



# **INTERPLAY BETWEEN IPR AND COMMERCIAL COURT**



# IRP A 'COMMERCIAL DISPUTE



Section 2(1)(C) of the Commercial Court Act, 2015 defines the term "Commercial Dispute" as follows:

(c) "**commercial dispute**" means a dispute out of-

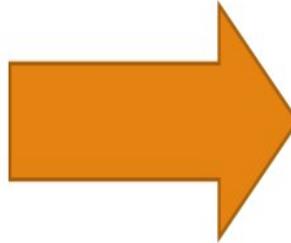
(i) ordinary transactions of merchants, bankers, financiers and traders such as those relating to mercantile documents, including enforcement and interpretation of such documents;

.....

(XVII) intellectual property rights relating to registered and unregistered trademarks, copyright, patent, design, domain names, geographical indications and semiconductor intergrated circuits;



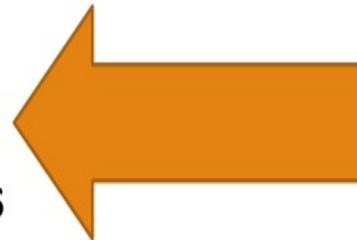
# INTELLECTUAL PROPERTY IN DAILY LIFE



Trademarks  
Designs  
Trade Secrets  
Trade dress



Copyrights-  
Authors  
Photographers



Oral-B



# INTELLECTUAL PROPERTY IN DAILY LIFE

## BRANDS



## DESIGNS



## PATENTS IN TECHNOLOGY



App Store

Google play

## COPYRIGHTS IN 'APPS'

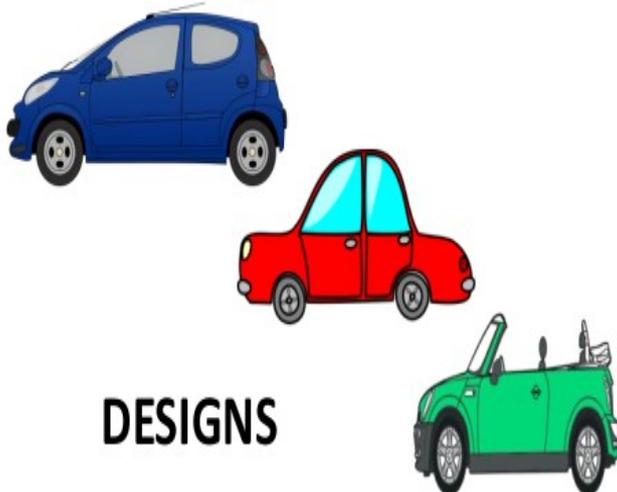
## SEMICONDUCTOR CHIPS



# INTELLECTUAL PROPERTY IN DAILY LIFE



**COPYRIGHTS IN MUSICAL WORK  
FM RADIO-COMPULSORY LICENSING**



**DESIGNS**



**PATENTS IN  
TECHNOLOGY**



**HONDA**

**TRADEMARKS, COPYRIGHTS IN  
ARTISTIC WORK**

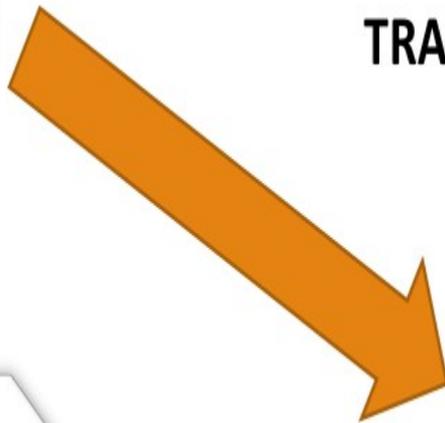
# INTELLECTUAL PROPERTY IN DAILY LIFE



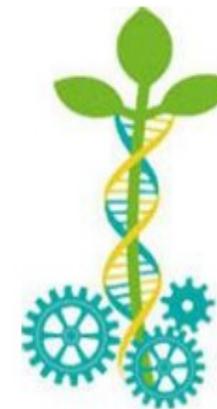
**TRADEMARKS, COPYRIGHTS, TRADE DRESS**



**COPY-  
RIGHTS  
IN  
RECIPES**

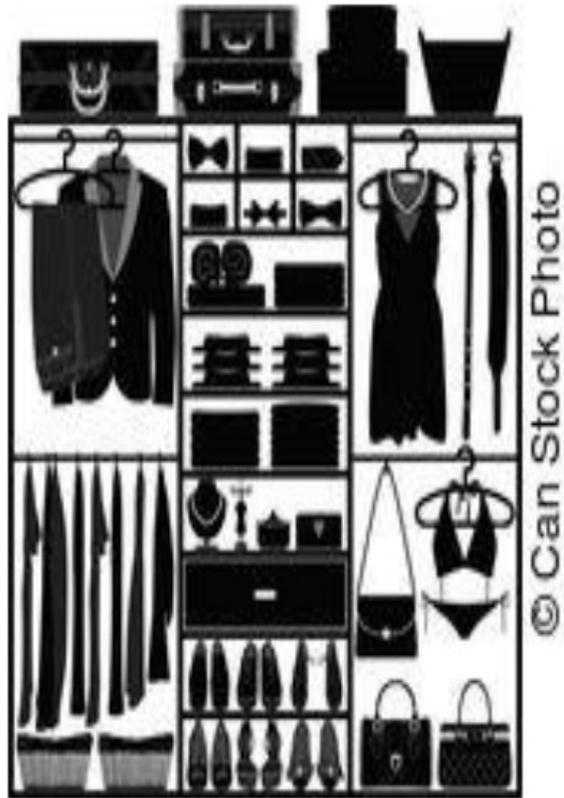


**PLANT VARIETIES  
GEOGRAPHICAL INDICATIONS**



**DESIGNS  
TRADE SECRETS**

# INTELLECTUAL PROPERTY IN DAILY LIFE



DESIGNS  
TRADEMARKS  
COPYRIGHTS  
GEOGRAPHICAL  
INDICATIONS



*fabindia*<sup>®</sup>



Calvin Klein





# INTELLECTUAL PROPERTY IN DAILY LIFE



TRADEMARKS



TRADE DRESS



iOS



Linux

COPYRIGHTS IN SOFTWARES

# INTELLECTUAL PROPERTY IN DAILY LIFE



**BROADCASTING RIGHTS**

**COPYRIGHTS**



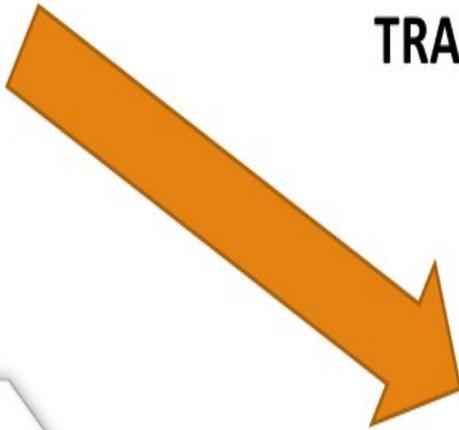
# INTELLECTUAL PROPERTY IN DAILY LIFE



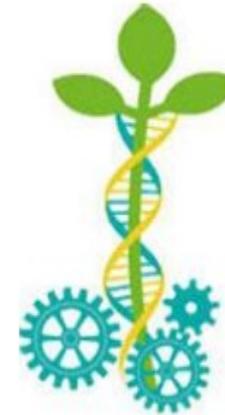
**TRADEMARKS, COPYRIGHTS, TRADE DRESS**



**COPY-  
RIGHTS  
IN  
RECIPES**



**PLANT VARIETIES  
GEOGRAPHICAL INDICATIONS**



**DESIGNS  
TRADE SECRETS**

# INTELLECTUAL PROPERTY RIGHTS IN INDIA

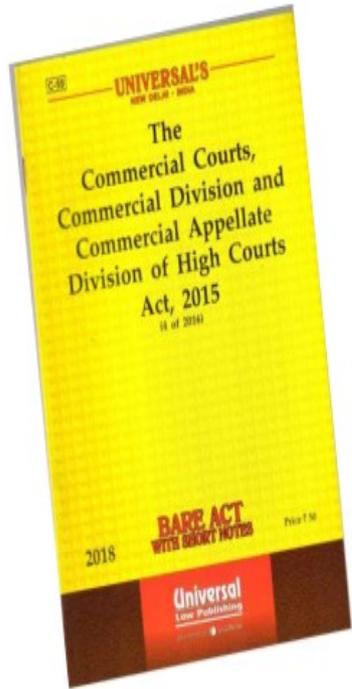


# BENEFITS & IMPORTANCE OF INTELLECTUAL PROPERTY RIGHTS

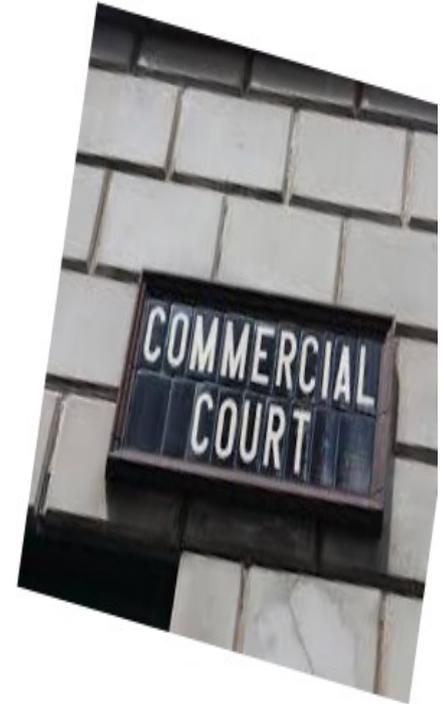


- INDIA HAS ALWAYS BEEN AN INNOVATIVE SOCIETY – BUT LACKS AWARENESS REGARDING THE IMPORTANCE OF INTELLECTUAL PROPERTY RIGHTS
- IP STIMULATES CREATIVITY AND INNOVATION
- IP RIGHTS ARE MARKETABLE FINANCIAL ASSETS AND AN ECONOMIC TOOL
- IP PROMOTES ADVANCEMENT IN SCIENCE AND TECHNOLOGY, ARTS, BIODIVERSITY, ETC.
- IP PROVIDES COMPETITIVE ADVANTAGE IN COMMERCIAL ACTIVITIES BY PREVENTING UNAUTHORIZED EXPLOITATION BY THIRD PARTIES

# *DEFINING FEATURES OF THE ACT*



1. STRICT TIMELINES
2. PAYMENT OF COSTS
3. STREAMLINED PROCESS



4. INTRODUCTION OF CASE MANAGEMENT HEARING

5. SUMMARY JUDGMENT

# *COMMERCIAL COURTS IN INDIA*

- The Act provides for the constitution of Commercial Courts, Commercial Division and Commercial Appellate Division in High Courts for adjudicating commercial disputes (**including disputes concerning IPRs**) of a specified value.
- Establishment of commercial courts not only ensures specialization in such Courts but also ensures that only one part of the judicial system deals with such cases while leaving the major resources for deciding non-commercial cases and private rights of citizens.
- Commercial Courts have been notified by 24 High Courts.

# *COMMERCIAL COURTS (AMENDMENT) ACT, 2018*

## **Salient features of the amendments:**

- The pecuniary jurisdiction of Commercial Courts has been reduced **from 1 crore to Rs.3 lakhs.** Thus, the pecuniary jurisdiction of Commercial Courts has now been widened.
- State Governments have been conferred with the power to constitute Commercial Courts at the District Level, in the states where High Courts exercise original civil jurisdiction;
- State Governments can specify the pecuniary jurisdiction of these courts, which is to not be less than Rs. 3 lakhs;
- Under Section 3A, Commercial Appellate Courts in places where Ordinary Original Jurisdiction of High Courts does not exist.

# DYNAMIC INJUNCTION



*UTV Software Communication Ltd. & Ors. v. 1337X.TO & Ors.*  
[CS(COMM) 724/2017, decided on 10<sup>th</sup> April, 2019]

- The Plaintiffs were companies that created content and produced and distributed cinematographic films around the world, including in India.
- The Plaintiffs sought an *ex parte* injunction restraining infringement of their copyright by the Defendants who were allegedly communicating the Plaintiff's' original content/cinematographic films to the public without authorization.
- Finding the Defendants' websites to be "rogue websites", the Court passed a decree of permanent injunction restraining the Defendants from hosting, streaming, reproducing, distributing, making available to the public and/or communicating to the public any cinematograph work/content/programme/show, in relation to which the Plaintiffs had a copyright. ISPs were also directed to block access to the Defendants' websites.

# S.134 [TM Act] + S.62 [Copyright Act]- "carrying on



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**Thank you**

