THE IPR UPDATE

NEWS LETTER

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1.NAVIGATING COPYRIGHT IN AN AI-DRIVEN INDIA

In the rapidly evolving digital age, India stands at a crossroads in balancing copyright protection with technological innovation. A landmark moment occurred in November 2024 when Asian News International (ANI), a leading Indian news agency, filed a copyright infringement suit against OpenAI in the Delhi High Court. ANI alleges that OpenAI unlawfully used its copyrighted news content to train the AI model behind ChatGPT. What began as a single lawsuit has since expanded, with prominent media houses such as NDTV, Indian Express, and Hindustan Times joining in, highlighting the complex challenges India faces under its current Copyright Act of 1957.

India's Expert Panel on AI and Copyright

Recognizing these challenges, the Government of India took a significant step in May 2025 by constituting an expert panel to review the Copyright Act in light of AI developments. The expert panel, comprising intellectual property specialists, government officials, and industry leaders, is tasked with assessing how current Intellectual Property laws apply to AI-generated works and liability for copyrighted material in AI training. This committee's formation marks a decisive step by India to address the unique legal challenges posed by AI, with high-profile cases like ANI v. OpenAI driving the urgent need for modernization.

The landmark case of ANI v. OpenAI

Officially titled Asian News International v. OpenAI, this pending case is currently before the Delhi High Court. ANI has sought damages of INR 20 million (approximately US$236,000) and requested an interim injunction to prevent OpenAI from storing, reproducing, or using ANI's content during ongoing proceedings. However, the court refused to grant this injunction, reflecting judicial caution as it navigates novel legal questions around AI-generated content, fair dealing, and liability for AI training data.

This refusal highlights the complex nature of AI copyright disputes and the court's challenge to strike a balance between protecting intellectual property and fostering innovation. The case serves as a visible example of the urgent gaps and ambiguities in India's copyright laws concerning artificial intelligence.

Analysis

India's review of copyright law amid the AI revolution places it in a unique position globally. Unlike the European Union's comprehensive AI regulations or the United States' case-by-case approach, India's proactive and broad-ranging review aims to set a benchmark by integrating AI-specific provisions that balance rights protection with innovation.

As the Delhi High Court continues deliberations in the ANI v. OpenAI case and the expert panel advances its recommendations, India's copyright framework is on the brink of transformation. This evolving landscape reflects a crucial dialogue between creativity, technology, and legal rights, aiming to craft a legal regime supporting both creators and the future of technology.

Core Issues Under Consideration

The panel is delving into critical questions such as:

- Who or what qualifies as an "author" of works created with or by artificial intelligence?
- How to assign liability for unauthorized use of copyrighted data in AI training datasets.
- Clarifying the scope and limits of fair use in the AI context, particularly regarding large-scale content mining.

Reference:

1.Delhi High Court issues summons to OpenAI after ANI alleges copyright violation

2.India panel to review copyright law amid legal challenges to OpenAI - Reuters

3.Panel formed in India to review copyright law in the era of AI - Asia IPLaw

OpenAI v ANI Update - Majmudar India PDF

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2. INDIA CLIMBS TO 38TH IN GLOBAL INNOVATION INDEX 2025: A LEAP TOWARD INNOVATION LEADERSHIP.

India has reached a historic milestone in its innovation journey, climbing to 38th place in the World Intellectual Property Organization's (WIPO) Global Innovation Index (GII), 2025, its highest-ever ranking. This steady ascent from 48th in 2020 and 81st in 2015 reflects the nation's growing emphasis on research, development, and intellectual property creation. WIPO highlights that India now leads the Central and Southern Asia region in innovation, topping the world in ICT services exports and ranking among the leaders in venture capital deals and unicorn valuations. This achievement cements India's emergence as a global innovation hub.The rise in ranking is closely linked to India's remarkable growth in intellectual property filings. Government data reveal that between 2020–21 and 2024–25, IP applications surged by 44%, from 4.77 lakh to nearly 6.9 lakh filings. Applications for geographical indications jumped 380%, patent filings grew by 180%, and industrial design registrations rose 266%. Much of this momentum comes from the booming startup and technology sectors. With over 100 unicorns today and rapidly expanding software and knowledge exports,

India is proving that innovation is not just an abstract metric it is a tangible driver of economic growth. The GII also notes India's intangible asset intensity ranking of 8th, It highlighted the rising value of digital and creative industries in shaping the country's knowledge economy. A significant part of this success stems from policy reforms and digitalization of India's IP system. Over 95% of patent and trademark applications are now filed online, cutting red tape and speeding up approvals. The timeline to request patent examination was reduced from 48 to 31 months, and AI-assisted tools now streamline application review. Trademark rules were simplified, reducing 74 separate forms to just eight, and expedited examination processes are available for all applicants. Startup-focused measures have been game-changers: under the Startup India initiative, the government covers fees of IP facilitators for recognized startups, and eligible companies enjoy an 80% rebate on patent and design filings.

Meanwhile, the National Intellectual Property Awareness Mission (NIPAM) has reached over 25 lakh students and entrepreneurs, spreading IP literacy across the nation. These reforms make IP protection faster, cheaper, and more accessible, encouraging innovators to bring their ideas to market.

Experts say that a strong IP and innovation ecosystem is crucial for India's global competitiveness. By turning research into market-ready products, India can move up the value chain in manufacturing and services. Robust IP protections attract investment, promote high-tech industries, and support exports in software, pharmaceuticals, and green technologies. As one analysis notes, India is now "building an IP ecosystem that is transparent, efficient, and globally competitive," empowering its next generation of entrepreneurs. Climbing to 38th place in the GII is not just a number it signals India's rise as an innovation-led economy, poised for sustained growth and global leadership.

Reference:

https://ibef.org/news/india-rises-to-38th-rank-in-global-innovation-index

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3.CHINA INTRODUCES STRONGER FAST-TRACK TRADEMARK REVIEW : HOW DOES IT COMPARE WITH INDIA?

Beijing, September 2025, China has taken a major step to streamline intellectual property protection. On July 7, 2025, the China National Intellectual Property Administration (CNIPA) enacted the Measures for the Expedited Examination of Trademark Registration Applications ("New Measures"), replacing the 2022 trial rules. The update expands who can apply for fast-track review, what trademarks qualify, and sets tighter timelines, aligning China's trademark system with broader economic and strategic policy goals.

What Has Changed in China's Fast-Track System?

The New Measures broaden eligibility to include applications from strategic emerging industries (e.g., biomanufacturing, quantum technology, 6G), future industries, cultural heritage projects, provincially promoted industries, urgent public emergencies, and regional development initiatives. Previously, the scope was narrower.

Trademark types have also expanded. Beyond word marks, CNIPA now accepts words, graphics, letters, numbers, or combinations. Goods and services descriptions are more flexible; applicants may use terms publicly accepted by CNIPA, not just those in standard classification lists.

Timelines are more stringent. If a request is rejected, CNIPA must notify the applicant within five working days. Approved applications must complete substantive examination within 20 working days, unless delayed due to procedural issues or fee payments. Fast-track review can be terminated if applicants request amendments, deferrals, or hinder the process.

Under the old system, standard applications could take up to nine months for examination. The new fast-track route dramatically shortens this timeline for qualifying applications, though eligibility is limited to sectors aligned with strategic or national priorities.

India's Approach: Rule 34, Trade Marks Rules, 2017

India allows expedited processing for all applicants under Rule 34. By filing Form TM-M with the prescribed fee, applicants can fast-track all stages: examination, hearings, publication, opposition proceedings, and final disposal.

The pace is less aggressive than China's. Typically, the examination report is issued within three months, though full registration may take longer due to oppositions or hearings. Recent interpretations clarify that expedited processing can be requested at any stage up to final disposal, helping applicants stuck in backlog-heavy stages.

Comparing the Two Systems

- Eligibility: China limits fast-track to strategic sectors; India is open to all applicants.
- Speed: China promises 20 working days for substantive examination; India's expedited examination takes around three months, with total registration time often longer.
- Scope: India covers all stages, while China mainly accelerates examination, with other steps following standard timelines.
- Policy Goal: China aligns trademark law with industrial and technological priorities; India focuses on administrative efficiency.

Conclusion

China's new fast-track rules integrate IP law with industrial policy, ensuring critical industries receive swift protection. India's system is more inclusive and covers all stages but faces procedural delays. For businesses, the choice of jurisdiction matters: in China, eligible applications can secure protection within weeks, while in India, expedited routes are helpful but may still face structural bottlenecks.

Reference:

https://natlawreview.com/article/beijing-internet-court-requires-evidence-creative-effort-claim-copyright-protectionn

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4.DELHI HIGH COURT'S LANDMARK RULING ON "WELL-KNOWN MARK" STATUS FOR HALDIRAM

Introduction

In September 2025, the Delhi High Court issued a significant ruling in a trademark infringement suit filed by Haldiram India Pvt. Ltd. The dispute involved several defendants using the "HALDIRAM" name and deceptively similar marks, including a company named Haldiram Restro Pvt. Ltd., which sold food products under the contested brand. The Court granted a permanent injunction protecting Haldiram's trademark rights and declared "HALDIRAM" a well-known mark under Indian law.

The Facts and Ruling

The Plaintiff traced its origins to 1941, highlighting decades of use and growth into a leading Indian food brand recognized globally for quality and hygiene. Despite attempts by defendants to claim trademark rights and business operations under similar names and domains, the Court found clear infringement. It ordered defendants to cease use, surrendered infringing goods for destruction, and awarded damages to the Plaintiff. The "HALDIRAM" mark including its oval-shaped and V-shaped logos was confirmed as "well-known" nationwide except for West Bengal, following historical territorial arrangements.

Evolution of the "Well-Known Mark" Concept

This judgement advances the legal framework around "well-known marks" by recognizing factors beyond mere territorial sales presence, such as reputation spill-over and consumer goodwill. It confirms that a mark established in most of India can be considered well-known even if restricted in a single state. The Court emphasized consistent use, advertising, and international registrations, aligning Indian law with global IP standards. Such broad protection is critical for safeguarding established brands from dilution and unfair competition.

Conclusion

The Delhi High Court's decision reinforces the robust protection available to iconic Indian brands well beyond their physical market reach. Declaring "HALDIRAM" a well-known mark underscores the importance of reputation and sustained use in intellectual property law. The ruling serves as a critical precedent for trademark enforcement, ensuring that consumers and rightful owners are shielded from brand misuse in an increasingly complex commercial environment.

References:

Delhi High Court, Order on Haldiram India Pvt. Ltd. v. Berachah Sales Corporation & Ors

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5.DELHI HIGH COURT ADDRESSES MISLEADING ADVERTISEMENTS IN PATANJALI-DABUR CHAWANPRASH DISPUTE

Introduction

In July 2025, the Delhi High Court ruled on a high-profile intellectual property dispute between Dabur India Ltd. and Patanjali Ayurved Ltd. concerning Patanjali's product advertisements for its "Special Chyawanprash." Dabur alleged these ads disparaged its flagship "Dabur Chyawanprash" and other Chyawanprash products by making false claims about the herbal composition and traditional authenticity, leading to misleading and unfair comparative advertising.

The Facts and Ruling

Dabur, a market leader with over 60% share in the Chyawanprash segment, challenged Patanjali's advertisements which claimed that Patanjali's product contained 51 precious herbs and followed the original Ayurvedic traditions, while others, particularly Dabur's product with 40 herbs, were labeled "ordinary." The impugned TV commercials and print ads featured yoga guru Ramdev, endorsing the "original" Patanjali formula and casting doubt on competitors' knowledge and authenticity.

The Court found that these advertisements falsely implied that only Patanjali possessed the requisite Ayurvedic knowledge to produce authentic Chyawanprash and unfairly disparaged Dabur's product and the entire class of Chyawanprash medicines.

It held that while comparative advertising and product glorification are permitted, denigrating competitors through misleading claims is not.

Accordingly, the Court granted an interim injunction restraining Patanjali from airing the TV commercials and print advertisements without deleting the disparaging claims, particularly the phrase "Why settle for ordinary Chyawanprash made with 40 herbs?" Patanjali was directed to modify the ads to remove statements identified as misleading or disparaging. The ruling emphasized the stricter standards applicable to advertisements for regulated Ayurvedic medicines under the Drugs and Cosmetics Act.

Comparative Advertising vs. Disparagement

The Court's judgment elaborated on the fine line between permissible comparative advertising and impermissible disparagement. It explained that while advertisers may boast of their products' superiority, they cannot falsely claim competitors lack necessary skill or quality, or portray competitors' products as inferior through untruthful statements. This distinction is especially critical for Ayurvedic and other regulated medicines where public health and safety concerns mandate strict scrutiny.

Commercial speech enjoys protection under Article 19(1)(a) of the Indian Constitution, but this freedom is subject to reasonable restrictions, including prohibitions against misleading or deceptive advertising. The Court underscored that consumers must not be misled about the efficacy or authenticity of regulated drugs, as such deception can materially affect purchasing decisions and public health.

Conclusion

The Delhi High Court's ruling in the Dabur-Patanjali dispute reinforces the importance of truthful and non-disparaging advertising in India's competitive Ayurvedic market. It is a landmark for intellectual property rights and consumer protection, establishing that companies must respect regulated standards and avoid misleading claims even while engaging in comparative advertising. Ultimately, this judgment protects both market fairness and the well-being of consumers in the growing herbal medicine sector.

References:

Dabur India Limited v. Patanjali Ayurveda Limited and Anr. C.S. (Comm. Div.) No. 1195 *of* 2024; Hon'ble Delhi High Court ; Decided on 3rd July, 2025

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6.DANDIYA WITH RIGHTS: IPR AND GARBA INNOVATIONS

As the September season hits with Navratri, Gujrat shines bright with its lights, music and beats of dandiya and garba. While Navratri symbolises festivity and devotion of people, it also represents the creativity that the people show in their dance, clothes and designs. Over the years, these events have gone from being of small scale to events with hundreds of people taking part. Such large-scale events, brand performances and digital streaming of these events have led to the questions of protecting these innovations through the IP laws in the recent times.

Keeping this in mind the Gujrat council on Science and Technology (GUJCOST) working under the state government in a recent turn of events has looked into starting awareness drives to look into how IP laws could help protect these garba innovations. This move indicates acknowledgment that while traditional dance steps or rituals may not be patentable itself, the inventive portion surrounding it including the attire, logos of Garba organizers, the musical arrangement, or festival products may very well be subject to other IPR.

There are several existing laws in India which allow this protection, The Copyright Act of 1957 allows for the protection of aural forms of original musical works, lyrics, or choreography.

The Designs Act of 2000 allows for the registration of unique costumes, jewellery, or props traditionally associated with Garba and Dandiya festivities. Event planners may rely on the Trademarks Act of 1999 to protect the rights to a name, logo, or even the overall look and feel of the large-scale Navratri celebration events. In some cases, Geographical Indications (GI) may allow for protection of items such as handicrafts or embroidery that are from a specific region of Gujarat like the Kutch embroidery or the Sadeli (wood) carvings.

This move has broad implications, it respects artists, designers, and organizers by granting them legal authority over their creative works, thereby discouraging unauthorized duplication or commercial use. On the other hand, it raises a larger issue on how do we keep the balance between protecting creativity and ensuring that traditional cultural expressions be readily available to the community? After all, Garba is not just a commercial or artistic practice it is a cultural identity and one that is rooted in collective culture.

Efforts to protect these traditional cultural expressions through IP regimes have taken many forms around the world, and India's initiative to protect Garba adaptations in its IPR regime also revolves around the same spirit. As technology and commercialization continue to change cultural practices, legislative tools such as IP laws can help protect traditions from exploitation while still being able to change.

In conclusion, the decision to extend intellectual property protections to Garba and Dandiya related innovations reflects the evolving role of intellectual property in India today. It indicates that intellectual property rights are no longer restricted solely to pharmaceuticals or technology, but are becoming a necessary conduit to safeguard, promote, and protect the living traditions that make up our cultural heritage ensuring they thrive for future generations.

Source:

https://timesofindia.indiatimes.com/city/ahmedabad/intellectual-property-rights-ready-to-tango-with-garba-innovations/articleshow/124032178.cms

Made by - Dhruv Khandelwal

7. ULTRAHUMAN V. OURA: RIGHTS AND RINGS

In a recent turn of events, the legal dispute between Ultrahuman, and Finland based Oura Health has garnered attention in the Indian intellectual property space. The case began as a commercial rivalry between competitors in the health-tech wearables space, has now turned into a legal dispute with repercussions that range beyond the particularities of the case and are considering both patents, innovation, and perhaps even the overall future of digital health devices in India.

Ultrahuman, an Indian company based in Bengaluru, has emerged as one of the leading brands in the health-tech space in India since it was founded in 2019. Ultrahuman has just launched the Ultrahuman Ring Air, which is a ring used for tracking sleep, glucose, heart rate and recovery, and is a device that combines health technology with style because of its sophisticated health monitoring. Oura Health was at the forefront of the smart ring marketplace when they launched the Oura Ring in 2015 and became an internationally recognized brand in the smart ring category. Oura's entry into the Indian marketplace, has led them right into the trial with Ultrahuman for an alleged infringement of their patented technology.

This dispute marks a turning point for intellectual property confrontations in India. Broadly the patent litigation has focused mainly on the life sciences and information technology sectors. Disputes in consumer technology and health-oriented devices are much more uncommon. The Ultrahuman-Oura case tests out the Indian court's approach to considering novelty and inventive step in emerging technologies that combine hardware, software, and data analytic elements. In an industry where small differences in design can have large implications in the marketplace, this ruling may have an important impact on any subsequent disputes relating to wearable devices in particular.

This case represents both an opportunity and a risk for Indian startups. On one side, pursuing patents against competitors from other countries shows that domestic innovators are free to take advantage of international laws on intellectual property to protect and commercialize their inventions in India and in other countries. On the opposite side of the scale, long, drawn-out litigation against companies that can afford to delay the process will drain time and money of the smaller startups, taking resources away from innovation and growth toward litigation fees. The case exemplifies the need to build broad, deep patent portfolios, not just to protect innovations but to help secure the trust of investors in a competitive market situation.

The wider policy consequences are equally significant. India has attempted to establish itself as a destination for electronics manufacturing and digital innovation. However, in order to reach that goal, innovators must be assured that the legal environment will provide timely and equitable outcomes for its IP disputes. If the Ultrahuman–Oura dispute is handled appropriately, the outcome will reinforce India's commitment to IP protection, while offering an environment that is still welcoming to foreign investment. If it is not handled appropriately, it may deter both domestic start-ups and foreign investment in the high-tech sector.

Ultimately, the case is more than just a suit over a health-tracking ring. It is a reflection of the ongoing convergence of technology, health and law in a world where technology is increasingly being viewed as essential. As courts ponder about rights and rings, the consequences will shape not just the future of two companies but that also of India's future for intellectual property in the ever-evolving global markets.

Reference:

https://timesofindia.indiatimes.com/technology/tech-news/ultrahuman-takes-oura-to-delhi-high-court-over-smart-ring-patents/articleshow/123448524.cms

Made by - Dhruv Khandelwal

8. WARNER BROS. V. MIDJOURNEY: DEFINING LIABILITY FOR COPYRIGHT INFRINGEMENT IN THE AGE OF AI-GENERATED ART

Introduction

In September 2025, Warner Bros. Discovery filed a landmark copyright infringement lawsuit against Midjourney, an AI image generator accused of "mass theft" by training its AI on copyrighted movies and TV shows. The platform has reportedly enabled millions to generate unauthorized images of iconic characters, such as Superman, Batman, and Bugs Bunny, sparking urgent debates over copyright infringement and responsibility.

Who holds the responsibility when AI generates infringing content - the user or the platform?

Balancing Creativity and Liability

At the crux of this dispute is prompt engineering—the skilful art of shaping AI instructions to bypass filters. For example, instead of directly asking for "a Batman image," a user might input "classic comic book hero in dark attire with bat-like features". Such carefully crafted prompts produce images nearly identical to copyrighted characters, revealing a loophole to traditional copyright enforcement by complicating the liability: is it the user manipulating instructions, or the platform that enables and profits from generating such content?

Midjourney contends it is merely a tool, akin to a search engine, that facilitates user creativity rather than directly creating infringing works, shifting blame to users who provide prompts that direct AI outputs. Warner Bros. argues otherwise, insisting the platform enables infringement by training on protected content and removing safeguards designed to block the generation of copyrighted images, thus sharing legal responsibility.

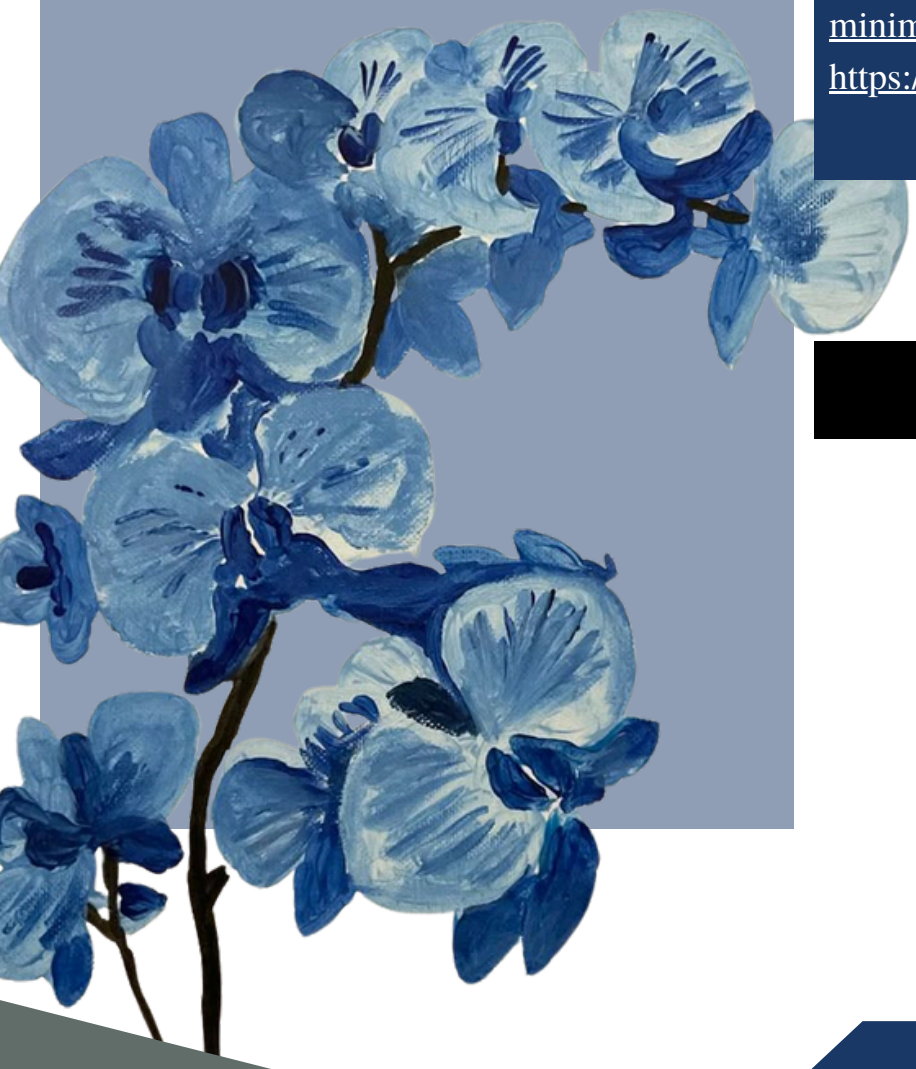
Analysis

Platforms like Midjourney often rely on Safe Harbor Protections under laws such as the U.S. Digital Millennium Copyright Act (DMCA), which shield them from liability for user-generated content if they act promptly on notices of infringement. However, these protections may be lost if a platform knowingly facilitates or systematically ignores violations.

This lawsuit highlights the evolving legal landscape as courts grapple with the blurred lines of creativity, facilitation, and liability in AI-generated works. It also underscores the importance of standards like ISO/IEC 42001, which provide governance frameworks to manage AI's ethical, legal, and operational risks.

Organizations adhering to ISO/IEC 42001 can better navigate AI compliance by implementing robust governance, transparent AI training practices, and continuous risk monitoring, thereby reducing liability.

Warner Bros. v. Midjourney is poised to set critical precedents on the responsibilities of AI platforms and users, providing legal clarity on fair use boundaries and shaping the future interplay between artificial intelligence and copyright law worldwide.



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