

# THE INNOVATION BRIEF



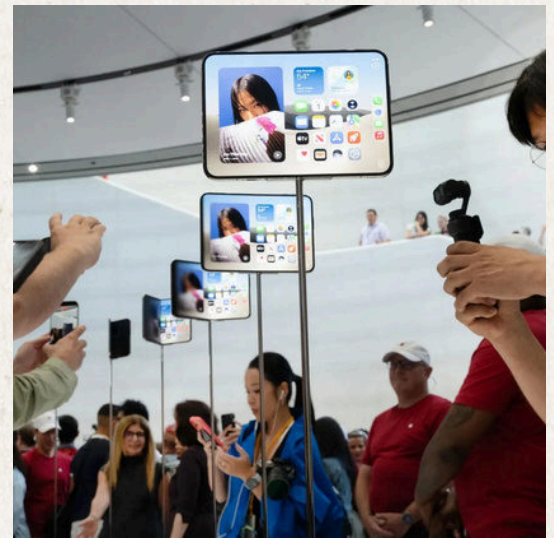
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# INTELLECTUAL PROPERTY LAW

## Apple ordered to pay Taction \$5.7 billion in record haptic patent verdict

A San Diego federal jury awarded Taction Technology \$5,721,961,750 on 25 September 2026, finding Apple's Taptic Engine, used in iPhones and Apple Watches, infringed two Taction patents on haptic feedback technology. The verdict, the largest patent award in US history, capped five and a half years of litigation after the Federal Circuit revived the case following an earlier dismissal. Jurors found the infringement was not wilful, so Taction cannot seek enhanced damages. Apple called the verdict "entirely unsupported by the facts" and confirmed it will appeal, so the award's final size, and its signal for future US patent damages, remains unsettled.



## Delhi HC: no formal declaration needed for well-known mark protection

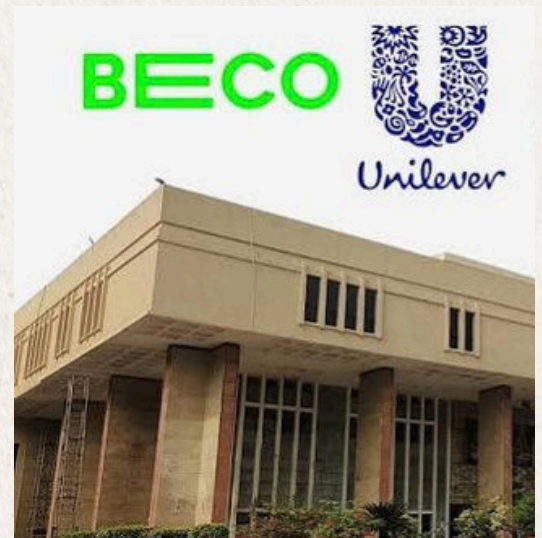
In *Industria de Diseno Textil, S.A. v. Registrar of Trade Marks*, the Delhi High Court cancelled the registration of "ZORA" for polyester lining fabric, holding it deceptively similar to Inditex's well-known mark ZARA. The Court rejected the Registrar's dissection of the marks into "ZA" and "ZO" reaffirming the anti-dissection principle, and clarified that Section 11(2) protection for well-known marks does not require a prior formal declaration by the Registrar, only that the mark was, in fact, well-known on the relevant date. The ruling strengthens cross-class protection for reputed brands and has drawn analysis of its implications for Section 11(2) practice going forward.



# INTELLECTUAL PROPERTY LAW

## Delhi HC restrains Beco's disparagement ads, even as jurisdiction fight continues

Weeks after referring online territorial jurisdiction to a larger bench, the same Delhi High Court bench ruled on the merits in *Hindustan Unilever v. Kwick Living*, restraining Beco's "War on What's Hidden" campaign against Surf Excel and Vim. Justice Bhambhani held that even accepting Kwick Living's ingredient claims as accurate, the campaign, viewed holistically, crossed the bounds of permissible comparative advertising by implying HUL's products were unsafe. The Court distinguished the Bonnard defamation principle from disparagement, placing the burden on the advertiser to show a tenable basis for its truth claim. A Division Bench had earlier let the suit proceed in Delhi on a *prima facie* basis, keeping jurisdiction pending.



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## Kerala HC: Centre can invoke Patents Act to make exorbitantly priced drugs affordable



Disposing of the long-running *suo motu* Ribociclib case, the Kerala High Court held that Section 100 of the Patents Act empowers the Central Government to manufacture or procure a patented medicine and sell it on a non-commercial basis where it is priced beyond patients' reach. The Court rejected the Centre's argument that off-patent Palbociclib could substitute for Ribociclib, based on expert opinion that the drugs are not clinically interchangeable. While declining to order immediate intervention for Ribociclib itself, the Court directed the government to collect nationwide data on drug affordability, a decision with major implications for pricing of patented oncology drugs.

# INTELLECTUAL PROPERTY LAW

## Copyright Office rejects DABUS as author; Thaler refused chance to name himself

The Copyright Office refused to register Stephen Thaler's AI system DABUS as author of an artwork, while confirming the work itself met the originality threshold under Section 13. Crucially, the Registrar offered Thaler the chance, across three hearings, to amend the filing and name himself as the human who "caused" the work's creation, but he declined, insisting DABUS be recorded as author. Applying a "mastermind" test, the Registrar held DABUS, lacking legal personality, could not be an author or assign rights. Thaler has since called India's position better than the US's on originality, but says no further Indian filings are planned.



## Draft pharma patent guidelines draw criticism over misquoted provisions and "guideline-shopping" risk



The CGPDTM's draft Pharmaceutical and Biotechnology Patent Examination Guidelines, published 4 September 2026 to replace decade-old 2014 and 2013 versions, drew sharp stakeholder criticism before the 19 September comment deadline closed. Misquoted statutory provisions, misapplied case law, and incomplete illustrations across novelty, inventive step, and Markush claim analysis were flagged. Most notably, critics warned the pharma and biotech drafts reach opposing conclusions on overlapping Section 3 issues, risking "guideline-shopping" between examiners. The pharma draft was also faulted for ignoring the CGPDTM's own recent AI examination guidelines, leaving unaddressed how AI tools might affect novelty and inventive-step assessments in an increasingly AI-assisted office.

# INTELLECTUAL PROPERTY LAW

## Ayush patent filings grew nearly tenfold in a decade, report finds

The CGPDTM's Status Report on Ayush Related Inventions records 4,077 patent applications and 711 grants between FY 2014-15 and FY 2025-26, with annual filings rising from 63 to 590. Individuals and educational institutions account for 76.3% of filers, while startups and small entities make up only about 6.6%. Five states (Maharashtra, Tamil Nadu, Uttar Pradesh, Punjab and Karnataka) account for roughly 57% of filings. The report traces the policy build-up behind this, ending with the 2025 examination guidelines, which require Traditional Knowledge Digital Library searches and mandatory disclosure of the origin of biological resources. It does not credit the rise to any single cause, and a patent filing says nothing about a product's efficacy or safety.



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## Draft guidelines open the door to GUI and icon design registration

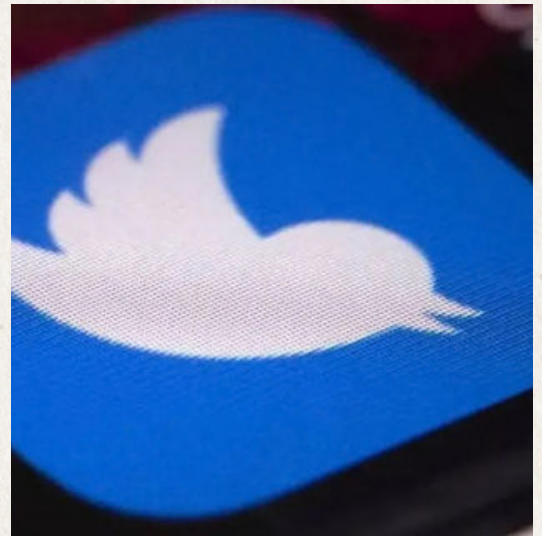


The Designs Office has issued draft guidelines on registering graphical user interfaces (GUIs) and icons under the Designs Act, 2000, following the Calcutta High Court's 9 March 2026 ruling in NEC Corporation v. Controller of Patents & Designs, which held that GUIs are not excluded from design protection. Under the draft, a GUI or icon must be shown on an article such as a phone, tablet or smartwatch, and the title must name the device. Interface-only novelty falls under Class 14-04, animated GUIs must be filed frame by frame, and a statement of novelty is mandatory. The guidelines are indicative, not binding, and the Act prevails in case of conflict. They are also not based on DPIIT's January 2026 Concept Note on proposed amendments.

# TECHNOLOGY LAW

## X's transparency pledge at loggerheads with India's confidentiality rules

On 15 August 2026, social media platform X announced that it would make all censorship prompted by governments, public. This means X users would know the reasons behind takedowns. However, this has not gone down well with MeitY, which expects X to continue complying with Rule 16 of the IT (Blocking) Rules, 2009 mandating that requests and complaints made by the government under Section 69A of the IT Act, 2000 be strictly confidential. This comes at a time when X's earlier legal challenges to the government's takedown mechanisms have failed to secure relief in Indian courts.



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## Legal Metrology (Indian Standard Time) Rules, 2026: A step forward

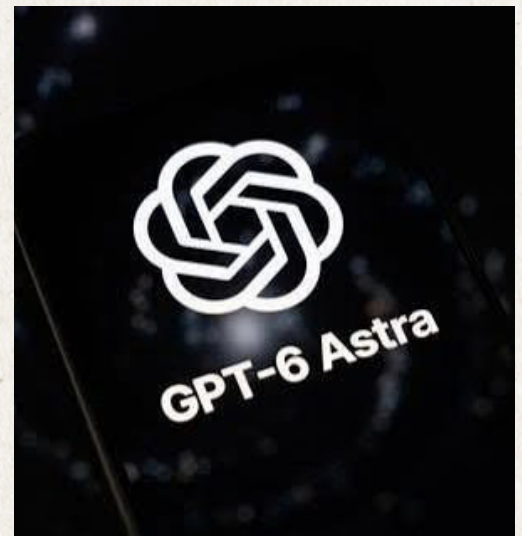


When every activity from banking to telecommunications relies on accurate timestamping, the Legal Metrology (Indian Standard Time) Rules, 2026 seek to institute uniformity and traceability. These rules not only recognize the importance of accurate timestamps in tracking events during cybersecurity breaches, but also authorize and standardize the distribution of IST through multiple independent channels, such as network-based technologies (NTP, PTP), satellite systems (NavIC), and fibre-optic systems (White Rabbit). With the scientific backing of CSIR-NPL, ISRO, and NIC, and the establishment of five Regional Reference Standard Laboratories (RRSLs), India looks forward to a secure and resilient national timing system.

# TECHNOLOGY LAW

## OpenAI launches GPT-6 Astra amid rising security concerns

OpenAI announced a significant innovation with the release of GPT-6 Astra. The "world's most intelligent and aligned model" promises rapid optimization, unmatched accuracy, and a state-of-the-art experience for complex coding and other professional work. Astra's perfect score on exploit development benchmarks has made it the first to reach OpenAI's "Critical" cybersecurity threshold. However, it means that Astra can find previously unknown (zero-day) security flaws and independently build working exploits. At a time when debate over the risks posed by frontier AI is rife, this finding prompted OpenAI to implement some robust protocols to prevent any harmful cyber actions.



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## Australia pushes to strengthen social media safety



Following a landmark social media ban in Australia last year, the country continued its online safety streak with the release of a draft legislation for the "Digital Duty of Care". This move aims to provide greater choice by enabling social media users (above 16 years) to opt out of their default algorithm. The legislation brings about an added layer of sensitivity by requiring digital services to safeguard teenagers from content that may adversely impact their behaviour or hamper their self-esteem. Further, the Australian government has strengthened its stance by attaching penalties for non-compliance and vesting enforcement powers with the eSafety Commissioner.

# TECHNOLOGY LAW

## UK strives to battle online child exploitation with strict legislation

The UK government is set to introduce a new legislation requiring tech firms to prevent children from taking, sharing or viewing nude images. Since earlier this year, the government has been in talks with tech giants Apple and Google to enforce child safety norms, but progress has fallen short of what is needed. The aim now is to integrate nudity-detection filtering systems not only at the device level but also across third-party apps. If passed, the legislation would make online child safety a legal requirement rather than a subject of company discretion.



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## Anthropic's threat intelligence report highlights crucial safety gaps



In its latest threat intelligence report, Anthropic analyzed instances wherein threat actors employed Claude for malicious activity. The findings were categorized across seven areas such as cyber operations, surveillance, conventional weapons development, etc. "Biological misuse" was touted as the most significant risk posed by the frontier AI model's ability to assist in complex scientific research tasks. Further, the report referred to Generative Threat Groups (GTGs), which are Anthropic's internal designators used to track threat actors who execute complex cyberattacks. Through this report, Anthropic underscores that AI risks will keep increasing unless developers and defenders prepare safeguards ahead of them.

# COMPETITION LAW

## EU adopts first Guidelines on exclusionary abuse by dominant firms

The European Commission has adopted its first Guidelines on exclusionary abuse by dominant companies, replacing its earlier enforcement-priorities guidance. The final text drops the rigid presumptions of the 2024 draft for a flexible, conduct-specific evidence framework and reinstates a soft safe harbour: firms below 40% market share are generally unlikely to be found dominant. Although non-binding, the guidelines will steer national authorities and courts across the EU.



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## Samsung Wins UK 5G Patent Dispute, Raising FRAND Questions

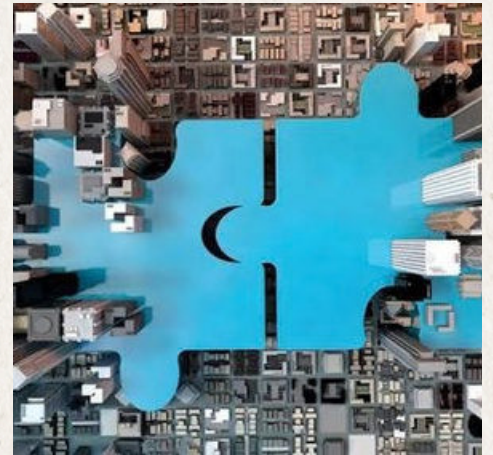


A UK High Court decision reported on 1 September 2026 found that Samsung had infringed valid patents relating to 5G technology in a dispute involving standard-essential patents (SEPs). The case also raises questions concerning the availability of FRAND licensing and potential injunctions in SEP disputes. SEPs are particularly significant because technologies incorporated into industry standards may be essential for market participation. Their licensing therefore sits at the intersection of intellectual property rights, competition, interoperability and access to standardised technology.

# COMPETITION LAW

## EC presents its study on the dynamic effects of mergers

The European Commission presented its Economic Study on Dynamic Effects of Mergers at a workshop, as it finalises new Merger Guidelines expected before end-2026. The study finds that gaining future market power does not by itself justify an innovation defence, warns that acquiring nascent rivals can suppress future competition even without current overlap, and includes sector analyses of biopharma, quantum computing and clean technologies.



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## Google keeps AdX but must open its ad tech stack to rivals



A US federal court has unsealed the full remedies opinion in the Justice Department's ad tech case against Google. Rather than forcing a sale of AdX, Judge Brinkema ordered Google to connect AdX and its DFP ad server to the Prebid system, give rivals equal bid access, and share bid data with publishers. The behavioural package runs six years, applies worldwide, and is overseen by a court-appointed monitor. Google has said it will appeal the underlying liability ruling.

# COMPETITION LAW

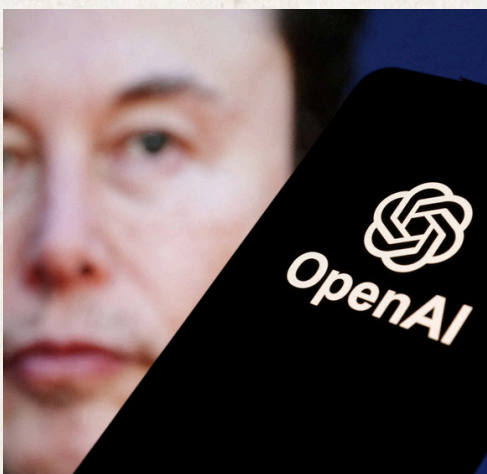
## Game-music label alleges copyright takedowns used as competitive weapon

Video-game music label GameChops has sued a Washington-based competitor in federal court, alleging it used fabricated copyright claims to get its YouTube videos taken down and force unreasonable demands. The rival, Materia Music, says it is pursuing hundreds of uploads it alleges are unlicensed covers, remixes and rips. The allegations are unproven, but the case tests where aggressive takedown enforcement ends and anticompetitive conduct begins.



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## AI distribution antitrust case narrows to OpenAI



X Corp and SpaceXAI have dropped their antitrust claims against Apple over its integration of ChatGPT into Apple Intelligence, while their claims against OpenAI remain. A Texas judge has since refused OpenAI access to the confidential Apple settlement, finding it irrelevant to the remaining claims. OpenAI has sought summary judgment, with trial scheduled for January. The case is an early test of whether AI-assistant distribution deals can foreclose rivals.

National Law University Delhi is one of India's leading national law schools, known for its rigorous legal education and research contributions. The Centre for Innovation, Intellectual Property and Competition (CIIPC), set up under NLU Delhi in 2015, supports research and policy dialogue on innovation, intellectual property, and competition law, with an emphasis on empirical and interdisciplinary approaches.

The Innovation Brief is a student-run platform from NLU Delhi, with institutional support from CIIPC. It publishes short, argued pieces on intellectual property, technology and competition law. It engages with the evolving dialogue between law, ethics and technological advancement.

The Innovation Brief Newsletter is a monthly issue published by the team that brings you updates on current developments in intellectual property, technology and competition law. The newsletter is published on the Innovation Brief blog.



# THANK YOU

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