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An e-newsletter from
Lakshmikumaran & Sridharan, India

December 2020 / Issue-111

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December
2020



Article

Patents – IPAB reaffirms principles of natural justice while discussing prior art documents and description

By **Vasanth Vaidyanathan**

The Intellectual Property Appellate Board ('IPAB') recently reaffirmed the importance of the principles of natural justice in judicial and/or quasi-judicial decisions, whilst also clarifying aspects of patent law with respect to cited prior art documents and description of the invention.¹

In the instant case, University of Miami ('Appellant') had filed a national phase patent application in India under Rule 20 of the Patent Rules, 2003 ('Rules'), *vide* Patent Application No. 2090/KOLNP/2006 for an invention titled, 'TOPICAL CO-ENZYME Q10 FORMULATIONS AND METHODS OF USE THEREOF'. The Appellant claimed priority from a U.S. Patent Application No. 60/538,319 dated 22 January 2004, and thereafter filed a PCT application no. PCT/US2005/001581 on 21 January 2005.

Facts and background

Pursuant to the publication of the Appellant's patent application on 18 May 2007, the Controller of Patents ('Respondent') issued the first examination report ('FER') on 5 May 2010, the response to which was submitted by the Appellant on 2 May 2011. The objections stated in the [hearing notice](#) included that the title of the application was imprecise, the invention was not novel and lacked any inventive step in light of the cited prior art documents, the claims fall under Section 3(d) and 3(e) of the Patents Act, 1970 ('the Act'), claims 47-79 were not supported by

the specification, and that the Appellant had failed to pay certain statutory fees.

Subsequently, the hearing took place on 2 August 2013, the written submissions along with the expert affidavits were filed on 24 and 28 January 2014, and the case was discussed at length with the Respondent on 7 February 2014. On 27 February 2015, the Respondent issued a single-page order, whereby the Respondent rejected the patent application *inter alia* on the grounds of lack of inventive step and for falling with the scope of Section 3(d) and Section 3(i) of the Act ('impugned order'). The Appellant thereafter preferred an appeal under Section 117A of the Act before the IPAB.

Invention claimed

The invention claimed by the Appellant was a pharmaceutical composition comprising Coenzyme Q10 ('Q10') and the method of using Q10 for the treatment of cancer, selective reduction of cancer cell growth, the induction of apoptosis in cancer cells, the inhibition of tumour mediated angiogenesis along with a kit for the same.

The composition described in the patent application consisted of Q10 and a pharmaceutically acceptable carrier, preferably a liposome, which could be administered topically or *via* intravenous injection. In response to the Respondent's objections, the claims were

¹ *University of Miami v. The Controller of Patents - OA/33/2015/PT/KOL*, decided on 25 August 2020.

amended to narrow the scope, and the claims reciting methods of treatment were deleted since they are not permissible in India.

The as filed specification of the Appellant's patent application included experiments along with analysis of the effects of Q10 on various cell types. It was observed that when Q10 was delivered to normal cells in culture, it did not cause cell death but enhanced their growth, and when Q10 was delivered to cancer cells, it inhibited cell proliferation and caused cell death. Additionally, the specification demonstrated that topical administration of the composition was effective in the treatment of cancer.

In the instant case, crux of the invention was in the effectiveness of Q10 and that of using a lipid along with Q10 in the treatment of cancer, supported by *in-vitro* studies and animal-based studies. Owing to the promising results, a patent application covering a lipid composition comprising Q10 and methods of treatment using the lipid composition comprising Q10 was filed in India and several other countries. The results were further confirmed, elaborated, and reinforced in various clinical stages which were performed after the filing of the patent application. Expert affidavits from Niven R. Narain and John P. McCook confirmed the safety and efficacy of intravenous, and topical administration, respectively, of the composition claimed to treat cancer.

Impugned order

The Respondent rejected the Appellant's patent application on the following grounds –

- i) The use of liposome as a carrier of active drug molecules was already known in the cited prior art, and the proposed amendment of the claim by combining Q10 with a liposome along

with the evidence for enhancement of activity was beyond the scope of the invention as described in the specification;

- ii) Further, the technical results or post-filing data could not be included in the specification description as it was not permissible as per Section 59 of the Act;
- iii) The Appellant failed to incorporate the further experimental results in the specification by way of amendments within the stipulated time period; the merit of the invention would thus have to be decided based on the disclosure on record;
- iv) The specification lacked technical data to prove enhancement of efficacy, and thus the invention did not involve any inventive step as per Section 2(1)(j) of the Act and was not patentable under Section 3(d) of the Act; and
- v) The revised claim fell under Section 3(i) of the Act i.e., method of treatment, and thus could not be allowed.

The Appellant had during the prosecution of the instant patent application before the Respondent, filed Form-3 on several occasions² to comply with Section 8 of the Act, and filed details regarding the prosecution of its corresponding EP application no. 5711599 along with its response to the FER. Further, the Appellant advanced detailed arguments on each of the above-mentioned grounds of refusal before the IPAB.

² 25 July 2006, 20 October 2006, 25 December 2011, 2 September 2013, and 22 July 2013.

Violations of principles of natural justice and Section 3(i) objection

The Appellant submitted that the claims in the patent application were regarding a pharmaceutical composition and *not* a method of treatment, and therefore could not fall within the purview of Section 3(i) of the Act. It was also submitted that the Respondent had incorrectly rejected its patent application under Section 3(i) of the Act as the said ground of objection was not raised in the hearing notice and failed to communicate the objection to the Appellant as required under Section 14 of the Act, and hence acted against the principles of natural justice. The IPAB concurred with these submissions and held that the same was an error committed by the Respondent and against the principles of natural justice.

The IPAB held that the claims of the present application are directed to a pharmaceutical composition which has been clearly defined with its components in the claim and that the claims are not directed to a method of treatment and therefore cannot fall under Section 3(i) of the Act. The IPAB noted that the expression 'composition for the treatment' has been used in the preamble of many claims which have been granted by the office of Respondent and is only a way of defining the composition and in no way the claimed composition can be a method performed by a physician for treatment of disease. The IPAB held that there are plenty of compositions claimed wherein the composition is defined in the preamble with the disease/condition that is being treated with the composition. It was thus held that the objection of Section 3(i) of the Act on composition claims shows non-application of mind by the Respondent and is a clear error apparent on face.

Additionally, the Appellant stated that the Respondent's failure to provide a reasoned order

violated the principles of natural justice. The IPAB relied upon its earlier decision in Order No. 8/2014, wherein the IPAB held that it was an established legal principle that a refusal decision in which the Appellant's rights were refused had to be a speaking order. The IPAB emphasized that the details regarding the grounds for refusal, and how those grounds are established have to be elaborated in the order and that in the absence of such a speaking order, there is a flagrant violation of the principles of the natural justice and also the principles of law established in the country.

Prior art documents vis-à-vis Section 2(1)(j)

The IPAB observed that the Respondent in the impugned order did not indicate as to which cited prior art documents was considered for refusing the instant patent application for lack of inventive step and as to how the said application lacks inventive step. The IPAB pertinently observed that the hearing notice did not point out the claims that have been identified as lacking inventive step or novelty in view of the cited documents and, therefore, in the absence of a clear indication, the cited references were argued by the Appellant in reference to all the claims.

The Appellant argued that D1 US2002/0156302 ('D1') failed to teach or suggest any element of the claimed invention, and it would not have been possible for a person skilled in the art to have formulated the topical or intravenous administration of the claimed composition. D1 disclosed Q10 to be associated with the treatment of cardiovascular diseases but not for the treatment of cancer. Further, D1 taught that the composition comprising Q10 is to be prepared in vegetable oils. In contrast, the claimed invention is directed to a liposomal composition comprising Q10. Since the liposomes are formed in aqueous solutions and

not in oils, therefore, the Appellant emphasized that D1 neither teaches nor suggests the claimed composition.

It was submitted that Document D1 in general discloses that Q10 is associated with the treatment of several diseases, particularly cardiovascular diseases. D1 further discloses that amongst the number of pharmacological uses ascribed to Q10, one such use is for “anticancer” activity and that such activity is related to Q10 being an antioxidant. A skilled person referring to D1 in relation to cancer would not be led to believe that Q10 had a potential therapeutic activity to treat cancer, but rather would be led to believe that the anticancer activity ascribed to Q10 is a preventive activity. At the time of the invention, a skilled person would neither have had the motivation nor a reasonable expectation to have successfully modified D1 to arrive at the claimed invention. The Appellant accordingly submitted that D1 failed to teach the claimed invention and therefore could not render the claimed invention to be lacking in novelty or inventive step.

The Appellant submitted that D2 US2002/0039595 (‘D2’) was directed to a liposomal composition in a gelatine capsule for oral delivery, and not a topical or intravenous delivery. There was no suggestion that the D2 composition comprising Q10 would be useful to treat any disease or condition. The Appellant argued that D2 thus failed to destroy the inventiveness of the claimed invention.

With respect to Kokawa et al., (‘D3’), the Appellant submitted that it provided no teaching with respect to either Q10 compositions or composition comprising Q10 and liposome. The Document D3 discloses that Q10 being a physiological activator of the electron transport system in mitochondria may promote the metabolism of a chemotherapeutic agent, however, a skilled person on reading D3 would

not expect Q10 *per se* to contain any utility in the treatment of cancer.

With respect to D4 US6582723 (‘D4’), the Appellant submitted that it was directed to a composition comprising a combination of specific nutrients that would help prevent, protect, and neutralise cancer cells by boosting the body’s immune system. D4 was directed solely to nutrients and for oral administration only. A skilled person who reads D4 would not expect the individual components of a composition to individually produce the effect of the combination i.e., even if D4 taught that Q10 could treat cancer (which it did not), it did not demonstrate that Q10 alone, without the other components, could treat cancer.

On considering the above submissions, the IPAB held that none of the cited references, either singly or collectively taught or suggested a composition comprising Q10 and a liposome for a topical or intravenous administration as claimed. The IPAB acknowledged that the results provided in the specification and the declarations provided clearly demonstrate the surprising advantages of the claimed compositions comprising Coenzyme Q10 and a lipid in both the delivery of Coenzyme Q10 to a cell and in the treatment of cancer. The IPAB held that these results could not have been expected from the teachings of the cited prior art documents. The IPAB pointed out that the results, particularly on page 2 point no. 5 of the expert affidavit of Mr. Niven R. Narain showed that the formulation of Coenzyme Q10 with a lipid increases cellular uptake of Coenzyme Q10 as compared to formulation of Coenzyme Q10 in a composition not containing a lipid. The IPAB thus reasoned that these observations provide a possible mechanism contributing to the demonstrated efficacy of the topically administered, lipid containing Coenzyme Q10 formulation in the treatment of cancer in a xenogeneic mouse model as provided in the specification.

Thus, it was held that none of the cited prior art references destroyed the novelty or inventiveness of the claimed invention, and that the Respondent erred in holding that the claimed invention lacked inventive step. The IPAB also held that the Respondent erred further in not elaborating on how the invention lacks inventive step, i.e., in view of which documents it lacks inventive step.

The IPAB also held that the instant patent application specifically provided data which elaborated the **efficacy** of the claimed composition and on how the ingredients acted **synergistically** to produce the results, whilst the expert affidavits further explained the **non-obviousness** of the patent application. The IPAB noted that similar affidavits have been filed by the Appellant in other jurisdiction and have been considered by the respective patent offices. However, the IPAB observed that there is not even a whisper of such affidavits and the data, or the details provided therein in the impugned order by the Respondent. The IPAB thus held that the Respondent had rejected the present application in complete disregard of the evidence on record filed by the Appellant and thus there was a violation of the principles of natural justice.

Violation of legal principle laid down by IPAB in terms of Section 3(d)

The IPAB held that the Respondent erred in holding that the claims in the patent application fell under Section 3(d) of the Act without providing reasons for the same. The IPAB relied on its previous decision in Order No. 173/2013, wherein the applicability of Section 3(d) of the Act in the context of combinations was discussed. The IPAB noted that neither the hearing notice nor the impugned order explained precisely what is the 'known' substance *vis-à-vis* which enhanced efficacy had to be shown. The IPAB observed that the hearing notice also failed to

explain how section 3(d) would apply to the present case. The IPAB emphasized that there are various case laws by which it had made clear that the Controller is duty bound to give reasons in any order being passed and in case no reasoning is found in the order and it is very vague, it deserves to be set aside. The IPAB thus held that the Respondent was not correct in holding that the composition claims fall under Section 3(d) of the Act and further erred in not giving reasons for the same.

Filing of additional data

The IPAB observed that the Appellant filed extensive data and also clinical trial results to support the patentability of the present invention in the form of affidavits and also elaborated on the data in the patent specification which, in itself, contains extensive experimental details clearly establishing that the composition comprising Coenzyme Q10 and lipid has improved efficacy and surprising advantages in the treatment of cancer. The IPAB thus held that the Respondent was not correct in disallowing said additional data as the filing of said additional data is permissible. The IPAB held that filing of additional documents, data and evidence in support of the invention, to overcome the objection raised and to attack a specific objection is something which is allowed under the Patent Law of not only India but also other foreign jurisdictions.

Support of claims in the specification

The IPAB held that the Appellant's claims were supported by the as filed specification and were not beyond the scope of the subject matter as originally disclosed. The IPAB held that the composition comprising lipids and Q10 had been clearly defined, the efficacy of the composition had also been studied and demonstrated, and data supporting the invention obtained by further research had been provided as supporting evidence. The IPAB held that the Respondent

was incorrect to have stated that the composition as claimed was beyond the scope of what had been originally disclosed as the claims have only been limited to a particular embodiment. The IPAB noted that data obtained by further research and clinical data has been provided as supporting evidence. The IPAB held that a claim which is limited to an embodiment of the initial claims, an embodiment which has been exemplified in the specification, cannot be held to be beyond the scope of what was originally filed.

Conclusion

The IPAB considered the facts and legal issues and concluded that the impugned order had been passed without appropriate application of the law to the facts in the case. The IPAB held that the Respondent had failed to consider the facts and evidence produced by the Appellant and passed a vague order.

The IPAB upheld the claims of the instant application to be novel and inventive in view of the cited prior art documents, which were supported by the specification as originally filed. The IPAB criticised the Respondent for having taken a contrary view as to the patentability of the instant application when it had been recognised in other countries. The IPAB emphasized that the Respondent was duty bound to provide reasoning when taking a contrary view, which was lacking in the impugned order. Thus, the impugned order was found to be contrary to law and was set aside. The Respondent was directed to grant the patent.

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Ratio decidendi

Designs – Transfer of design infringement suit to High Court not having Commercial Court Bench


The 3-Judge Bench of the Supreme Court has upheld the view that the suit for alleged infringement in designs, where the defendant had in a counter claim sought cancellation of the registered design, is to be transferred to a High Court even if it does not have a Commercial Court Bench, i.e. High Courts which do not have ordinary original civil jurisdiction. The Apex Court set aside the Madhya Pradesh High Court decision wherein the High Court had in turn set

aside the Commercial District Court at Indore's order transferring the suit to the Calcutta High Court. The defendant in the design infringement suit had filed an application before the Commercial District Court at Indore, M.P., under Section 22(4) of the Designs Act, 2000, for transfer to the Madhya Pradesh High Court.

The Supreme Court observed that there is no provision in the Commercial Courts Act, 2015 either prohibiting or permitting the transfer of the proceedings under the Designs Act, 2000 to the High Courts which do not have ordinary original civil jurisdiction. It noted that Section 7 of the

Commercial Courts Act only deals with the situation where the High Courts have ordinary original civil jurisdiction. The Court was also of the view that Section 21 of the 2015 Act gives an overriding effect, only if the provisions of the Act have anything inconsistent with any other law for the time being in force and since there was no inconsistency, said provision will not be applicable. The Commercial District Court's decision was found to be in accordance with law except the part for transfer to Calcutta High Court. The Apex Court held that the suit was liable to be transferred to Madhya Pradesh High Court since no cause of action had arisen within the jurisdiction of Kolkata. [*S.D. Containers Indore v. Mold Tek Packaging Ltd.* – Judgement dated 1 December 2020 in Civil Appeal No. 3695 of 2020, Supreme Court]

Trademark infringement by use of same words, though as abbreviation, for same class of goods

The Delhi High Court has granted interim injunction against the defendant from infringing and passing off the plaintiff's registered trademark 'UFO' by the depiction of the said words in the device mark . The Court observed that the defendant's mark was phonetically identical to the plaintiff's mark 'UFO', and that even the goods in question were also identical. It also held that in view of Section 29(2)(c) of the Trademarks Act, 1999, the defendant's device mark, even being an abbreviation of 'Under Fourteen Only' and used in conjunction with other device, occupy the same class, i.e., Class 25 and shall constitute infringement of the plaintiff mark 'UFO'. It was held that the defendants cannot use the abbreviation, of 'under fourteen only' in the manner it infringes the plaintiff's mark 'UFO'.

Relying on Section 56 of the Trademarks Act, the Court also answered in affirmative the question as to whether when the garments / clothes are

being manufactured in India for the purpose of export with the mark 'UFO' and not for sale in India, there can be an infringement of trade mark 'UFO'. It noted that even if there is no commercial sale in India, the use of the trademark in respect of the goods exported will constitute deemed use of the trademark in India.

The High Court also upheld the contention of the plaintiff that the adoption of the mark 'UFO' as an abbreviation of 'under fourteen only' by the defendant was *mala fide*. Considering the facts of the case, it concluded that the use of the mark 'UFO' was an attempt to encash the goodwill and reputation of the plaintiff as an international brand. Defendant's plea of delay/acquiescence was also rejected observing that the adoption was in bad faith. Court's earlier decision in the case of *Hindustan Pencils Private Limited v. India Stationary Products Co.*, was relied upon. [*UFO Contemporary, Inc. v. Creative Kids Wear (India) Pvt. Ltd.* – Judgement dated 23 November 2020 in CS(COMM) 375/2020, IAs 8010/2020 & 9611/2020, Delhi High Court]

Patents – Obviousness and non-compliance of Section 8(2)

In a dispute involving alleged infringement of plaintiff's patent in the compound Dapagliflozin for managing diabetes, the Delhi High Court has declined to grant interim injunction. Observing that the defendants had *prima facie* laid a credible challenge to the validity of suit patent on the ground of obviousness and for non-compliance of Section 8(2) of the Patents Act and that the plaintiff had not made out a *prima facie* case, the Court also vacated the interim injunction granted earlier in few of the petitions.

Observing that there is a difference between the subsequent claim being disclosed in the prior art and the subsequent claim being obvious, the Court held that the suit patent was vulnerable on the grounds of obviousness in view of Example

12 of IN 205147, which was a genus patent to the suit patent. It noted that both ethoxy and methoxy being lower alkyl, a person with ordinary skill in the art would have been motivated to bring this single change of substitution of methoxy to ethoxy to find out if predictable results ensue.

The High Court also found non-compliance of Section 8(2) according to which if the Patent office raises a query, the party is required to mandatorily furnish the replies. It noted that despite the Patent office clearly seeking details regarding the search and/or examination report including claim of the application allowed in respect of the same or substantially same invention filed in all major Patent offices, such as USPTO, EPO and JPO etc., the plaintiff only submitted the documents in relation to the EPO and not the USPTO where on an objection being raised the plaintiff had sought a terminal disclosure. [*Astrazeneca AB & Anr. v. Torrent Pharmaceuticals Ltd.* – Decision dated 18 November 2020 in CS(COMM) 323/2020 and Ors., Delhi High Court]

Trademarks – Passing off when cannot be pressed

The Delhi High Court has declined to grant interim relief in a case of alleged passing off involving trade dress/get-up, including use of certain taglines, and shape and configuration of soap bars. The Court noted that in respect of colour, shape, and smell of the soap bar – there were several soap bars in the market with similar if not identical features. The plea of similarity in shape and configuration was also rejected by the Court observing that the same was not apparent to the consumer till the packaging was removed.

Regarding the taglines and indications/signs (get-up) in the packaging, the Court noted that they were not registered with the trademark authorities and appeared to be ‘customary’ in the ‘current language’ of the trade for designating hygiene

products which included soap bars. It also noted that no tangible material was brought before the Court to point out that the taglines and indications/signs and other features reminded the consumer of the plaintiffs’ product. It observed that use of taglines and indications is not enough to establish distinctiveness and that even financial figures may not be enough by itself. Further, noting the difference in colour of the packaging (light green and white by the plaintiff and dark green by the defendant), the signs used (plus sign by plaintiff and the shield along with a cross by the defendant) and the fact that the packaging bore the name of the defendant (Dabur), the Court held that it was clear, at least at interim stage, that the defendant does not intend to misrepresent that the soap bar manufactured by it originates from the plaintiffs. [*RB Health (US) LLC and Anr. v. Dabur India Ltd.* – Judgement dated 27 November 2020 in CS(COMM) 319/2020, Delhi High Court]

Designs – Prior publication – Scope of Sections 4(b) and 6(4)(b) of Designs Act

In a case involving alleged infringement of a design, where the defendant challenged the credibility of the plaintiff’s registered design, the Delhi High Court has refused to grant interim relief to the plaintiff observing that there was in fact prior publication which fulfilled the indicia of being in ‘tangible form’ or use prior to the date of filing. It held that if in respect of the prior publication, the ocular impression is the same as one would experience of the design-in-issue if it were to be applied to a physical object, the situation would fall within the purview of Section 4(b) of the Designs Act, 2000 prohibiting registration. The Court also rejected the plaintiff’s plea that the extracts from the WIPO search do not come within the scope of Section 4(b).

The plea that Designs Act permits similar designs to be registered by the same proprietor and

hence similarity of the subject design registration with the earlier design would not invalidate the former, was also rejected. The Court was of the view that the argument would hold only if the proprietor of the subject design registration and the earlier design were the same person/entity. It noted that the proprietors of the subject design registration and the earlier design were different entities, though under same corporate group. The

High Court held that the argument that the two designs were owned by a group of concerns which fell under the same corporate umbrella was not good enough to fall within the framework of Section 6(4)(b). [*RB Health (US) LLC and Anr. v. Dabur India Ltd.* – Judgement dated 27 November 2020 in CS(COMM) 319/2020, Delhi High Court]



News Nuggets

Copyright registration is not mandatory

The Kerala High Court has rejected the contention that in order to *prima facie* prove that there is infringement of copyrights of the cinematographic films, it should be proved that copyrights of the films are registered under Sections 44 and 45 of the Copyright Act, 1957 and that there is a copyright owner with respect of the works. The Court was of the view that when Section 13 provides that with respect to cinematograph films, copyright shall subsist throughout India, a further requirement to prove its registration as provided under Chapter X will not be required at the interim stage. It also noted that Section 17 provided that the author of the work is the first owner of the copyright. The Court in the case *Sirajudheen v. State of Kerala* [Order dated 19 November 2020] observed that there is no provision in the Copyright Act depriving an author of the rights conferred by the said Act on account of non-registration of the copyright.

Trademarks – Confusion over use of mark ‘Aachi’ for restaurants

Observing that the trademark ‘Aachi Kitchen’ and ‘Aachi Chettinad Restaurant’ were registered, the Madras High Court has held that the use of the mark ‘Aachi’ by the defendant’s by running a hotel under the name ‘Aachi’s Village Restaurant’, would cause confusion in the minds of the general public. Granting ad interim relief, the Court observed that the general public would certainly get the impression that the restaurant of the Defendant was actually a branch or another undertaking of the Plaintiffs. Further, noting the turnover and promotional expenditure incurred by the plaintiff (as given in the plaint), the Court in the case *A.D. Padmasingh Isaac v. Aachi’s Village Restaurant* held that the Plaintiffs had established more than sufficient goodwill and reputation. Lastly, noting that the defendant deliberately avoided appearance, showing scant regards for the sanctity of the judicial proceedings, the plaintiff was held entitled for costs under Section 35 of the Code of Civil Procedures.

Facebook – Delhi High Court grants interim injunction against use of mark ‘Facebake’

Observing that the plaintiff’s trademark ‘FACEBOOK’ is known the world-over, the Single Judge of the Delhi High Court has granted interim relief against the defendants using the mark ‘FACEBAKE’. The defendant was also restrained from operating its website www.facebake.in and the inherently distinctive ‘f’ logos. The defendant in the case *Facebook, Inc. v. Noufel Malol* [Order dated 12 November 2020] was engaged in the business of selling confectionaries such as cakes, biscuits, cookies etcetera and articles like watches, under the mark ‘FACEBAKE’.

Whitehat Jr – Delhi High Court directs taking down of alleged defamatory Tweets

In a case involving alleged defamation, infringement of trademarks and copyrights,

passing off, dilution and tarnishing of trademark, torts of inducing breach of contract, mischief and invasion of privacy, damages, etc., the Single Judge of the Delhi High Court has granted interim relief by restraining the defendant from using the name ‘Whitehat Sr’ for its YouTube Channel. The petitioner was using the mark ‘Whitehat Jr’. The Court in the cases *Karan Bajaj v. Pradeep Poonia* and *Whitehat Education Technology Pvt. Ltd. v. Aniruddha Malpani*, though noted that grant of an interim injunction in the suit entailed *prima facie* adjudication on various disputed questions of facts, it moved on to grant ad interim injunction observing that certain facts came out from the alleged defamatory tweets of the defendant. The defendant was restrained from posting, publishing, sharing any content which is defamatory, derogatory or deprecatory in nature to the plaintiff, its management or the employees. The Tweets were also directed to be taken down.

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