



Legal Network International

IP and trade mark news – August 2025

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



India

In the matter of Rahul Mishra vs Nischaiy Sajdeh, the Plaintiff had filed a suit against the Defendant for passing off and copying the Artistic Work of Plaintiff's "Tigress Artistic Work" garments owned by the Plaintiff's renowned collection "Sunderbans", the Plaintiff's claimed that Defendant's infringed their artistic work by replicating their unique visuals and thematic elements by displaying an identical version on their proprietary website and social media platforms without authorization and the Defendants continued infringing the Plaintiff's artistic works despite a Cease-and-Desist Notice.

The Hon'ble Delhi High Court granted an ex-parte ad-interim injunction on the grounds that the impugned products were likely to appear identical to those of the Plaintiff's thereby leading to confusion regarding their source or origin.



UNIVERSAL LEGAL
ADVOCATES

www.universallegal.firm.in/

Contributed by Noopur Thakkar
Email: noopur@universallegal.firm.in



Mexico

In order to have the full enforcement of the provisions of the FEDERAL LAW FOR THE PROTECTION OF THE CULTURAL HERITAGE OF INDIGENOUS AND AFRICAN-MEXICAN PEOPLES AND COMMUNITIES, the director of the Trademark Office in Mexico (IMPI) has established guidelines to ensure that a company that appropriates a cultural element must pay royalties to the indigenous people and community from which it is being inspired or directly used in a product, campaign, services, or anything similar.

These new guidelines are a result of the public apology issued by ADIDAS for reproducing the design of the huaraches made by the indigenous people of Villa de Hidalgo Yalálag in the manufacture of a shoe that the German company called Oaxaca Slip-On. Both the State and Federal Governments decided that this case should set a precedent at the national and international level.



Attorneys & Government Relations Professionals

www.sesma.com.mx

Contributed by Diego Ortiz Baigts
Email: dortiz@sesmalaw.com.mx

In a decision dated July 10, 2025, the Paris Judicial Court refused copyright protection for pen models, on the grounds that the claimant company failed to demonstrate the originality of its *Media* and *Challenger* models.



France



The judges determined that the characteristics relied upon by the claimant fell into two categories. Firstly, there were technical features not eligible for copyright protection, as they are dictated by the functional requirements of writing (such as grip, writing, and closure of the pen). Secondly, they were within commonplace features shared by the design of numerous pens, which do not reflect any creative choice.

The court also dismissed the claimant company's requests based on unfair and parasitic competition.

J.P. KARSENTY & ASSOCIÉS
Associés à la Cour de Paris
www.jpksenty.com/

Contributed by Pierre Trusson
Email: ptrusson@jpksenty.com



Sweden

A person had infringed copyright by making films available online without the permission of the copyright holders. Two film companies claimed damages including for non-pecuniary loss.

Swedish copyright law allows for damages not only for actual loss, but also for non-pecuniary loss if the infringement was negligent or intentional. It has been assumed that legal persons are not entitled to compensation for non-pecuniary loss.

The Supreme Court held that legal persons are entitled to such compensation if a close connection to the author can be established - e.g. if the legal person is owned and represented by the author.

TIMEDANOWSKY
www.timedanowsky.se

Contributed by Jesper Jakobsson
Email: jesper.jakobsson@timedanowsky.se