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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.

MAHESHWARI & CO.'s clientele extends across a wide spectrum of industries, including Media, Entertainment & Gaming, Pharmaceuticals & Life Sciences, Software & Technology, Telecommunications, FMCG, and several other innovation-driven sectors, enabling the firm to combine deep sectoral expertise with robust legal strategies tailored to each client's needs



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JUDGEMENTS

Trademark Assignment in India: Bombay High Court Clarifies Validity Despite Delayed Recordal

The press release analyses the Bombay High Court's decision in **John Cockerill Hamon SA v. Hamon Cooling Systems Private Limited**, which provides significant guidance on trademark assignments in India.

The Court granted interim relief against infringement and held that a trademark assignment becomes legally effective upon execution of the assignment deed and is not invalid merely because the assignee's name has not yet been recorded on the Trade Marks Register..

The ruling reinforces that delayed recordal does not defeat substantive ownership rights or prevent an assignee from enforcing its trademark, offering valuable clarity for businesses involved in corporate restructurings, acquisitions, insolvency proceedings, and cross-border IP transactions.

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Design Infringement: Delhi High Court Reinforces Protection for Registered Designs

The press release analyses the Delhi High Court's decision in **Orient Electric Limited v. Crompton Greaves Consumer Electricals Limited**, which strengthens the protection afforded to registered industrial designs in India.

The Court granted an interim injunction restraining Crompton from manufacturing and selling its 'Grace' series of ceiling fans after finding a prima facie case of infringement of Orient's registered 'AEON' fan design. Rejecting the defendant's attempt to invalidate the registration through "mosaicing" multiple prior art references, the Court reaffirmed that prior art must be assessed as a whole and not by combining isolated features.

The judgment also highlights the "instructed eye" test in assessing design infringement and underscores the importance of accurate disclosures regarding commercial product launches.

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INSIGHTS

Invisible Code, Visible Damage: Why Every Business Should Audit Its SEO Strategy

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Invisible Code, Visible
Damage: Why Every
Business Should Audit Its
SEO Strategy



The blog examines the growing legal risks associated with using third-party trademarks in website meta tags and other hidden source code for search engine optimisation (SEO). Indian courts have increasingly recognised that their use can amount to trademark infringement or passing off where they exploit another brand's goodwill.

Drawing on recent judicial developments, including the Delhi High Court's observations equating the use of trademarks as keywords and meta tags for infringement analysis, the article explains how "invisible" use of a mark can still have significant legal consequences. It highlights the need for businesses, digital marketers, and website developers to conduct regular SEO audits, avoid incorporating competitors' trademarks in backend code, and adopt legally compliant digital marketing practices.

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Pharmaceutical Patent Architecture in India in light of TRIPS obligations

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Pharmaceutical Patent
Architecture in India in
light of TRIPS obligations



The blog explores India's pharmaceutical patent framework in light of its obligations under the TRIPS Agreement. It explains how India has developed a balanced patent regime that protects pharmaceutical innovation while safeguarding public health through key TRIPS flexibilities.

The article discusses important mechanisms such as compulsory licensing and the anti-evergreening provision under Section 3(d) of the Patents Act, which prevent abuse of patent monopolies and promote access to affordable medicines. It further examines how India's legal framework supports its position as the "pharmacy of the world" by encouraging genuine innovation without compromising public health objectives. The blog provides valuable insights into the interplay between intellectual property rights, global trade obligations, and access to essential medicines.

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FIRM BULLETIN

MAHESHWARI & Co. Hosts Webinar with EUIPO on Strategic Insights into the EU IP System

MAHESHWARI & Co., in association with the EUIPO - European Union Intellectual Property Office, recently hosted a webinar on "The EU IP System – Strategic Insights for Indian Representatives."

The webinar provided valuable insights into the European Union–India IP corridor, the European Union Trade Mark (EUTM) system, the European Union design system, and the practical tools, search databases, and enforcement strategies available to strengthen intellectual property protection in the European Union.

As more Indian businesses and innovators look towards the European market, the session proved to be highly beneficial in understanding the European Union's trade mark and design systems, as well as the opportunities they offer to Indian businesses expanding into Europe.

Intern Session on “IP Around Us – Intellectual Property in Everyday Life”



We recently conducted an insightful session for our interns on “IP Around Us – Intellectual Property in Everyday Life” led by Ms. Akshi Seem, Associate Partner. The session covered the key legal and commercial considerations involved in creating and protecting a brand name. It highlighted the importance of selecting a distinctive and registrable trademark, avoiding conflicts with existing marks, and adopting effective branding strategies to build a strong market identity while securing long-term intellectual property protection.



THANK YOU FOR READING !

We will be back in your inbox next month with more updates. Till then, follow us on LinkedIn to get regular updates

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