BRB Legal.

INDIAN IP UPDATE · ISSUE 01

September 2026

Five developments for businesses and IP owners.

Indian courts addressed a varied set of intellectual property issues in September 2026. The five developments below cover AI-generated content and personality rights, patent infringement, comparative advertising, copyright in digital news, and arbitration of disputes arising from IP assignments. Each illustrates how established legal principles apply to particular commercial and technological circumstances.

01

AI and Personality Rights

BOMBAY HIGH COURT

In *Shruti Haasan v. Mahalaxmi Arts and Craft Works* (3 September 2026), the Bombay High Court considered allegations of unauthorised commercial exploitation of the plaintiff's name, image, likeness and voice. The challenged activities included merchandise, manipulated images, AI-generated content and chatbot services that allegedly reproduced aspects of her identity without consent.

The Court found a prima facie case for protecting the plaintiff's personality and publicity rights and granted ad-interim relief. The order addressed the alleged misuse by individual defendants, the role of platforms and intermediaries in dealing with identified infringing material, and disclosure of subscriber information.

The relief was interlocutory. The Court did not finally determine the liability of every defendant, or establish that all AI-generated representations of an identifiable person are unlawful. The order shows existing personality and publicity rights being invoked against newer forms of digital impersonation.

> WHY IT MATTERS
>
> For businesses using synthetic images, voices or digital personas, the question is not limited to copyright ownership. What matters is which identity attributes are reproduced, for what commercial purpose, under what consent, and whether endorsement is implied.

02

Patent Infringement Evidence

DELHI HIGH COURT

In *Conqueror Innovations Private Limited & Anr. v. Xiaomi Technology India Private Limited* (7 September 2026), the Delhi High Court heard an appeal from refusal of interim relief in a patent infringement suit on mobile-device anti-theft technology. The patent covered a communication-device finder system; the alleged infringement was Xiaomi's Find Device functionality.

The Court examined the essential limitations of the asserted claims against the complete specification, particularly the claimed auto-answer mode and non-erasable security activation element. The material did not sufficiently demonstrate that the accused functionality incorporated those limitations. Similarity in the broad purpose of locating or securing a device did not establish prima facie infringement.

The Court also weighed the roughly nine-year delay and the balance of convenience, and dismissed the appeal. The suit remains pending, and the observations were expressly prima facie and not binding on the trial court.

> WHY IT MATTERS
>
> Patent enforcement begins with the claims, not the product's commercial function. A technical comparison should map each essential limitation to a corresponding feature in the accused technology. Claim construction, technical evidence and the timing of enforcement all bear on interim relief.

03

Comparative Advertising Claims

DELHI HIGH COURT

In *Hindustan Unilever Limited v. Kwick Living (I) Private Limited* (10 September 2026), the Delhi High Court considered an interim injunction application over a comparative advertising campaign for household cleaning products. The campaign referred to ingredients associated with VIM and SURF EXCEL and allegedly suggested those products could cause skin irritation or other harmful effects.

The Court distinguished permissible comparative advertising from misleading disparagement. An advertisement is not actionable merely because it presents a competitor's product unfavourably. The question is whether the claims and their presentation convey a false or misleading overall message.

The Court restrained the campaign and directed removal or recall of the advertisements. It did not finally determine the claims, but the reasoning separates the accuracy of individual statements from the impression the advertisement creates.

> WHY IT MATTERS
>
> Comparative claims need more than fact-checking each statement. Words, images, omissions and implied conclusions together can convey more than the evidence supports. Review the advertisement for what an ordinary consumer would take from it, particularly where safety or health is implied.

04

Digital Copyright Enforcement

DELHI HIGH COURT

In *ANI Media Pvt Ltd v. RSY News & Anr* (29 September 2026), the Delhi High Court considered a copyright suit over news videos reproduced and published through YouTube channels. The plaintiff relied on copyright in audiovisual recordings and on evidence of the commissioning and assignment of rights.

The Court treated the recordings as cinematograph films protected under the Copyright Act, 1957, and examined the defendant's claimed justification of reporting current events. It distinguished legitimate reporting from substantial unauthorised copying of protected audiovisual content, found infringement and granted summary judgment.

It granted a permanent injunction and directed relief against identified URLs, but declined to order removal of the defendant's channels wholesale and refused additional relief, including damages and a public acknowledgment. The judgment addresses both the owner's protection and the proper scope of relief against an intermediary.

> WHY IT MATTERS
>
> Digital publishers must separate reporting an event from reproducing another publisher's coverage of it. A video being available online does not establish permission to reuse it. Ownership records, licence terms, the amount copied and the purpose of reuse bear on the risk.

05

Copyright and Arbitration

MADRAS HIGH COURT

In *Eros Technologies Digital FZE v. Ayngaran International Media Pvt. Ltd. & Ors.* (1 September 2026), the Madras High Court considered a dispute over exploitation of cinematograph-film rights acquired through successive assignments. The claimant alleged unauthorised exploitation and sought relief under the Copyright Act, 1957.

The defendants relied on an arbitration clause in an earlier assignment agreement. The claimant argued that its statutory infringement claim was not arbitrable and that it was not a signatory. Examining the chain of assignments, the Court treated the dispute as one arising between identified parties out of the contracts through which the rights had passed.

It found the arbitration agreement applied, allowed reference under Section 45 of the Arbitration and Conciliation Act, 1996, dismissed the injunction application and directed return of the plaint. Whether infringement had occurred was not finally determined.

> WHY IT MATTERS
>
> An IP dispute can involve both statutory rights and obligations inherited through contract. Where rights have passed by successive assignment, the chain of title and its dispute-resolution clauses may decide the forum. Diligence should establish not only which rights passed, but what obligations came with them.

Looking ahead

A common thread runs through September's decisions: the legal analysis depends on the precise right asserted and the commercial setting in which it operates. Personality rights require attention to identity and consent. Patent infringement turns on claim limitations rather than similar functionality. Comparative advertising must be assessed for its overall message. Copyright enforcement requires distinctions between reporting and reproduction, while disputes over assigned rights may remain contractual despite invoking statutory remedies. Across these areas, the courts examined the underlying conduct, evidence and legal relationships rather than relying solely on the labels attached to the claims.

Also on our radar

Composite Trade Marks

Sai Silks (Kalamandir) Limited v. SKP B Gopinath Private Limited (8 September 2026): the Court upheld refusal of interim protection where visual differences between competing silk-retail marks outweighed phonetic similarity. Registration of a composite mark did not confer exclusivity over common, geographical or non-distinctive constituent expressions.

Trade Mark Renewal

Punam Chand Kedia v. The Registrar Of Trade Marks (23 September 2026): the Registry failed to establish dispatch of the prescribed renewal notice under Section 25(3) of the Trade Marks Act, 1999. The Court permitted a fresh renewal application despite expiry of the ordinary period.

Online Brand Impersonation

JSW MG Motor India Private Limited & Anr v. Anant Kumar Singh & Ors (3 September 2026): the Court granted ex parte interim relief against fraudulent dealership websites using MG marks. Directions included domain suspension, disclosure of registrant information and a bank-account lien to preserve alleged proceeds.

BRB Legal.

New Delhi · Intellectual Property, Technology & Corporate Law

Explore the BRB Legal IP Case Digest at brb-legal.com/ip-digest

For general information only. Not legal advice.