



Legal Network International

IP and trade mark news – April 2025

A monthly update on global IP and trademark news from the member firms of the Legal Network International (LNI).



India

Lifestyle Equities CV & Anr. had filed a suit in the Delhi High Court against Amazon Technologies, Inc & Ors in 2020 after finding that the Respondent had infringed the logo/device mark of their registered trademark "Beverly Hills Polo Club" by selling items similar to the said trademark on their website, vide an order dated 12.10.2020 the Delhi High Court had issued an initial injunction preventing the Respondent and others from using the contested logo and the Respondent was asked to withdraw the disputed products from their website. In February, 2025 the Delhi High Court passed a final order that highlighted the role of the Amazon Service Sellers as an intermediary. Additionally, the Delhi High Court ordered Amazon Technologies, Inc to pay the Petitioner Rs.340 Crores (approximately \$39 million) for trademark violation.



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Italy

In a decision issued on 18 February 2025, the Court of Appeal of Florence upheld the liability of a company for the unauthorized distribution of a promotional video beyond the contractual term agreed upon with a testimonial. The company's defence, invoking the exemption under Article 97 of the Italian Copyright Law, was rejected, as no evidence was provided that the filming of the video took place during a public event, or that its distribution served public interest purposes. Interestingly, the Court emphasized that, notwithstanding the testimonial's status as a public figure, such status does not grant implicit authorization for the use of their image without prior consent. Ultimately, by using the "price of consent" method, which estimates the compensation the testimonial would have demanded for granting consent to the use of their image beyond the agreed period, the Court partially reformed the appealed judgment, revising the amount owed as compensation for damages and reducing it by half.

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Mexico

On March 19, 2025, the Ministry for Women and the Mexican Institute of Industrial Property (IMPI) signed a collaboration agreement to help women access industrial property services. This agreement is aimed at encouraging women's participation in science, innovation and entrepreneurship, promoting an industrial property system with a gender perspective.

Among the most important items of the agreement are the offer of a 90% discount on the registration of trademarks and trade names, free advice and coaching. Furthermore, it created the Network of Innovative Women to promote female business ventures.



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The Swedish Patent and Market Court of Appeal ruled on a case involving a German company's use of alleged unfair marketing claims on its website directed at Sweden and promotion of hair products that did not meet Swedish labeling requirements. The court found that under the Swedish E-commerce Act, the Swedish Marketing Act generally do not apply to online services from other member states. However, it ruled that marketing regulations could apply when products are subject to labeling requirements and the marketing affects the Swedish market. The company was found to have violated Swedish labeling laws, and thereby also marketing laws, by delivering incorrectly labeled products to Sweden and was prohibited from continuing such practices.

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In a decision dated on 29 January 2025, the Paris Court of Appeal ruled that the burden of proving the originality of a photo lies with the person claiming copyright protection, and that an implicit recognition by the assignee does not establish a presumption of originality.

In a copyright infringement case brought by Ms. X against Sud Everest for the unauthorized use of two photographs, the Court reaffirmed that protection is granted only if the claimant can demonstrate the work's originality. The mere existence of a rights assignment contract is insufficient, and the assessment of originality is a matter for the judge and cannot be presumed. This requirement differs from the presumption of authorship under Article L.111-1 of the French Intellectual Property Code.

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