



## ANNUAL IP INSIGHTS- 2025

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The year 2025 marked a pivotal moment for Intellectual Property (IP) law in India. With growing awareness around the protection and enforcement of IP rights among the public, content creators and multinational corporations alike, the Indian IP landscape witnessed a notable rise in high-profile disputes and regulatory developments. From allegations against luxury fashion house Prada for appropriation of the traditional Kolhapuri chappal design, to mounting controversies surrounding Phonographic Performance Limited (PPL) and music licensing practises, these cases captured national attention. This article examines the key legal disputes, policy shifts and enforcement trends that shaped India's IP ecosystem in 2025.

### **Trademark**

- 1. Amazon Technologies Inc. v. Lifestyle Equities CV and Another** (Delhi High Court with subsequent proceedings before the Supreme Court of India)

**Background:** Lifestyle Equities CV, owner of the “Beverly Hills Polo Club” (BHPC) trademark, instituted a suit against Amazon Technologies Inc., Cloutail India Pvt. Ltd., and Amazon Seller Services Pvt. Ltd. (ASSPL), alleging trademark infringement arising from the sale of apparel bearing a deceptively similar logo under Amazon's private label “Symbol” identical to BHPC's logo. The plaintiffs asserted that all defendants functioned as a “cohesive commercial entity” enabling the infringing activity.

**Court's findings:** A Single Judge of the Delhi High Court held the defendants liable and awarded damages of approximately ₹336.02 crore and costs of about ₹3.23 crore, despite the plaint claiming substantially lower damages. The defendants appealed, arguing lack of specific pleadings, improper service of summons, and impermissible

enhancement of damages beyond the pleadings. In July 2025, a Division Bench of the Delhi High Court stayed enforcement of the judgment against Amazon Technologies, finding serious prima facie procedural and pleading deficiencies. In **October 2025**, the Supreme Court declined to interfere with the stay, allowing it to continue pending final adjudication.

**Conclusion:** The enforcement of the hefty damages awarded against Amazon Technologies remains suspended, and its liability is yet to be conclusively determined by the Delhi High Court.

**IP takeaway:** *The case underscores the critical importance of precise pleadings, proper service of summons, and a principled approach to the quantification of damages in trademark infringement suits - particularly where liability is sought to be extended to e-commerce platforms and their parent entities.*

## **2. *Nirmala Kabra v. Registrar of Trade Marks & Anr.* (Rajasthan High Court, 2025)**

**Background:** In June 2010, the petitioner applied to register the trademark “Breastone” with the Indian Trademarks Registry. The application was opposed in March 2013, and after pleadings, the matter was listed for evidence in July 2017. However, no further action was taken by the Registrar for years thereafter.

**Proceedings:** Disillusioned by the ongoing inaction, the petitioner filed a writ petition before the Rajasthan High Court seeking directions to the Registrar of Trade Marks to decide the application without further delay. The Court examined the applicable framework under the Trade Marks Rules, 2017, particularly Rule 50, which outlines timelines and limits on adjournments following the completion of evidence.

**Court’s findings:** In August 2025, the Rajasthan High Court held that the prolonged delay i.e. over fifteen (15) years since filing was “*shocking and surprising*” and amounted to a breach of statutory procedure and a denial of natural justice. The Court recognized the petitioner’s right to the speedy disposal of the application as part of the fundamental right to life under Article 21 of the Constitution of India. The Court directed the Registrar to decide the pending application within three months and urged a strategy to address the broader backlog of pending cases.

**IP Takeaway:** *This judgment signals significant judicial recognition on the constitutional dimensions of IP administration in India. By characterising unreasonable trademark*

*delay to violations of Article 21 and principles of natural justice, the court underscored that timely trademark adjudication is integral to commercial certainty, evidence preservation, and public confidence. For practitioners and rights holders, the decision reinforces the imperative of strict statutory compliance with procedural timelines and offers a powerful remedy against system administrative delay.*

## **Patents**

### **3. BTS Research International Pty Ltd v. The Controller General of Patents & Designs, Mumbai & Ors – IP Division, High Court of Calcutta**

**Background:** BTS Research International Pty Ltd filed a patent application (No. 0041/KOLMP/2012) for a “Method of generating hybrid/chimeric cells and uses thereof,” claiming a tri-hybrid cell produced by artificial fusion of three somatic cells using genetic engineering techniques. The Controller General of Patents & Designs rejected the application in 2020, holding that it fell within the non-patentable categories under Section 3(j) (“essentially biological processes” and animal/plant parts) and Section 3(c) (discoveries of natural substances) of the Patents Act, 1970.

**Proceedings:** BTS appealed the rejection under Section 117(A) of the Patents Act, 1970 to the Calcutta High Court. The appellant argued that the invention was a result of significant human intervention i.e., genetic engineering and thus did not involve an essential biological process. It also raised procedural objections, pointing out that no Second Examination Report was issued as required by Section 13(3) after the First Examination Report by the Patent Office, prejudicing its rights.

**Court’s findings:** In April 2025, a Single Judge of the Calcutta High Court held that the Controller’s rejection was unsustainable. The court found substantive errors in interpreting Sections 3(j) and 3(c), noting that the invention did not fall within statutory exclusions because it involved artificial, technical steps. The court also identified procedural lapses, particularly failure to issue the mandatory Second Examination Report by the Patent Office. Accordingly, it set aside the impugned order and remanded the matter for fresh adjudication before a different Hearing Officer, with a direction for timely disposal.

**IP Takeaway:** *This judgment is a key development in India’s biotechnology patent jurisprudence in 2025. It emphasizes a narrow construction of Section 3(j) and reaffirms that genetically engineered inventions involving substantive human intervention are not excluded from patentability simply because they relate to biological material. The case*

*also highlights the importance of procedural compliance in patent prosecution, especially regarding mandated examination reports. For biotech innovators and practitioners, this ruling enhances legal predictability and aligns India's patent practice more closely with international standards governing technical contributions in biological inventions.*

**4. Kroll Information Assurance, LLC v. Controller General of Patents, Designs, and Trademarks & Ors.** (Delhi High Court - Commercial Division / IP Rights Bench)

**Background:** Kroll Information Assurance, LLC, a US-based entity, filed Indian Patent Application No. 8100/DELNP/2007 under the PCT national phase for a “system, method and apparatus to locate at least one type of person via a peer-to-peer network.” The invention aimed to identify sensitive information and users inadvertently sharing it on peer-to-peer networks via profiling based on search terms.

**Proceedings:** The Controller General of Patents, Designs and Trademarks refused the application on multiple grounds namely non-compliance with claim amendment rules under Section 59, lack of inventive step under Section 2(1)(j)/2(1)(ja), and that the claimed subject matter was excluded as an algorithm and computer programme per se under Section 3(k) of the Patents Act. The applicant appealed to the Delhi High Court under Section 117A of the Act.

**Outcome:** On 1 July 2025, the Delhi High Court held that the claim amendments were permissible under Section 59 as they narrowed and explained the invention, setting aside the Controller's finding on that ground. However, the Court upheld the refusal under Section 3(k), concluding that the invention merely involved conventional hardware executing basic instructions, without any demonstrable technical effect or enhancement of hardware functionality, and that its keyword-based profiling was abstract and non-technical. The appeal was dismissed, and the patent refusal affirmed.

**IP Takeaway:** *The Kroll decision in 2025 reinforces the well-established principle in Indian patent law that software and computer-related inventions must demonstrate a concrete technical effect or hardware advancement to surmount the exclusion under Section 3(k). Mere implementation of routine software operations on generic hardware, even if useful in practice, will not suffice. While claim amendments under Section 59 can narrow and clarify a patent's scope, they cannot make an invention patentable if it is fundamentally an abstract algorithm or a computer program 'as such'. The judgment predated the final 2025 CRI (Computer Related Inventions) Guidelines, which were*

*issued later in July 2025 to clarify examination standards for computer-related inventions in line with judicial principles like those affirmed in Kroll.*

### **Geographical Indication (GI)**

#### **5. *Prof. Adv. Ganesh S. Hingmire v. PRADA Group*, Bombay High Court.**

**Background:** In early July 2025, a group of IP advocates filed a Public Interest Litigation (PIL) in the Bombay High Court alleging that footwear showcased by Prada during its Spring/Summer 2026 collection in Milan resembled the Kolhapuri chappal, a traditional Indian leather sandal protected by a Geographical Indication (GI) which is valid until 2029. The PIL sought injunctions, compensation, and a public apology, contending that the design was used without authorization and harmed Indian artisans.

**Proceedings:** The Bombay High Court considered the maintainability of the PIL under the GI Act. The court questioned whether the petitioners had the statutory *locus standi* to bring a GI infringement claim, given that neither the registered proprietors of the Kolhapuri GI nor persons aggrieved under the GI Act were before the Court.

**Court's findings:** On 16 July 2025, the court dismissed the PIL on grounds of lack of *locus standi* and held that GI infringement actions must be brought by registered proprietors or authorized associations through appropriate civil proceedings, not via PIL under Article 226 of the Indian Constitution. The Court did not examine the substantive merits of alleged infringement, leaving open the possibility for registered proprietors to pursue enforcement.

**IP Takeaway:** *This ruling reinforces that only GI proprietors or authorized applicants have standing to enforce GI rights, underscoring the importance of statutory enforcement mechanisms and the limits of PIL strategies in intellectual property disputes in India. Additionally, this case brought GI protection into the spotlight, highlighting the value of safeguarding India's traditional artisanal heritage.*

#### **6. *Asociacion De Productores De PISCO v. Union of India*, Delhi High Court**

**Background:** An association of Chilean PISCO producers challenged the IPAB's (Intellectual Property Appellate Board) 2018 order allowing registration of the Geographical Indication (GI) term "PISCO" in India for a Peruvian applicant without geographic qualification. The petitioners contended that Chile also has longstanding

use and recognition of the term *PISCO* for its grape-based brandy, and IPAB's exclusivity was erroneous under the Geographical Indications of Goods (Registration and Protection) Act, 1999.

**Proceedings:** The Delhi High Court considered whether the IPAB erred in granting exclusive GI rights to the Peruvian claimant and whether homonymous GI rights could coexist i.e., separate recognition with geographic qualifiers to distinguish Chilean and Peruvian products while avoiding consumer confusion.

**Court's findings:** On 7 July 2025, the court held that both Chilean and Peruvian PISCO are recognised distinct products that could be protected as homonymous GIs under the GI Act with appropriate identifiers. The Court set aside the IPAB order, directed modification of the GI entry to *Peruvian PISCO*, and instructed that Chile's GI application be reconsidered on its own merits.

**IP Takeaway:** *The decision clarifies that homonymous GIs can coexist in India provided the risk of consumer confusion is addressed through clear geographic identifiers. It strengthens the interpretive application of Section 10 of the GI Act and brings Indian GI jurisprudence in closer alignment with international practise, where geographically distinct products may legitimately share the same denomination when sufficiently differentiated by origin.*

## **Copyright & Designs**

### **7. Inox India Ltd. v. Cryogas Equipment Pvt. Ltd. & LNG Express India Pvt. Ltd., Supreme Court of India.**

**Background:** In 2018, Inox India Ltd. filed a copyright infringement suit in the Commercial Court at Vadodara against Cryogas Equipment Pvt. Ltd. and LNG Express India Pvt. Ltd. over alleged unauthorised use of its proprietary engineering drawings and literary works related to LNG/cryogenic semi-trailer designs. The defendants maintained that the drawings were "designs" under the Designs Act, 2000, and therefore not protected under the Copyright Act, 1957 once industrially reproduced more than fifty times as per Section 15(2) of the Copyright Act, 1957.

**Proceedings:** The Court initially dismissed Inox's suit under Order VII Rule 11 CPC, holding the plaint did not disclose a cause of action. The Gujarat High Court reversed

these dismissals, reinstating the suit and interim injunction prayers, leading Cryogas and LNG Express to appeal to the Supreme Court. The key legal question was whether the engineering drawings could be protected under copyright, or whether they fell exclusively within design law, making summary dismissal appropriate.

**Court's findings:** On 15 April 2025, the Supreme Court of India held that determining whether the drawings are protected under copyright or design protection involves mixed questions of law and fact that cannot be resolved at the threshold via summary dismissal. It formulated a two-pronged test to distinguish pure artistic works from industrial designs.

- i. Whether the work is a pure artistic work protected under the Copyright Act 1957, or
- ii. Whether it serves a functional utility and qualifies as a design under the Designs Act 2000.

The SC further set aside the summary rejections, directing that the suit proceeds to trial on merits, including consideration of interim relief. The Court laid down a two-pronged test to assess the overlap between copyright and design law:

**IP Takeaway:** *The Inox v. Cryogas judgment in 2025 significantly clarifies how Indian courts should address conflicts at the intersection of copyright and industrial design law. It reinforces that complex IP classification questions, such as whether technical drawings constitute “artistic works” or “designs capable of registration” should not ordinarily be decided at the pleadings stage but instead require evidentiary examination at trial. By articulating a structured two-pronged test, the Court offers a practical and principled framework for courts and practitioners to navigate overlaps between the Copyright Act and the Designs Act in future disputes.*

## **8. Phonographic Performance Limited (PPL) v. Azure Hospitality Private Limited, Delhi High Court**

**Background:** Phonographic Performance Ltd. (PPL), a rights administrator for over four million sound recordings from more than 400 music labels, initiated a copyright infringement suit in the Delhi High Court against Azure Hospitality Pvt. Ltd., a restaurant group operating brands such as Mamagoto, Dhaba, and Sly Granny. PPL alleged that Azure was publicly performing copyrighted music without an appropriate licence, constituting infringement under Section 51 of the Copyright Act, 1957.



## **Proceedings:**

3 March 2025: A Single Judge of the Delhi High Court granted an interim injunction restraining Azure from playing PPL's sound recordings at its establishments without a licence, recognizing prima facie infringement and PPL's ownership rights.

15 April 2025: A Division Bench modified this order, noting that while PPL is the owner, it must adhere to statutory norms for licensing (i.e., registration or membership with a registered copyright society). It allowed Azure to play music if it paid licence fees at Recorded Music Performance Limited (RMPL) tariff rates, subject to the final outcome and reporting.

21 April 2025 (SC): The Supreme Court stayed the Division Bench's payment direction and clarified that the original injunction would not revive during the suit's pendency.

19 June 2025 (SC): The Supreme Court further clarified that the stay on payment obligations applies just between the parties and does not prevent action on third parties by PPL.

**Status:** As of late 2025, the suit continues to be contested before the Delhi High Court on merits. Neither the interim injunction nor payment obligations currently operate during the pendency of the litigation under the Supreme Court's directions.

**IP Takeaway:** *The PPL v. Azure Hospitality dispute underscores the continuing complexities of enforcing public performance rights within India's hospitality sector. While reaffirming the central role of copyright societies as key gatekeepers, the case also makes clear that their authority isn't unfettered. The Court signals a careful balancing exercise between owners' rights, statutory licensing norms, and business realities. Importantly, the decision reinforces that effective enforcement today depends not only on the existence of rights, but equally on structured licensing, transparent tariff-setting, and robust compliance reporting systems.*

## **Personality Rights**

### **9. Aishwarya Rai Bachchan v. Aishwaryaworld.com & Ors. (Delhi High Court)**



**Background:** In September 2025, internationally acclaimed actor Aishwarya Rai Bachchan filed a suit in the Delhi High Court against Aishwaryaworld.com & Ors., seeking to protect her personality rights including her name, image, likeness, and persona from widespread misuse online and commercially. She alleged defendants had falsely claimed to operate her official website, sold unauthorized merchandise bearing her image, impersonated her as chairperson of fake ventures, and circulated AI-generated deepfake and obscene content.

**Court's findings:** Justice Tejas Karia heard the matter, with Aishwarya Rai's counsel highlighting extensive unauthorized use of her persona and persona attributes across websites, e-commerce platforms, and social media, including AI-generated materials that could mislead the public and harm her reputation. On 9 September 2025, the Delhi High Court granted an interim injunction restraining defendants from further unauthorized use of her personality attributes and directed intermediaries such as Google/YouTube and online marketplaces to take down or block infringing URLs.

**IP Takeaway:** *The Aishwarya Rai Bachchan case solidifies the jurisprudence on personality rights in India by affirming that public figures have enforceable rights over the commercial and digital use of their name, image, likeness, and persona, including protections against AI-generated deepfakes and unauthorized merchandise. The Court's proactive removal/blocking orders against intermediaries signal judicial willingness to hold platforms accountable in personality rights disputes. This ruling also reflects a broader 2025 trend of celebrities like Amitabh Bachchan, Abhishek Bachchan, Karan Johar, Hrithik Roshan, and Akkineni Nagarjuna actively invoking the courts to safeguard their identity rights in the face of evolving digital challenges.*

A recurring theme in the 2025 IP cases was the judiciary's proactive role in ensuring enforcement while simultaneously clarifying statutory ambiguities, whether in safeguarding celebrity identity against deepfakes, expedited trademark registration and adjudication process, or refining the concepts of "technical effect" in CRI patentability. Concurrently, these cases highlight the growing importance of structured licensing, regulatory compliance, and demonstrable human intervention in IP creation and enforcement.

As India moves deeper into an era of technology-driven creativity and commerce, IP protection is no longer merely legal in character but equally digital and commercial, making strategic foresight and constant vigilance indispensable for creators, businesses, and intermediaries alike.