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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

When a Famous Brand Meets a Similar Name: What the ZARA-ZORA Decision Means for Brand Protection

The press release analyses the Delhi High Court's decision in *Industria De Diseno Textil, S.A. v. Registrar of Trade Marks & Anr.*, concerning the similarity between the marks "ZARA" and "ZORA" and the protection available to well-known trademarks.

The Court held that a prior formal declaration by the Registrar is not necessary for a mark to be recognised as well-known where its reputation and goodwill can be established through evidence such as sales, advertising and market presence.

The ruling reinforces the importance of trans-border reputation, consumer confusion and the wider commercial context when assessing trademark similarity. It also highlights the need for businesses to adopt a proactive brand-protection strategy involving comprehensive trademark searches, timely registrations, market monitoring and preservation of evidence of goodwill.

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Discussing "Distinctiveness In Pharmaceutical Trademark"

The press release analyses the Delhi High Court's decision in *Dr. Reddy's Laboratories Ltd. v. M/S Razenta Pharmaceuticals Pvt. Ltd.*, which provides important guidance on the assessment of distinctiveness and deceptive similarity in pharmaceutical trademarks.

The Court found the marks "DAPLO" and "DAPLOGIN" deceptively similar, particularly considering that both were used for medicines containing the same active pharmaceutical ingredient and intended for the treatment of the same condition. The Court also rejected the argument that "DAPLO" was generic or common to the trade in the absence of sufficient evidence, and directed cancellation of the "DAPLOGIN" registration.

The ruling reinforces the heightened standard of scrutiny applicable to pharmaceutical trademarks, where even a possibility of confusion can have serious consequences for patient safety. It offers valuable guidance to pharmaceutical businesses on coined marks, distinctiveness, prior adoption and use, and the need for robust evidence when defending or challenging a pharmaceutical trademark.

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INSIGHTS

The Hidden Cost of Neglecting IP Renewals



The blog examines the critical importance of timely patent and trademark renewals in India, highlighting how a seemingly administrative lapse can result in the loss of valuable IP rights. It explains the renewal and restoration mechanisms applicable to patents and trademarks, including the applicable statutory deadlines, grace periods, and the consequences of allowing rights to lapse.

Drawing on the Patents Act, 1970 and Trade Marks Act, 1999, the article highlights the risks associated with lapsed rights, including loss of exclusivity, exposure to competitor exploitation, trademark squatting, and the need to rely on more burdensome passing-off remedies. It emphasises the importance of robust IP docketing, independent verification of renewal deadlines, maintaining accurate ownership and address records, and incorporating IP maintenance into M&A due diligence and broader portfolio management practices.

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Trademark Objected or Opposed? How to Respond to an Examination Report and Opposition Notice in India



The blog examines the key procedural and strategic considerations involved in responding to trademark objections and oppositions in India, emphasising the importance of correctly identifying the nature of the proceedings and adhering to strict statutory timelines.

It explains the distinction between an Examination Report issued by the Trade Marks Registry and a third-party opposition, including the 30-day deadline for responding to an objection and the two-month non-extendable period for filing a counter-statement in opposition proceedings. Drawing on the recent Delhi High Court decisions including ZARA v. ZORA and Toyota v. Tech Square, the article discusses strategies such as establishing acquired distinctiveness, distinguishing cited marks and goods/services, invoking prior user rights, and challenging claims of transborder reputation.

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INSIGHTS

Protecting India's Handloom Heritage: When Legal Protection Ends but Commercial Risks Begin

MAHESHWARI & CO.
Advocates & Legal Consultants

Protecting India's Handloom Heritage

When Legal Protection Ends but
Commercial Risks Begin



The blog examines the legal protection available to India's traditional handloom industry, focusing on Geographical Indications (GIs) and the challenges in preventing the commercial exploitation of regional handloom names such as Banarasi, Pochampally and Kanchipuram.

The article explains how the Geographical Indications of Goods (Registration and Protection) Act, 1999 protects registered regional names, while highlighting early judicial developments such as the Pochampally litigation and the limitations exposed by the Tea Board India v. ITC Ltd. decision. The article further explores the overlap between GI, copyright and design protection, including the difficulties faced by weaver communities when traditional designs are replicated by power looms or marketed as "inspired" products.

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Guidelines For The Use Of Artificial Intelligence In Patent Examination Procedures

MAHESHWARI & CO.
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Guidelines For The Use Of Artificial Intelligence In Patent Examination Procedures



The blog examines the patentability of AI and machine-learning inventions in India, and the Indian Patent Office's evolving CRI guidelines. It explains how AI-based inventions may qualify for patent protection where they demonstrate a technical effect or technical contribution, while abstract algorithms and computer programmes remain excluded.

Drawing on recent judicial developments and the IPO's draft guidelines, the article discusses the patentability of AI innovations involving technical improvements, system architecture, security, watermarking and model fingerprinting. It also highlights the limitations of patent protection for core AI models, algorithms and training data, and emphasises the importance of adopting a hybrid IP strategy combining patents, trade secrets, confidentiality measures and licensing frameworks to effectively protect AI/ML innovations in India.

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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.

Intellectual Property Rights in AI-Generated Works



Led by Ms. Akshi Seem, Associate Partner – Intellectual Property Rights, we recently conducted an insightful session for our interns. The session explored key legal and commercial considerations surrounding AI-generated and AI-assisted creations, including authorship, ownership, originality, and copyright protection. It also highlighted the evolving nature of intellectual property frameworks and the emerging challenges posed by rapidly advancing AI technologies, providing our interns with valuable insights into this dynamic and increasingly important area of legal practice.



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