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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.

Note: To read more about the news, please download the pdf file and click "Read More" or visit our website from the link given in the post. This is for Internal Circulation

JUDGMENTS

MetaBirkins and Trademark Law: Hermès International v. Mason Rothschild

The press release analyses the United States District Court for the Southern District of New York's decision in ***Hermès International v. Mason Rothschild***, concerning the use of the "Birkin" trademark in connection with MetaBirkins, a collection of non-fungible tokens (NFTs) depicting fur-covered digital Birkin bags, and the balance between trademark protection and freedom of artistic expression.

The Court examined the applicability of the Rogers v. Grimaldi test, which protects the use of trademarks in artistic works unless the use lacks artistic relevance or explicitly misleads consumers regarding the source or content of the work.

The Court held that disputed questions concerning artistic relevance and the likelihood of consumer confusion could not be resolved at the summary judgment stage and left these issues for determination by a jury. The subsequent jury verdict found Mason Rothschild liable for trademark infringement, dilution and cybersquatting, awarding Hermès USD 133,000 in damages.

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The Cinema Resource Centre & ORS. V. Ganga Rudraiah & ORS.

The press release analyses the Madras High Court's decision in ***The Cinema Resource Centre & Ors. v. Ganga Rudraiah & Ors.***, concerning the ownership of copyright in photographs taken during the production of the Tamil film Aval Appadithan and the distinction between physical possession of photographs and ownership of the copyright therein.

The Court upheld the finding that copyright in the photographs belonged to the filmmaker's family, applying Section 17(b) of the Copyright Act, 1957, concerning photographs taken for valuable consideration at a person's instance.

The decision clarifies that acquiring, restoring, digitising or preserving physical photographs does not, by itself, confer copyright ownership. It also underscores that expressions of appreciation or informal communications do not automatically constitute a valid assignment or waiver of copyright.

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INSIGHTS

Strategies for Startups to Protect Their Intellectual Property Rights



The blog examines the importance of intellectual property (IP) protection for startups in India, highlighting the need to safeguard innovations, brand identity, creative works and confidential business information.

Key strategies for protecting trademarks, patents, copyrights and trade secrets, including early registration, conducting IP audits, executing appropriate ownership agreements and implementing confidentiality measures are the focus of the blog, as it explores the significance of patent filings before public disclosure, the benefits available to eligible startups under the Startup India framework, and avenues for securing IP protection internationally. The article emphasises the need for startups to adopt a proactive and commercially aligned IP strategy to mitigate legal risks, strengthen investor confidence, and maximise the long-term value of their intellectual property.

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Trademark Rules in India 2026: Key Changes and Comparison With the Pre-2026 Framework



The blog examines the key developments in India's trademark framework in 2026, focusing on procedural and administrative reforms aimed at enhancing transparency and ensuring greater consistency in the functioning of the Trade Marks Registry.

It analyses the evolving regulatory landscape, including measures to strengthen digital compliance, streamline administrative procedures, standardise practices governing trademark applications and registrations, and establish clearer guidelines for the examination and processing of trademark matters. The article further explores the implications of these developments for trademark applicants, brand owners and legal practitioners, highlighting the importance of maintaining accurate records, complying with evolving procedural requirements and adopting effective trademark management practices.

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FIRM BULLETIN

Confederation of Indian Industry

Ms. Jyotsna Chaturvedi, Head – Corporate Practice, and Ms. Akshi Seem, Associate Partner – Intellectual Property Rights, attended The CII Real Estate Summit 2026 in New Delhi.

The Summit brought together accomplished women from diverse fields and sectors from across the world, providing a meaningful platform for dialogue, collaboration, knowledge-sharing and the exchange of ideas on women-led development. It was an enriching and inspiring experience, offering valuable opportunities to connect with leaders and professionals working across diverse geographies.



We recently conducted an interactive session for our interns on "**Strategies for Brand Protection, Specifically for Startups**", led by Ms. Akshi Seem, Associate Partner. The session focused on helping our interns understand the different forms of Intellectual Property and identify them in practical legal scenarios, specifically in the case of Startups.

Through engaging discussions and real-world examples, the session encouraged the interns to look beyond theoretical concepts and develop a practical understanding of how start ups can identify, protect and commercialize IP rights.

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

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