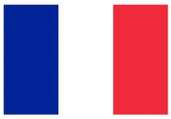
Legal Network International

IP and trade mark news – October 2026

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

 France	In a case involving a handbag designer who brought copyright infringement and unfair competition claims against Italian company Diesel S.p.A. and its French subsidiary for reproducing his bag, the defendants challenged the French courts' jurisdiction over acts committed outside France. In a judgment dated 3 June 2026, the Paris Judicial Court nevertheless upheld the jurisdiction of the French courts to rule on damages suffered in other EU Member States, on the grounds that Diesel had a French subsidiary. This approach aimed to avoid the risk of irreconcilable judgments if the claims were examined separately.	J.P. KARSENTY & ASSOCIÉS Avocats à la Cour de Paris www.jpkarsenty.com/ Contributed by Pierre Trusson Email: ptrusson@jpkarsenty.com
 India	On 8 October 2026, the Bombay High Court heard an interim application arising from a Commercial IP Suit filed by Siddhant Ice Creams LLP& Anr against John Doe and others. The Defendants included GoDaddy.com LLC and the Union government departments concerned. The Plaintiffs, who have operated the NATURAL ice cream business since 1984 through a franchise network of approximately 193 outlets, allege trademark and copyright infringement and passing off by the Defendants. The grievance arises from a counterfeit website and forged franchise communications used to induce payments from prospective franchisees. The Court observed that a strong prima facie case had been made out and held that ad interim relief should be granted in terms of the injunction prayers, restraining use of the NATURAL marks and related conduct until further orders. The application is listed for further consideration on 7 January 2027.	UNIVERSAL LEGAL ADVOCATES www.universallegal.firm.in/ Contributed by Noopur Thakkar Email: noopur@universallegal.firm.in

Mexico

Mexico Toughens Criminal Penalties for Counterfeiting and Piracy

On October 21, 2026, the Chamber of Deputies passed, with no changes, a Senate bill amending the Federal Law for the Protection of Industrial Property and the Federal Criminal Code. The Senate had approved it on September 30, and it has now been sent to the Executive for publication. The bill comes from the President and aims to align Mexican criminal enforcement with the USMCA and TRIPS. The most important change is that the "for profit" or "commercial speculation" requirement in several offenses is replaced by a new term voiced as "commercial scale" test.

An offense meets that test when the infringing goods are worth at least 170 UMAs (about $20,000 MXN/$ 1,050.00 USD), measured by the retail price of the genuine product, or when the conduct gives a competitive advantage. Low-value shipments sent over a period of up to 90 days can be added together when they are linked to the same distribution network. In practice, prosecutors will no longer have to prove that the infringer intended to make a profit, which has long been one of the main obstacles in criminal counterfeiting cases.

The reform also punishes the sale of counterfeit goods on the street with two to six years of prison. The penalty can rise to ten years when the activity is organized or repeated or takes place in established premises or online. The person found holding the goods will answer for them. Other changes allow IMPI (Mexican Trademark and Patent Office) to issue technical opinions at the request of private parties or the Federal Prosecutor's Office, and set damages at no less than 40% of the retail price of the genuine product.

The most debated provision is a new Article 403 Bis, which criminalizes using or imitating the graphic identity, domain names or official documents of public institutions at a commercial scale to deceive. Detractors have labeled the reform the "*Anti-Meme Law*," and the opposition's proposals to expressly exclude satire and parody were rejected. For brand owners, the reform should make criminal complaints more viable, particularly against street-level and e-commerce counterfeiting.

As a follow-up to our September contribution, the copyright bill on the secondary liability of internet service providers was passed by the Chamber of Representatives on October 7 and by the Senate on November 3. It now awaits publication. Among other things, it requires providers to adopt public repeat-infringer policies and exposes them to fines of up to approximately MXN 4.7 million.

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Hungary

Copyright Originality in Hungary: Creative Choices and Expert Evidence

The CJEU's *Mio and konektra* judgment provides timely guidance for Hungarian copyright practice as AI-assisted creation brings originality into sharper focus.

For applied art, the Court recognised that circumstances external to the work may inform the originality assessment.

Authorial intention, sources of inspiration and professional recognition may be relevant, but are neither necessary nor decisive.

Hungarian law likewise takes the work's objectively identifiable expression as the starting point for protection.

Contextual evidence assists only insofar as it helps identify free and creative choices embodied in that expression.

Where AI tools mediate or constrain creation, evidence beyond the output itself may therefore be needed to establish the extent of human creative control.

Hungarian courts frequently rely on expert evidence to assess creative choices, technical constraints and sectoral conventions.

The Council of Copyright Experts (SZJSZT) brings together copyright expertise and specialist artistic and technical knowledge.

Its opinions are not binding: the court ultimately determines protectability and may depart from expert conclusions.

In our view, this combination of multidisciplinary expertise and judicial scrutiny offers a useful model for other jurisdictions, particularly as identifying free and creative choices and assessing the constraints imposed by technology becomes increasingly challenging.

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