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IPR UPDATES

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IPR LEGAL UPDATES & JUDGEMENTS

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NOTABLE IPR JUDGMENTS FEBRUARY 2026

1. **Competition Commission of India vs Swapan Dey & Anr., Civil Appeal No. 519/2026, Supreme Court**

The Supreme Court held that the question whether the Competition Commission of India (CCI) can exercise jurisdiction over alleged anti-competitive conduct arising from patent rights requires authoritative determination. It stayed the findings of the NCLAT which had held that such matters fall exclusively within the domain of the Patents Act, thereby limiting CCI's jurisdiction.

This case arose from a complaint filed by Swapan Dey, CEO of a hospital operating under the Pradhan Mantri National Dialysis Programme, concerning alleged anti-competitive conduct by Vifor International AG in relation to Ferric Carboxymaltose (FCM), a drug that was protected by patent. Dey alleged that Vifor's conduct in licensing, pricing and supply of FCM amounted to abuse of dominance under Sections 3 and 4 of the Competition Act. The CCI closed the matter for lack of prima facie evidence of contravention, whereupon Dey appealed to the NCLAT, challenging the Commission's closure order and raising broader questions about whether CCI had jurisdiction to investigate conduct arising from patent rights in the first place.

The tribunal upheld the CCI's closure order on the merits but went further to rule that CCI has no jurisdiction to probe alleged anti-competitive conduct that arises out of the exercise of patented rights. It held that where the subject matter involves a patented product and its licensing or enforcement, the Patents Act operates as a special and complete code, and that the Competition Act cannot override it.

The Supreme Court confined itself to the jurisdictional issue and clarified that the central question in appeal is the extent of the CCI's authority under the Competition Act where the impugned conduct relates to the exercise of patent rights. It stayed the NCLAT's findings that the Patents Act operates as a complete code excluding the applicability of the Competition Act, and that the CCI lacks jurisdiction in such matters. By doing so, the Court preserved the statutory powers of the CCI from being curtailed without final judicial determination. The matter has been directed to be heard

specifically on the issue of jurisdiction, without entering into the merits of the alleged anti-competitive conduct. The Court thus undertook to examine the interplay between the Competition Act, 2002 and the Patents Act, 1970. The final determination will settle whether the exercise of patent rights can be subject to competition law scrutiny in cases of alleged abuse. [[Link Here](#)]

2. JioStar India Private Limited vs GHD Sports & Ors., CS(COMM) 89/2026, Delhi High Court

The Delhi High Court held that a plaintiff seeking urgent relief for infringement of exclusive broadcast and reproduction rights is entitled to exemption from pre-institution mediation under Section 12-A of the Commercial Courts Act, 2015 where immediate enforcement is necessary to prevent irreparable harm to proprietary rights. The Court clarified that when a plaintiff holds clear and undisputed exclusive rights, interim measures may be granted to protect those rights. It further held that summons and procedural timelines would be ordered to ensure expeditious adjudication of substantive claims.

This case arose from a suit filed by JioStar India Private Limited, a media and entertainment company that claimed to hold exclusive rights to broadcast and stream major international sporting events, including various ICC and BCCI events, on its channels and OTT platform. The plaintiff alleged that the defendants, including rogue mobile applications and related websites, were illegally streaming and distributing its copyright-protected content without authorisation, thereby causing irreparable damage to its commercial interests.

JioStar applied for multiple procedural exemptions under the Commercial Courts Act, seeking exemption from pre-institution mediation and advance notice requirements on grounds that urgent relief was necessary to prevent ongoing infringement of its broadcast rights. The plaintiff also sought ex-parte injunctions against the defendants to restrain them from unauthorised streaming and communication of its content. The High Court examined the prima facie case for injunctive relief and whether procedural relaxations were justified in light of the plaintiff's clear proprietary rights and the imminent threat of continued infringement.

The Delhi High Court held that exemption from pre-institution mediation and advance notice was justified given the urgent nature of the plaintiff's rights and the risk of ongoing harm. The Court granted permission to issue summons and ordered the defendants to respond within stipulated timeframes. Importantly, the Court granted an ex-parte ad-interim injunction restraining the defendants from streaming, reproducing, distributing, or communicating the plaintiff's copyrighted content, including future works, through their platforms. This relief was granted to protect undisputed exclusive rights and prevent irreparable loss pending final adjudication. [[Link Here](#)]

3. JFC Steel Corporation vs The Controller of Patents & Designs, Commercial Miscellaneous Petition No.52/2025, Bombay High Court

The Bombay High Court held that the refusal of a patent application solely on the ground of non-compliance with Section 10(4) of the Patents Act, 1970, without examining the essential requirements of novelty and inventive step, is legally unsustainable. The Court clarified that insufficiency of disclosure cannot be treated as the sole basis for rejection where no findings are returned on substantive patentability. It therefore held that such a rejection order cannot be upheld in law.

This case arose from an order of the Controller refusing Patent Application No. 1155/MUMNP/2015 under Section 15 of the Patents Act. The Controller rejected the application exclusively on the ground that the specification did not satisfy the requirement of sufficiency of disclosure under Section 10(4). The petitioner contended that the order contained no determination that the invention lacked novelty or inventive step.

The petitioner argued that the Controller had failed to assess the application on its merits and had confined the refusal only to alleged deficiencies in disclosure. Reliance was placed on prior decisions of the Court holding that rejection solely under Section 10(4), without examining other statutory requirements, is improper. It was also submitted that corresponding patents had been granted in multiple foreign jurisdictions, indicating that the invention had satisfied similar disclosure standards elsewhere.

The High Court, upon examining the impugned order, found that it was entirely founded on alleged non-compliance with Section 10(4) and contained no independent reasoning on novelty or inventive step. The Court held that in the absence of findings on these substantive criteria, the rejection could not be sustained. It observed that while foreign grants are not conclusive, they are relevant where disclosure is questioned. The impugned order was therefore set aside and the matter remanded for fresh consideration by a different Controller, to examine all statutory requirements and pass a reasoned order. [[Link Here](#)]

4. Dr. Aniruddha Dhairyadhar Joshi vs John Does & Ors., CS(COMM) 178/2026, Delhi High Court

The Delhi High Court granted interim ad-interim injunction in favour of the plaintiff, finding a prima facie case for protection of his personality/publicity rights against unauthorized use of his name, likeness, voice and persona in digital/AI-generated content and other media.

Dr. Aniruddha Dhairyadhar Joshi (a well-known spiritual leader and author) filed a commercial suit under the CPC/Commercial Courts Act claiming that unknown John Does and specific defendants (including Google and Meta) had created, published and disseminated false deep-fake videos and other content using his identity without consent. He said such misuse harmed his reputation, goodwill and unique personality rights.

The matter came before the Delhi High Court on interim applications for discovery, disclosure, exemption from mediation and an ex-parte ad-interim injunction. The court heard submissions, noted the applications and the harms alleged, and took the view that immediate interim protection was justified while the suit was pending.

The High Court found that the plaintiff had demonstrated a prima facie strong case with credible allegations that the defendants (especially online platforms) were linked to unauthorized and misleading use of his identity. The balance of convenience favoured protecting his personality/publicity rights, and irreparable harm was shown if

injunctions were not granted. The court therefore passed directions including injunctive relief while noting that the fuller merits would be considered later. [[Link Here](#)]

5. MD Mohsin & Ors. vs Lenskart Solutions Limited, CS(COMM) 185/2026, Delhi High Court

The Delhi High Court held that the plaintiffs had made out a prima facie case for relief in their commercial suit concerning infringement of a registered Geographical Indication (GI) 'Bidriware' and granted procedural orders including exemption from pre-institution mediation and issuance of summons, thus allowing the suit to proceed.

The plaintiffs, authorised users of the registered GI 'Bidriware', filed a commercial suit against Lenskart Solutions Limited alleging that the defendant marketed eyewear products using the term 'Bidri' and similar patterns, misleading consumers into believing they originated from the Bidar region and had genuine Bidriware characteristics. The suit claims this amounts to infringement of the registered GI and deceptive practices harming the goodwill of authentic GI products.

Before proceeding with the main suit, the plaintiffs applied for exemption from pre-institution mediation under Section 12-A of the Commercial Courts Act, 2015 and for interim relief. The High Court granted the exemption based on urgency and legal precedent, disposed of ancillary applications, and ordered registration of the plaint with summons to be issued to the defendant, fixing timelines for written statement and subsequent steps.

The Court accepted that immediate relief was justified given the nature of the rights involved and judicial precedent allowing exemption from mediation where urgent relief is prayed for. It noted the established GI registration and potential for consumer deception and harm to the artisanal reputation of Bidriware. By directing issuance of summons and procedural orders, the Court ensured the defendant would face the suit and that substantive issues like whether use of 'Bidri' constitutes infringement and passing off, would be adjudicated in due course. [[Link Here](#)]

6. Boehringer Ingelheim Pharma GmbH & Co. KG v. Controller of Patents & Anr., LPA 129/2025, Delhi High Court

The Delhi High Court held that a revocation petition under Section 64 of the Patents Act, 1970 remains maintainable even after the patent in question has expired by efflux of time, and that raising an invalidity defence under Section 107 in an infringement suit does not bar a separate revocation petition. Expiry does not defeat the legal character of a granted patent nor extinguish the “person interested” status needed to maintain revocation proceedings.

Boehringer Ingelheim Pharma’s Indian patent for the diabetes drug Linagliptin (Patent IN 243301) had expired in August 2023. Macleods Pharmaceuticals had earlier filed a revocation petition under Section 64 of the Patents Act challenging the patent’s validity, and later raised invalidity as a Section 107 defence in a separate infringement suit filed by Boehringer in the Himachal Pradesh High Court. Boehringer then challenged the maintainability of the Section 64 petition, arguing that revocation is moot once a patent expires and that the existence of a Section 107 defence should bar a separate petition.

A Single Judge of the Delhi High Court rejected Boehringer’s applications to dismiss the revocation petition on the grounds of expiry and the Section 107 defence. Boehringer appealed against that order before a Division Bench of the Delhi High Court, raising the two main legal questions: whether a Section 64 petition survives patent expiry and whether it can continue alongside a Section 107 defence in an infringement suit.

The Division Bench reasoned that a granted patent remains a “patent” under the Act even after expiry, and that expiry merely affects enforceability but does not obliterate its legal existence, so a revocation petition retains relevance and legal purpose. The court distinguished Section 107 defences (which operate within infringement suits) from Section 64 petitions (which independently seek cancellation of the patent in rem), holding that one does not extinguish the other. It further explained that if a patent is successfully revoked, it is treated as though it never existed from the date of grant, thereby vindicating the revocation petition’s purpose even post-expiry. [[Link Here](#)]

7. Landmark Crafts Limited vs Romil Gupta Trading As Sohan Lal Gupta & Anr., LPA 575/2025, Delhi High Court

The Delhi High Court held that where the Registrar of Trade Marks cancels a valid trademark registration on his own motion, the statutory provision requiring at least one month's written notice under Rule 100(1) of the Trade Marks Rules, 2017 is mandatory and cannot be bypassed. It dismissed the appellant's challenge and upheld the Single Judge's decision quashing the cancellation order for failure to comply with this requirement.

Romil Gupta, trading as Sohan Lal Gupta, held a registered device trademark self-tapping metal screws and drilling screws. Landmark Crafts Limited filed a complaint under Section 57 of the Trade Marks Act, 1999, alleging irregularities in the grant of that registration (including inconsistent user claims and substantial amendment without proper process). The Deputy Registrar of Trade Marks cancelled the registration of the mark on 15 December 2022 without issuing a mandatory one-month notice period.

The Deputy Registrar's cancellation order was challenged by Romil Gupta before a Single Judge of the Delhi High Court, which quashed the cancellation on the ground that the mandatory notice requirement under Rule 100(1) was not complied with and that the amendment to the trademark did not amount to a substantial alteration. Landmark Crafts Limited appealed that judgment by way of Letters Patent Appeal (LPA 575/2025).

The Division Bench agreed with the Single Judge that the one-month notice prescribed by Rule 100(1) is not directory but mandatory and its compliance cannot be excused even if no prejudice is shown or estoppel is claimed. The court also upheld the finding that the visual reorientation of letters in the mark did not constitute a "substantial alteration," and reiterated that failure to follow the statutory process invalidated the cancellation order. Consequently, the appeal was dismissed and the impugned cancellation order remained set aside. [[Link Here](#)]

8. Coldsmiths Retail Services Pvt. Ltd. vs Registrar of Trade Marks, W.P.(C)-IPD 37/2025, Delhi High Court

The Delhi High Court held that the statutory requirement under Section 25(3) of the Trade Marks Act, 1999 which mandates the Registrar of Trade Marks to issue renewal notices to the registered proprietor or their authorized agent, is mandatory and cannot be circumvented simply because the notice was sent to a (former) agent whose name remained on the registry. The Court allowed the petitioner to renew its eight trademarks that had lapsed on account of this procedural irregularity.

Coldsmiths Retail Services Pvt. Ltd. (“Coldsmiths”) inherited eight registered Nirula’s trademarks through assignment from Nirula’s Corner House Pvt. Ltd. Those registrations expired on 14.07.2023. Although the Registrar had issued statutory notices under Section 25(3) of the Trade Marks Act and Rule 58(1) of the Trade Marks Rules, the notices were sent to an agent no longer authorized on the registry records. Coldsmiths argued that the Registrar’s failure to address the correct proprietor or valid agent meant the renewal notices did not comply with the statute, leading to an unlawful removal of the trademarks from the register.

Coldsmiths filed a writ petition under Article 226 of the Constitution seeking direction to restrain the Registrar from removing the trademarks and to compel proper renewal, despite the lapse. The Registrar contended the original notices were validly issued to the agent listed in the Registry and that the statutory renewal windows had expired due to petitioner’s delay. The High Court heard the matter on 17 February 2026.

The High Court emphasised that Section 25(3) places an unambiguous statutory duty on the Registrar to issue renewal/intimation notices to the registered proprietor or an authorized agent, and failure to do so can’t be excused by the proprietor’s own lapse in updating agent details. The Court observed that if the Registrar had doubts about the agent’s authority, it should have served notices directly on the proprietor instead of relying on outdated records. Because the notices were thus defective, the consequences (lapse of trademark) couldn’t be visited on the petitioner. The Court consequently allowed Coldsmiths to renew the eight marks while underscoring the procedural sanctity of Section 25(3) and related rules. [[Link Here](#)]

NOTIFICATIONS

1. Gazette Notification for Startups, Department for Promotion of Industry and Internal Trade

The Department for Promotion of Industry and Internal Trade (DPIIT) issued a Gazette Notification revising the definition and eligibility criteria for recognition of startups under the Startup India framework. The notification seeks to further promote innovation, entrepreneurship, and job creation by refining the conditions under which an entity qualifies as a “Startup.” The amendments aim to provide clarity, expand eligibility, and ensure that genuine innovation-driven enterprises continue to benefit from policy support and incentives.

A key change under the notification relates to the eligibility period and turnover threshold for recognition as a startup. The revised framework clarifies the maximum period from incorporation or registration during which an entity shall be considered a startup, along with the applicable turnover cap for any financial year. These modifications are intended to accommodate high-growth ventures while ensuring that benefits remain targeted at emerging businesses rather than mature enterprises.

The notification also reiterates that an entity must be working towards innovation, development, or improvement of products, processes, or services, or possess a scalable business model with high potential for employment generation or wealth creation. It clarifies that entities formed by splitting up or reconstruction of an existing business shall not be eligible for recognition. This ensures that only genuinely new and innovation-driven entities qualify under the scheme.

Additionally, the notification streamlines procedural aspects relating to recognition and certification, including the role of the Inter-Ministerial Board where applicable for tax-related benefits. The revised framework strengthens transparency and regulatory certainty while continuing to align startup recognition with broader policy objectives under Startup India. The amendments reflect the Government’s continued focus on fostering a robust and innovation-led entrepreneurial ecosystem. [[Link Here](#)]

2. Working Paper on Generative AI and Copyright, Department for Promotion of Industry and Internal Trade

The Working Paper on Generative AI and Copyright examines the legal implications of using copyrighted works for training generative AI systems and the status of AI-generated outputs under copyright law. It analyses whether existing provisions under the Copyright Act, 1957 adequately address machine learning, text and data mining, and automated content generation. The Paper identifies growing disputes between rights holders and AI developers regarding unauthorized scraping and large-scale data ingestion. It seeks to clarify how traditional doctrines apply in the context of rapidly evolving AI technologies.

A key focus of the Paper is the legality of training AI models on copyrighted content without express licences. It evaluates whether such use may fall within statutory exceptions such as fair dealing or research use, and considers the scope of transient and incidental storage during computational processes. The Paper also addresses concerns relating to moral rights, attribution, and potential market harm to authors and creative industries. It highlights the absence of explicit text and data mining exceptions in Indian copyright law.

The Working Paper further examines whether AI-generated outputs can qualify for copyright protection under the requirement of human authorship. It discusses the threshold of originality under Indian jurisprudence and questions whether works generated with minimal human intervention meet this standard. The Paper distinguishes between fully autonomous outputs and works created using AI as an assistive tool. It also considers issues of ownership, liability, and accountability where infringing content is generated by AI systems.

In conclusion, the Paper does not propose immediate legislative amendments but invites stakeholder consultation on clarifying existing provisions or introducing targeted reforms. It emphasizes balancing innovation in AI development with the protection of authors' rights and creative incentives. The report signals a cautious, consultative

approach towards regulating generative AI within the framework of Indian copyright law. It marks an important step in shaping India's policy response to AI-driven creativity and technological transformation. [[Link Here](#)]