

NEWSLETTER



NEWS UPDATES FOR JANUARY, 2026

DPIIT Extends GenAI-Copyright Consultation to February 6, 2026

The Department for Promotion of Industry and Internal Trade (DPIIT) has extended the public consultation period on its proposed generative AI-copyright framework by 30 days to February 6, 2026. Released on December 8, 2025, the framework proposes a hybrid licensing model requiring AI companies to pay government-prescribed royalties as a percentage of global revenue upon commercialization, with retroactive application to previously used training data.

In exchange, developers receive blanket licenses to use publicly available copyrighted content without prior consent, with compensation distributed through a centralized government body. Major technology firms and Nasscom strongly oppose the proposal, arguing in a December 17 dissent note that it eliminates creators' negotiating power, imposes technically infeasible burden-of-proof requirements, disadvantages small creators through flat-rate compensation, and reverses established copyright principles.

While acknowledging both perspectives, S. Krishnan, Secretary at the Ministry of Electronics and Information Technology, confirmed further consultations but maintained that regulation is necessary to balance innovation with creator protection, rejecting zero-price licensing models.

The extension signals government recognition of policy complexity, though the divergence between India's mandatory licensing approach and industry preference for exemption-based models suggests prolonged negotiations ahead.



NEWSLETTER



Delhi High Court Issues Notice in Copyright Infringement Suit Against 'Mastiii 4' Producers

The Delhi High Court issued notice on January 6, 2026, in a copyright infringement suit filed by content creator Ashish Sharma against the producers of the film 'Mastiii 4' starring Riteish Deshmukh. Sharma alleges that a key scene in the movie copied his viral Instagram reel titled 'Shaq Karne Ka Nateeja', posted in January 2024, which garnered over 11 million views.

NEWS UPDATES FOR JANUARY, 2026

The plaintiff claims unauthorized reproduction of the central idea, character interactions, sequence of events, and comic punchlines from his reel without consent or credit. Sharma has sought permanent injunction against the film's makers, financial compensation, and a full profit report.

Justice Tushar Rao Gedela, while hearing the plea for urgent relief, observed that the producers must be allowed to present their response before considering any interim order, noting the appropriateness of a short notice period given the film's imminent digital release. The matter is scheduled for hearing on January 13, 2026.

This case highlights growing concerns over unauthorized appropriation of digital content from social media platforms in commercial film productions. The court's approach of balancing urgent relief with fair hearing opportunity reflects judicial sensitivity to both creator rights and commercial interests, with the outcome likely to set important precedents for copyright protection of viral social media content in the entertainment industry.



NEWSLETTER



NEWS UPDATES FOR JANUARY, 2026

Despite receiving cease and desist notices, the defendants continued using the recordings. The defendants challenged the suit, arguing that PPL had not joined the copyright owners as parties, was not registered as a copyright society, had submitted incomplete and unstamped agreements, and charged unreasonable licensing fees.

Justice Sharmila U. Deshmukh granted interim relief, holding that under Sections 54 and 55 of the Copyright Act, 1957, an exclusive licensee qualifies as an "owner of copyright" and can file infringement suits. The Court rejected the procedural objections, ruling that non-joining of copyright owners under Section 61 is not an absolute bar, incomplete or redacted agreements do not defeat claims when sufficient documentation exists, and unstamped agreements cannot prevent interim relief even though Section 34 of the Stamp Act, 1899 bars them at trial.

Bombay HC: Exclusive Licensees Can Sue for Copyright Infringement

In *Phonographic Performance Ltd. v. Trinetra Venture* (Commercial IP Suit No. 668 of 2025, decided on 24-12-2025), PPL sued defendants operating 94 restaurants for playing copyrighted sound recordings without licenses. PPL claimed exclusive licensing rights through agreements with music companies and provided video evidence of unauthorized broadcasts.



Finding clear evidence of infringement and noting the large scale of operations, the Court held that continued unauthorized use would cause irreparable harm to PPL, justifying immediate injunctive relief.

This ruling strengthens exclusive licensees' enforcement rights and prevents defendants from using procedural objections to delay relief in clear infringement cases.



Following *Novex Communications (P) Ltd. v. Trade Wings Hotels Ltd.* (2024), the Court confirmed that registration under Section 33(1) as a copyright society is not required for licensing. The Court held that disputes over licensing fees are irrelevant in infringement cases and belong under Section 31 compulsory licensing proceedings.



NEWSLETTER



NEWS UPDATES FOR JANUARY, 2026

IP Office Issues Warning Against Illegal Solicitation of Legal Services by Online Trademark Platforms

The Controller General of Patents, Designs and Trade Marks (CGPDTM) issued a public notice on 7 January 2026, warning against online platforms allegedly engaged in illegal advertising and solicitation of legal services while offering trademark-related services.



The IP Office noted that certain platforms have been contacting prospective applicants and clients of other practitioners, offering "assured" or "end-to-end" trademark registration services through websites and digital advertisements, which amounts to prohibited solicitation under the Bar Council of India Rules.

The notice specifically names nine platforms allegedly engaged in such activities: onlinelegalindia.com, indiafilings.com, corpbiz.io, cleartax.in, trademarkia.in, legalwiz.in, alonika.in, startupwala.com and applytrademark.co.in.



The CGPDTM emphasized that the availability of online filing does not dilute professional eligibility requirements, and trademark applications must be filed either directly by applicants or through duly authorized advocates or registered agents. This public interest notice aims to maintain ethical standards in IP practice and protect the public from being misled into engaging unauthorized service providers, potentially setting the stage for regulatory action against non-compliant platforms.



NEWSLETTER



Gurugram Court Bars Unauthorized 'HARVARD' Use

On 3 January 2026, Additional District Judge Mahavir Singh granted interim injunction against BIG Red Education, a Gurugram-based firm, for allegedly using the "HARVARD" trademark without authorization. The President and Fellows of Harvard College filed suit claiming the defendant offered educational programs under names like "Harvard Youth Leadership Conference", "Harvard Youth Lead The Change", and "Harvard Debate League", using phrases like "Harvard Mentor" on its website and brochures to capitalize on Harvard's reputation.

NEWS UPDATES FOR JANUARY, 2026

Harvard's counsel argued that as registered proprietor of the trademark with global reputation since 1636, the unauthorized use would dilute the mark's uniqueness, tarnish its reputation, and cause student confusion, resulting in irreparable reputational and financial harm.

The defendant contended there was no infringement as it merely coaches students and issues certificates in its own name, not operating any educational institution. It argued that using "Harvard Mentors" is permitted under Section 30(2)(d) of the Trade Marks Act, 1999, as some trainers are Harvard alumni, and educated students undergoing training would not be misled.

The Court restrained the defendant from using "HARVARD" as prefix or suffix in any program, operating websites containing the name, or conducting activities likely to cause confusion. This ruling reinforces protection of established trademarks against unauthorized commercial exploitation creating false associations with prestigious institutions.



NEWSLETTER



Bombay HC: Stricter Rules for Pharma Trademarks

IPCA Laboratories Limited filed a commercial suit before the Bombay High Court seeking permanent injunction against Anrose Pharma for infringing its registered trademark 'ZERODOL' by using the deceptively similar mark 'ZEROVOL-P' for pharmaceutical products. IPCA had adopted 'ZERODOL' in 1992 and continuously used it since 2003 for pain relief products. In October 2013, IPCA discovered Anrose Pharma was manufacturing and marketing products under 'ZEROVOL-P' and procured invoices as evidence.

IPCA argued the marks were deceptively similar phonetically and visually, creating confusion among consumers with imperfect recollection. It emphasized that even minimal likelihood of confusion in medicinal products poses serious public health risks. The defendant's absence from proceedings indicated bad faith. While seeking damages, IPCA relied on Section 35 of the CPC as amended by the Commercial Courts Act, which mandates deterrent costs in commercial IP disputes affecting public safety.



Justice Arif S. Doctor held that pharmaceutical trademarks require heightened protection as even mere likelihood of confusion warrants intervention due to health risks. The Court found the marks almost identical with deceptively similar dominant features, concluding confusion was imminent and unacceptable. The Bombay High Court permanently restrained Anrose Pharma from using 'ZEROVOL-P', holding it "virtually identical" to IPCA's 'ZERODOL', and ordered destruction of infringing material. The court directed the defendant to pay ₹15 lakh as costs within eight weeks, failing which interest at 8% per annum will apply.



NEWS UPDATES FOR JANUARY, 2026

NEWSLETTER



NEWS UPDATES FOR JANUARY, 2026

Delhi Court Bars Use of "BONGCHIE", "PERFECT ROLLS" Marks

On 5 January 2026, District Judge Harish Kumar permanently restrained Ish Nagpal, a Faridabad based manufacturer, from using trademarks "BONGCHIE" and "PERFECT ROLL" on smoking paper products after counterfeit goods were recovered from his premises. Bongchie India Private Limited, a Delhi-based manufacturer of pre-rolled cones, rolling papers and smoking accessories, filed suit claiming registered ownership of both marks and substantial market goodwill. In December 2023, the company discovered counterfeit products bearing identical trademarks and packaging in the market.

The Court appointed a local commissioner who recovered substantial quantities of packaging material, smoking paper and allied goods bearing the disputed marks from Nagpal's premises during inspection. Nagpal claimed the goods were genuine Bongchie products kept for research and development purposes. The Court rejected this explanation, noting no invoices, bills or documentary evidence were produced to establish lawful purchase or justify possession of such large quantities. The Court held that once possession of infringing material is established, the burden shifts to the defendant to explain its lawful origin. In the absence of supporting evidence, the Court concluded the goods were intended for misuse, constituting trademark infringement and passing off.



The Court permanently restrained Nagpal from using the marks or deceptively similar variants. However, it declined relief against co-defendant Chandra Kumari, citing inconsistencies in the inspection report and finding the recovered material did not sufficiently resemble Bongchie India's trade dress to mislead consumers. While granting permanent injunction, the Court declined damages or accounts, holding insufficient evidence to quantify actual loss, thereby partly decreeing the suit.



NEWSLETTER

Madras HC Orders Removal of Wipro's 'PREMIO' Mark

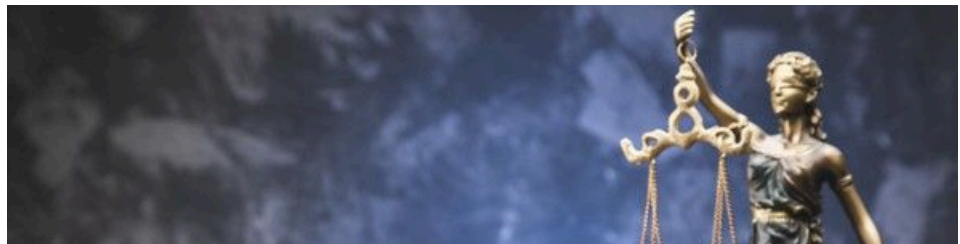
On 16 December 2025, Justice N Senthilkumar ordered removal of the "PREMIO" trademark registered in favor of Wipro Enterprises Private Limited, finding it had not been put to genuine commercial use for more than five years. The Court allowed a rectification plea filed by Crompton Greaves Consumer Electricals Limited, a Mumbai-based consumer electricals manufacturer.



NEWS UPDATES FOR JANUARY, 2026

Crompton Greaves, which sells fans, lighting products and appliances across India, decided to launch ceiling fans under the brand "PREMION" in 2020 and applied for trademark registration. During the process, it discovered Wipro held an earlier registration for "PREMIO" in Class 11 for lighting products, registered in 2013 with claimed use since 2011, which obstructed its application. Crompton argued the mark was never used in the market, relying on affidavits from electrical goods dealers nationwide stating no products bearing "PREMIO" were available for sale, contending the registration was liable for removal. Wipro opposed the plea, asserting registered ownership and arguing that Crompton adopted a similar mark with knowledge of the existing registration. It contended non-use alone was insufficient to cancel a trademark and that Crompton should not benefit from such adoption.

The Court rejected Wipro's defense, finding no material on record showing actual commercial use after registration. The Court noted Wipro produced no sales figures, advertisements, product samples, or took steps to restrain Crompton's use of "PREMION." Finding clear evidence of continuous non-use for more than five years without bona fide intention, the Court held the registration liable for removal under Section 47 of the Trade Marks Act and directed the Trade Marks Registry to remove "PREMIO" from the register. This ruling reinforces that trademark registrations require genuine commercial use and cannot serve merely as defensive barriers.



DISCLAIMER:

This newsletter is provided by Lawgenix for informational purposes only. The content herein is intended to highlight general legal developments and does not constitute legal advice, solicitation, or an attorney-client relationship. Readers should not act upon this information without seeking professional legal counsel tailored to their specific situation.

The views expressed represent the preliminary observations of the authors and do not necessarily reflect the formal legal position of the Firm. While we strive for accuracy, Lawgenix assumes no liability for errors or omissions.

In relation to any of the issues reported herein or on other areas of law, please feel free to contact at legal@lawgenix.in.

