

INFORM

IP Law: Year In Review 2025

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- Copyright Act could be amended for AI royalty
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2025 Recap

This year in review captures significant legislative, administrative, and judicial developments in Indian intellectual property law in 2025. The publication highlights key trends shaping the country's IP landscape.

1. Legislative developments

1.1. Patent regime opened to nuclear energy-related inventions

India's new nuclear energy law, enacted in December 2025, expanded the patent regime to include inventions related to the peaceful uses of nuclear energy and radiation.

The Sustainable Harnessing and Advancement of Nuclear Energy for Transforming India Act, 2025, replaced the Atomic Energy Act, 1962, and the Civil Liability for Nuclear Damage Act, 2010. Section 38 of the Act provides that the Central Government may grant patents for inventions which, in its opinion, are for the peaceful uses of nuclear energy and radiation. However, inventions relating to activities of a sensitive nature or with national security implications are reserved exclusively for the Central Government. Corresponding amendments to Sections 4 and 65 of the Patents Act, 1970, permit patent grants for inventions related to nuclear energy and preserve the Central Government's power to issue directions for revocation. It is worth noting that the amended framework has yet to be operationalised.

The Act can be accessed [here](#).

1.2. DPIIT notified amendments to GI Rules, lowering application and renewal fees

The Department for Promotion of Industry and Internal Trade (DPIIT) notified the Geographical Indications of Goods (Registration and Protection) (Amendment) Rules, 2025, on November 3, 2025, ushering in a significant reduction in the official fees for various GI forms. Notably, the Rules also introduced substantially lower fees for requests filed by or on behalf of authorised users, providing a strong incentive for GI stakeholders to secure authorised user registrations. These reforms may meaningfully contribute to the Union Commerce Minister Piyush Goyal's goal of reaching 10,000 GI tags by 2030.

The revised fee structure is available [here](#).



1.3. IT Rules amended to update takedown framework

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2025, notified on October 22, 2025, amended Rule 3(1)(d) of the 2021 Rules. This amendment tightened the takedown framework by limiting “actual knowledge” to court orders or reasoned notices from senior government officers, subject to strict content-specific requirements. All such takedown directions must be reviewed monthly for necessity and proportionality, aiming to curb arbitrary removals.

The Amendment Rules are available [here](#).

1.4. New biodiversity access and benefit sharing regulations notified

The Biological Diversity (Access to Biological Resources and Knowledge Associated thereto and Fair and Equitable Sharing of Benefits) Regulations, 2025, notified on April 30, 2025, established a modernised framework for the access and commercial use of India’s biological resources. These Regulations superseded the 2014 Guidelines and explicitly integrated Digital Sequence Information (DSI) into the Access and Benefit Sharing (ABS) regime, with a focus on biological resources with a high conservation or economic value.

The Regulations can be accessed [here](#).

2. Administrative developments

2.1. Patent Office released revised guidelines for the examination of computer-related inventions

The Office of the Controller General of Patents, Designs & Trade Marks (CGPDTM) released the Revised Guidelines for Examination of Computer Related Inventions (CRIs), 2025, on July 29, 2025. These guidelines were built upon earlier draft versions issued for consultation and aimed to enhance clarity, consistency, and predictability in the examination of CRIs, while aligning India's patenting practices with global standards. They also incorporated key considerations for inventions in emerging technologies, including artificial intelligence, machine learning, deep learning, cloud computing, quantum computing, and blockchain.

Read our [blog post](#) to know more.

2.2. New guidelines released for examination of Ayush-related inventions

The Guidelines for Examination of Ayush-Related Inventions, released by the Office of the CGPDTM, provide guidance on filing and examination of patent applications for Ayush-related inventions, including Ayush products and equipment/devices, and value-added products based on Ayush systems and food recipes/nutraceuticals.

These Guidelines complement the 2012 Guidelines for the processing of patent applications relating to traditional knowledge and biological material and provide specific clarity for Ayush stakeholders. Notably, a set of six guiding principles has been established for assessing patent applications. It is made clear that these are not exhaustive and do not cover the full scope of Ayush-related inventions.

The Guidelines can be accessed [here](#).

2.3. DPIIT public notice on music licensing for weddings withdrawn

Subject to the final decision in *Union of India v. Novex Communications Pvt. Limited*,¹ the DPIIT recently withdrew its July 2023 public notice, which stated that playing music at marriage functions (including processions and festivities) would not constitute copyright infringement under Section 52(1)(za) of the Copyright Act, 1957. The public notice previously caused a stir,

¹ LPA No. 1127 of 2022, Punjab and Haryana High Court

directing copyright societies to refrain from acts in contravention of the provision and cautioning the public not to accede to unlawful demands from copyright societies. The Office Memorandum is available [here](#).

2.4. Trademark application queue list introduced

The Office of the Registrar of Trade Marks unveiled a trademark application queue list, enabling users to view the examination and hearing timelines for a trademark application. This is a welcome move, providing much-needed transparency to stakeholders on examination timelines, following substantial delays in the examination process due to the re-examination of trademark applications previously processed by QCI Officers.

The dynamic queue list is available [here](#).

2.5. IP India dashboard unveiled

With data dating back to 2010, the Office of the CGPDTM recently introduced an intellectual property dashboard that aggregates data on filings and grants/registrations for patents, trademarks, copyright, designs, and GIs, as well as state- and sector-wise filings. This tool may be used by practitioners and professionals to view sectoral statistics.

The dashboard can be accessed [here](#).

2.6. OTP based trademark status check

The Office of the CGPDTM recently introduced an OTP-based E-Status System to check trademark status. The system now allows users to enter their mobile number or email address to receive an OTP. Afterwards, the user can access the Register of Trademarks for 30 minutes; after that, a new OTP is required. This initially caused an uproar among practitioners due to the lack of OTPs generated and the system's early-day malfunctions.

The E-Status System is available [here](#).



3. Case Laws

3.1. Copyright Law

3.1.1. Artistic work: copyright or design? The Apex Court's two-pronged test

In view of the differing interpretations arising from the overlap between copyrightable artistic works and industrial designs, the Supreme Court, in April 2025, formulated a two-pronged approach to distinguish works eligible for protection under the Copyright Act, 1957, versus the Designs Act, 2000.² The test examines whether the work in question is purely an artistic work entitled to protection under the Copyright Act, or whether it is a design derived from such original artistic work and subjected to an industrial process. Where a work does not qualify for copyright protection, the Court held that the test of functional utility must be applied to determine its dominant purpose and then ascertain whether it would qualify for design protection under the Designs Act.

Read our [update](#) on this to know more.

3.1.2. Perpetual assignment of music rights includes digital mediums

On June 11, 2025, the Bombay High Court held that a perpetual assignment of music rights permitting an assignee to exploit works “by any and every means whatsoever” covered exploitation in non-physical and digital mediums, even if such technologies were not in existence when the agreement was executed.³

Upon review of a copyright assignment agreement from 1967, the Bombay High Court held that the wide scope of rights granted to the assignee extended to all forms of reproduction, including digital forms, which did not exist at the time of execution of the agreement. Despite the Plaintiff's reliance on the proviso to Section 18 of the Copyright Act, introduced by the 2012 Amendment, the Court held that the provision did not have retrospective effect, upheld the Defendant's perpetual rights, and dismissed the suit accordingly.

² Cryogas Equipment Private Limited v. Inox India Limited and Ors., Civil Appeal No. 5174/2025

³ Rupali P. Shah v. Adani Wilmer Ltd., 2025 SCC OnLine Bom 2540



3.2.3. Exorbitant license fee amounts to a refusal under the Copyright Act

In May 2025, the Delhi High Court held that offering a copyright license on unreasonable or arbitrary terms amounted to a constructive refusal, thereby entitling an applicant to seek a compulsory license for sound recordings under Section 31(1)(a) of the Copyright Act, 1957.⁴

In view of the facts of the case, the Court rejected PPL's narrow interpretation and clarified that sound recordings constituted "works" under the Act. The Court further stated that the expression "performance in public" included the communication of sound recordings. The Court emphasised that copyright law should balance the interests of copyright holders with the public interest to ensure access to creative works on reasonable terms. Finding PPL's blanket tariff structure to be an unreasonable burden on small organisers, the Court held that the petitioner was entitled to a compulsory license and directed the parties to file evidence for the determination of fair compensation.

3.2. Trademark Law

3.2.1. Maintainability of second appeals under the Trade Marks Act

In April 2025, the Calcutta High Court held an appeal from a Single Judge's order under the Trade Marks Act, 1999, to be impermissible due to the bar imposed by Section 100A of the Code of Civil Procedure, 1908.⁵ The Registrar of Trademarks was held to have the "trappings of a court" and consequently, no second appeal was permitted from their order.

⁴ Al Hamd Tradenation v. PPL C.O.(COMM.IPD-CR) 8/2024, I.A. 33181/2024 & I.A. 33182/2024

⁵ Glorious Investment Limited v. Dunlop International Limited & Anr., TEMPAPO-IPD 5 of 2025

3.2.2. Trademark infringement liability for online listing platforms

To combat counterfeit listings of its products, Puma approached the Delhi High Court, alleging that the presence of the trademark “PUMA” in IndiaMart’s dropdown menu constituted infringement. While the Delhi High Court initially granted relief to Puma and held that IndiaMart’s inclusion of the “PUMA” mark in its dropdown menus constituted “use” of the trademark, on appeal in June 2025, a Division Bench of the Delhi High Court clarified that simply providing “PUMA” as an option in dropdown menus did not amount to active use or endorsement of the trademark by IndiaMART.⁶ The Court emphasised that IndiaMART was primarily a platform connecting buyers and sellers, and that its role as a passive intermediary did not constitute infringement under Sections 29(1), 29(2), or 29(4) of the Trade Marks Act, 1999. However, the Bench highlighted that IndiaMART was required to act responsibly and directed it to remove infringing listings upon notice to retain safe harbour protections.

3.2.3. Mandated data disclosure for domain registrants

Noting the opportunities for misuse, cybercrime and trademark infringement in the use of infringing domain names, the Delhi High Court in December 2025 issued a set of directions to DNRs and Registry Operators including measures for data disclosure in respect of the Intermediaries Guidelines 2021, and redaction of the Registrar’s details as a value added services, available upon the payment of additional charges, among other important directions to banks, and the Government.⁷ It further mandated that DNRs offering services in India or to customers in India shall undertake verification of the Registrant’s details at the time of registration and periodically in terms of the KYC requirements mentioned in Circular No. 20(3)/2022- CERT-In dated 28th April, 2022, issued by the Indian Computer Emergency Response Team.

3.3. Patent Law

3.3.1. Anti-competitive patent conduct: Patents Act prevails over Competition Act

In September 2025, the Supreme Court considered a Special Leave Petition on whether the Competition Commission of India (CCI) could exercise jurisdiction over patentees’ rights under

⁶ IndiaMART Intermesh Ltd. v. PUMA SE, FAO(OS)(COMM) 6/2024, CM APPL. 2216 & 2219/2024

⁷ Dabur India Limited v. Ashok Kumar and Ors., CS (COMM) 135/2022 & I.As. 3423/2022, 1221/2023 & 8858/2025

the Competition Act, 2002.⁸ The issue arose when certain informants reported alleged anticompetitive behaviour by Monsanto and Ericsson to the CCI. The Supreme Court declined to interfere with the Delhi High Court's judgment because the informants had reached settlements with the patentees, and the "substratum of the proceedings" was lost.

It further stated that the Patent Act, 1970, being a special law, overrode the Competition Act, 2002. Additionally, since Chapter XVI of the Patent Act was introduced in 2003, after the Competition Act, it was considered the later law and therefore overrode the Competition Act in terms of the applicability of patentees' rights.

Likewise, in *Swapan Dey v. CCI and Vifor International*⁹, the NCLAT considered the Delhi High Court and Supreme Court judgments and reiterated that the CCI lacked the authority to examine allegations of anti-competitive practices by patentees and that the Patent Act prevailed over the Competition Act.

3.3.2. Balancing the evergreening of patents and public interest

In October 2025, a Division Bench of the Delhi High Court evaluated obviousness from the perspective of a "person in the know," particularly where the same inventors were involved in both genus and species patents.¹⁰ The case analysed the distinction between coverage and disclosure in genus and species patents, affirming that mere inclusion of a species within the scope of a genus patent did not automatically render the species patent invalid.

The Court emphasised the public interest aspect and cautioned against the evergreening of life-saving drugs. The Court reiterated that patent law must strike a careful balance between incentivising innovation and ensuring timely access to essential medicines.

Read our [blog post](#) to know more.



⁸ CCI v. Monsanto Holdings Private Limited & Ors., SLP(C) No.25026/2023

⁹ Swapan Dey v. CCI and Vifor International, Competition Appeal (AT) No. 5 of 2023

¹⁰ F. Hoffmann-La Roche AG & Anr. v. Natco Pharma Ltd., FAO(OS) (COMM) 43/2025

3.3.3. Philips v. Bathla: Why claim mapping and solid evidence matter

In October 2025, the Delhi High Court held that establishing patent infringement required a rigorous claim-to-product comparison rather than relying on superficial product-to-product similarity.¹¹ The Court emphasised that infringement analysis must map the product's features to the specific technical limitations of the patent claims and cannot be inferred from general similarities between competing products. On the question of Standard Essential Patent (SEP) status, the Court ruled that such status must be demonstrated through independent expert reports and evidence of widespread licensing practices, and that self-authored documents or negotiation correspondence were insufficient to establish essentiality or prove infringement. In doing so, the Court underscored the necessity of "solid evidence" in both infringement and SEP assertions and dismissed Philips' claims after more than two decades of litigation.

Read our [blog post](#) to know more.

3.3.4. Clarification on proof of right in patent cases by the DHC

In Nippon Steel v. Controller of Patents, the Delhi High Court set aside an order of the Controller that rejected the Appellant's patent application for want of appropriate proof of right for a deceased inventor.¹² In the impugned order, the Controller stated that an employment agreement did not meet the necessary standards for proof of right because of its general nature, potential for ambiguity, and failure to meet the specific requirements set out in Indian patent law. Instead, the refusal order mandated a specific assignment deed transferring rights in the invention from the inventor to the Applicant.

The Court evaluated the employment agreement executed by the deceased inventor, which stated that all intellectual property created by the employee during the course of employment would vest with the employee, and accordingly set aside the Controller's order in December 2025.

4. Other Updates

4.1. India registered its first smell trademark

On November 21, 2025, the CGPDTM issued a landmark order accepting India's first olfactory (smell) trademark application. The application, filed by Japan-based Sumitomo Rubber

¹¹ Koninklijke Philips N.V. v. M. Bathla & Anr., CS(COMM) 533/2018

¹² Nippon Steel Corporation v. Controller of Patents, C.A.(COMM.IPD-PAT) 10/2025

Industries Ltd., for “floral fragrance/smell reminiscent of roses as applied to tyres” under Class 12, is monumental and will pave the way for other non-conventional trademarks in India. Notably, the same smell mark was recognised as the first-ever smell trademark in the United Kingdom in 1996.

4.2. Stay in Azure-PPL copyright dispute not applicable to third parties

On June 19, 2025, the Supreme Court clarified that the stay issued in the copyright dispute between Phonographic Performance Ltd. (PPL) and Azure Hospitality applied strictly to the two parties. By emphasising the narrow scope of the stay, the Court reaffirmed that third-party establishments were not exempt and must continue to pay PPL to legally play copyrighted music.

4.3. Publication of all views of industrial design

The Office of the CGPDTM recently started publishing all views of a design in the Design Journal. Previously, the Design Journal featured only a singular best view, as opposed to all the views of the design.

The Journal can be accessed [here](#).

4.4. Thirteenth edition of the Nice Classification

The 13th Edition of the Nice Classification came into force on January 1, 2026, with a few key changes and transfers of descriptions of goods/services for trademark application from one class to another. For instance, the term ‘buttercream’ was shifted from class 29 to class 30, ‘terpenes’ from class 3 to class 1, etc.

The Nice Classification is available [here](#).

5. Outlook for 2026

5.1. Copyright Act could be amended for AI royalty

A hybrid model of statutory licensing with revenue-based royalties for the use of copyrighted works in AI training is in development. This proposal formed part of a DPIIT panel’s paper released on December 8, 2025. The panel was constituted in early 2025 to examine the

intersection of generative AI and copyright. While this part of the working paper addresses the use of copyrighted content in training AI systems, the second part will cover the copyright status of AI-generated outputs. Further developments in both areas are anticipated this year.

Read our [update](#) on this to know more.

5.2. India's design law to get a makeover

To align India's design law with global best practices, a set of amendments to the Designs Act, 2000, has been proposed, as outlined in a DPIIT concept note dated January 23, 2026. The proposed amendments seek to expand the scope of protection to cover virtual designs, ease procedural requirements, and facilitate India's accession to the Riyadh Design Law Treaty and the Hague Agreement.

Read our [blog post](#) to know more.

5.3. Centralised music licensing portal to boost live events industry

Currently, the music licensing landscape for live events is characterised by overlapping rights bodies and varying tariff structures, leading to compliance uncertainty. To address this gap, a white paper on India's live entertainment economy, presented at the WAVES 2025 Summit, proposed a unified digital music licensing portal with transparent, event-specific licensing models. This was followed by the constitution of a joint working group in July 2025 to promote the live events industry. A key outcome of its first meeting was the proposal to launch a centralised digital music licensing registry by October 2025, in collaboration with rights societies. While there has been no update on this so far, the Ministry of Information and Broadcasting has established a live events development cell to boost India's concert economy. Against this backdrop, music licensing reforms, or at least concrete steps towards addressing the fragmented landscape, may be seen this year.

The white paper is available [here](#).

5.4. Due diligence in relation to synthetically generated information

In October 2025, the Ministry of Electronics and Information Technology (MeitY) proposed amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, to address concerns about the rising misuse of synthetic content, including deepfakes. The proposals aim to help users distinguish synthetic from authentic content by requiring such information to be prominently labelled or embedded with a permanent, unique metadata or identifier. Significant social media intermediaries would also be required to obtain user declarations on whether the information is synthetically generated, deploy reasonable and

proportionate technical measures to verify such declarations, and ensure that such information is labelled accordingly. Public comments on the draft rules were invited until November 13, 2025, and the amendments may be finalised sometime this year.

The draft rules are available [here](#).

5.5. Phased rollout of the new data protection framework

Enacted on August 11, 2023, the Digital Personal Data Protection Act, 2023, establishes a comprehensive framework for safeguarding digital personal data, outlining the obligations of Data Fiduciaries and the rights and duties of Data Principals. On November 13, 2025, MeitY issued a series of notifications specifying a staggered implementation timeline (across three phases) for both the Act and the Rules notified thereunder. MeitY also announced the establishment of the four-member Data Protection Board of India. The provisions which will come into force in 2026 are as follows:

- **Section 6(9)**, which mandates the registration of all consent managers with the Data Protection Board of India;
- **Section 27(1)(d)**, which grants the Data Protection Board the power to inquire into an intimated breach and impose a penalty relating to breach of any condition for registration of a consent manager;
- **Rule 4**, which provides that persons who fulfil the conditions set out in Part A of the First Schedule may apply to the Board for registration as a consent manager. It also states that consent managers will have obligations as specified in Part B of the First Schedule, and the consequences of non-compliance.

5.6. Guidelines for the use of GI and GI logo

The draft GI guidelines, released by DPIIT in October 2025, set out clear conditions and restrictions for the use of the GI logo and the GI Registered Name. These guidelines permit use by a registered authorised user, or by any person who has the assent of the authorised user or procures the goods, directly or indirectly, from the authorised user. The goods must originate from the defined geographical area, and compliance with the production or manufacturing practices, product specifications, and quality standards documented at the time of registration is essential. However, the guidelines provide exceptions for non-commercial uses, including academic, journalistic, and cultural purposes. The guidelines also include a compliance checklist and FAQs. The draft guidelines may be finalised sometime this year.

The draft guidelines are available [here](#).

5.7. Mandatory online systems for license fee collection

The draft Copyright (Amendment) Rules, 2025, notified on June 5, proposed that owners or licensors maintain dedicated online systems to collect licence fees for the public performance of copyrighted music. This draft sought to introduce Rule 83(A) in the Copyright Rules, 2013, with further developments expected in 2026.

Read our [update](#) on this to know more.

5.8. Code of Conduct for patent and trademark agents

In late 2025, the DPIIT released draft amendments to the Trademarks Rules, 2017, and the Patents Rules, 2003, proposing a Code of Conduct to address instances of misconduct by patent and trademark agents and attorneys. Under the proposed amendments, agents and attorneys may be held guilty of misconduct if they act in contravention of the prescribed Code of Conduct. DPIIT invited public feedback on the draft, and further action may follow this year.

Read our [update](#) on this to know more.

Conclusion

2025 signified a transformative period for India's intellectual property framework, demonstrating a concerted effort to adapt laws to the realities of emerging technologies, artificial intelligence, and digital commerce. Key judicial rulings on intermediary liability, e-KYC for domain registrations, and the design-copyright overlap offered crucial guidance on statutory interpretation and practical enforcement, while a host of anticipated developments including proposed copyright amendments on AI royalties, new GI guidelines, amendments to the IT Rules, and more signal an equally dynamic year ahead, making it imperative for rights holders and practitioners to closely track regulatory changes, judicial trends, and administrative practices to effectively protect and enforce IP rights.

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