



# INSIGNIA

## INTELLECTUAL PROPERTY RIGHTS

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**MAHESHWARI AND CO.** is a full service Law Firm that represents its clients in a number of complex and high value transactions. The Firm has a special expertise in Intellectual Property Laws covering trademarks, copyright, design, patent and GI filing, prosecution, enforcement and litigation.

The firm's IP practice offers comprehensive, end-to-end legal solutions that span the entire business cycle of an IP — from the earliest stages of ideation and development, through regulatory compliance and market entry, to the protection, management, and enforcement of IP rights.

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## NEWS

### **Descriptive Use and Trademark Infringement: Lotus Herbals v. DPKA Universal Consumer Ventures**

In *Lotus Herbals Pvt. Ltd. v. DPKA Universal Consumer Ventures Pvt. Ltd.*, the Division Bench of the Delhi High Court revisited the scope of the descriptive use defence under Section 30(2)(a) of the Trade Marks Act, 1999. The dispute arose from DPKA's use of "Lotus Splash" for its facial cleanser marketed under the 82°E brand. Reversing the Single Judge's refusal of interim relief, the Court held that the expression was prima facie being used as a product identifier and sub-brand rather than merely as a description of the product's lotus flower extract ingredient. Particular emphasis was placed on the prominent display of "Lotus Splash" on packaging, its use across online sales platforms and invoices, and the defendants' keyword bidding strategy involving "lotus face wash."

The Court found such use likely to cause initial interest confusion and granted an interim injunction, reaffirming that descriptive use cannot be invoked where the impugned expression functions in a trademark sense.

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### **Growing importance of personality rights in the digital age: Swami Ramdev v. John Doe**

In *Swami Ramdev v. John Doe & Ors.*, the Delhi High Court addressed the evolving contours of personality rights in the digital age, particularly in the context of unauthorised online exploitation.

The Court recognised that attributes such as name, image, voice, likeness and distinctive style are integral to an individual's persona and are entitled to legal protection against misappropriation. Taking note of the proliferation of AI-generated deepfakes, parody accounts and misleading digital content, the Court granted an ex parte ad interim injunction restraining unknown defendants from creating or disseminating content that commercially exploits or falsely attributes endorsement to the plaintiff.

At the same time, the proceedings highlighted the tension between personality rights and freedom of speech, with intermediaries contending that satire, parody and commentary remain protected expressions.

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## BLOGS

### Legal Grounds of Patentability in India



The blog explains the fundamental patentability criteria in India under the Patents Act, 1970 and their importance in determining whether an invention qualifies for patent protection. It clarifies that patentability is assessed on the basis of novelty, inventive step, and industrial applicability, all of which must be satisfied.

The article outlines the key legal requirements, including establishing that the invention is new, non-obvious to a person skilled in the art, and capable of industrial use. It also emphasises the relevance of statutory exclusions under Sections 3 and 4 and highlights how a structured legal assessment can support effective patent filing and prosecution strategy in India.

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### A Practical Guide To Design Registration In India



The blog explains the concept and significance of design registration in India as a mechanism for protecting the aesthetic features of a product under the Designs Act, 2000. It clarifies that protection extends to elements such as shape, configuration, pattern, and ornamentation, provided they are new and original.

The article outlines the key steps involved, including assessing novelty, preparing representation sheets, filing the application, and addressing examination objections. It emphasises the commercial value of design protection in preventing imitation, maintaining exclusivity, and enhancing product appeal, while highlighting the role of timely registration and strategic legal guidance in strengthening enforcement rights in India.

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## BLOGS

### International Trademark Registration Procedures in India



The blog explains the process and importance of international trademark registration from India through the Madrid Protocol for securing protection across multiple jurisdictions. It clarifies that applicants can file a single application based on an Indian mark and designate several countries.

The article also outlines key steps, including conducting searches, filing the base application, selecting jurisdictions, and responding to objections. It highlights the commercial value of international protection in preventing infringement, supporting global expansion, and ensuring consistent brand enforcement across markets.

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### Can you patent a new way to treat crop disease in India or will Section 3(h) shut the door?



The blog examines the patentability of crop disease treatment methods in India under the Patents Act, 1970, with particular focus on Section 3(h), which excludes methods of agriculture or horticulture from protection; by explaining how not every farming-related method is barred under the Act.

The piece highlights key judicial developments and notes that inventions involving defined formulations, delivery systems, treatment protocols, and measurable biological outcomes may qualify for patent protection if they satisfy novelty and inventive step. It also emphasises the importance of strategic claim drafting and evidence-based prosecution in overcoming Section 3(h) objections.

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MAHESHWARI & CO. has once again earned standout recognition in the Legal 500 Asia Pacific 2026 rankings, reaffirming its position as a trusted and leading law firm in the region.

The firm's expertise across Commercial, Corporate & M&A, Intellectual Property Rights, Private Client, Banking, and Finance has been acknowledged, reflecting the confidence clients continue to place in its services. This achievement underscores the firm's commitment to excellence, innovation, and client-focused solutions, as well as the collective dedication and hard work of its talented legal professionals who consistently deliver strategic and high-quality advice across diverse sectors.

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