priority plays no role in ownership under the GI Act, which is concerned with identification of particular goods as originating or manufactured in a specific country, territory, region or locality, with given quality, reputation or other characteristics, as essentially attributable to its geographical origin. Thus, the only relevant consideration is whether the goods in question are actually, and in fact, identified by that geographical origin in the relevant markets, trade channels, consumers etc.

High Court referred to the Calcutta High Court judgement in the case of *Tea Board, India Versus ITC Limited*, 2011 SCC *OnLine Cal* 1083, in this regard High Court made observations as to the distinguishing aspect of principles under the Trade Marks Act and the GI Act. Thus, it was observed as follows: —

xxx xxx xxx

The objection as to the tenability of a cross-category complaint has to be dealt with differently for the two species of rights that the plaintiff canvasses. In respect of certification trademarks, registration may be obtained both in respect of goods and services. Just as there could be products which are certified on the basis of their origin, material, mode of manufacture or other characteristics, types of services may also be certified on the basis of the quality, accuracy or other special features. It would then defy reason that an unauthorised use of a certification mark relating to any goods is used by a service provider without the registered proprietor of the certification mark having any right to complain. Say, cooks from Lucknow are permitted to use the —Lucknavi‖ certification mark as indicative of their services. If then, a packet of biriyani claims to be —Lucknavi‖, it cannot be said that the proprietor or authorised user of the certification service mark would have no cause of action against the impugned mark in respect of the goods complained of. In the case of geographical indication, however, the matter may be slightly different. The focus of the GI Act is on goods; so much so, that in the chapter relating to offences, there does not appear to be a direct recourse against any service wrongfully appropriating a registered geographical indication. Yet, both in the deeming provision of Section 22(1)(b) of the GI Act and in recognising other forms of passing-off in Section 20(2) thereof, the GI Act may not altogether preclude a cross-category complaint.

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For Details:
https://delhihighcourt.nic.in/app/showFileJudgment/59207072025WO172021_202727.pdf

July 01, 2025	VIP Industries Ltd Versus Carlton Shoes Ltd & Anr	Delhi High Court (Arising out of FAO(OS) (COMM) 151/2023 & CM APPL. 37334/2023)

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

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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

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**

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.

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.

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

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LESSON 10
GEOGRAPHICAL INDICATIONS

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

July 07, 2025	Asociacion DE Productores DE PISCO A.G(Petitioner) Versus Union of India & Ors(Respondents)	Delhi High Court W.P.(C)-IPD 17/2021, CM 139/2022 & CM 59/2023

Concept of Homonymous Geographical Indications

Brief Facts

The above case is based on dispute of GI Tag "PISCO" over the alcoholic beverage PISCO between Peru and Republic of Chile. Both Courtiers submitted before the Court that they possess authentic and long-standing claims to the name PISCO. The legal battle for GI tag between Peru and Republic of Chile brought that dispute to Indian Court.

Judgement

Hon'ble High Court inter alia observed that it would be apposite to allude to the concept of homonymous GIs. The term "homonymous" standalone means words which are spelled and pronounced the same but have different meanings. In legal context a fruitful example would be usage of the word *'dvocate' which* can be used with meaning of referring to a legal practitioner or used as a word to express support. In relation to the present context, "homonymous GIs" are those indications that are spelled and pronounced alike, but which designate the geographical origin of products stemming from different countries, places or regions and possess different characteristics from each other. Thus, in principle, homonymous GIs bring about the existence of multiple GIs that are afforded rights and protection *albeit* with a co-existent status, along with addition of auxiliary information/indicator, so as to obviate any confusion or potential of misleading of consumers, as to the true origin of the product.

Section 10 of the GI Act deals with the registrations of homonymous GIs, which reads as under:

"Section 10. Registration of homonymous geographical indications.

Subject to the provisions of section 7, a homonymous geographical indication may be registered under this Act, if the Registrar is satisfied, after considering the practical conditions under which the homonymous indication in question shall be differentiated from other homonymous indications and the need to ensure equitable treatment of the producers of the goods concerned, that the consumers of such goods shall not be confused or misled in consequence of such registration"

Hence, the GI Act under Section 10, recognizes registration of homonymous GIs in India, if the applicant satisfies that after considering the practical conditions under which the homonymous indication in question will be differentiated from other homonymous indications, and the need to ensure equitable treatment of the producers of the goods concerned, and that the consumers of such goods will not be confused or mislead in consequence of such registration.

High Court referred to the book, *Law Relating to Trademarks, Passing off and Geographical Indication of Goods ', by D.P. Mittal, 2022 Edition, Chapter* 34 and Article 23.3 read with Article 22.4 of the TRIPS Agreement also Other International Articles have also been placed on record to show the recognition of Chilean PISCO alongside Peruvian PISCO. It has also come to the fore that the flavor and other qualities of PISCO originating from both the countries are different in their characteristics. In the context of Indian milieu, a classic example of homonymous registration, is that of Bangla Rasogolla registered as GI "BANGLAR RASOGOLLA" and Odisha Rasogolla, registered as GI "ODISHA RASAGOLA". Accordingly, Court noted that the GI Act under Section 10, recognises registration of homonymous geographical indications in India.

High Court viewed that considering the fact that the alcoholic beverage in question from Chile is also recognized and identified, the world over as PISCO, grant of a GI for the word PISCO *per se*, exclusively to respondent no. 4, without specifying the GI of Peru, would be detrimental to the legal and legitimate commercial interest of producers of PISCO in Chile, and the same would also likely to deceive and cause confusion.

It is further directed that the stay, as granted *vide* order dated 16th June, 2020, on the GI application no. 689 for the GI Chilean PISCO filed by the petitioner on 3rd June, 2020, is hereby lifted. The Registrar of Trade Marks & GI will accordingly proceed with the application of the petitioner, in accordance with law.

For Details:
https://delhihighcourt.nic.in/app/showFileJudgment/59207072025WO172021_202727.pdf

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