Monthly Newsletter Volume 02 Thursday | November 05, 2026

THE INNOVATION BRIEF



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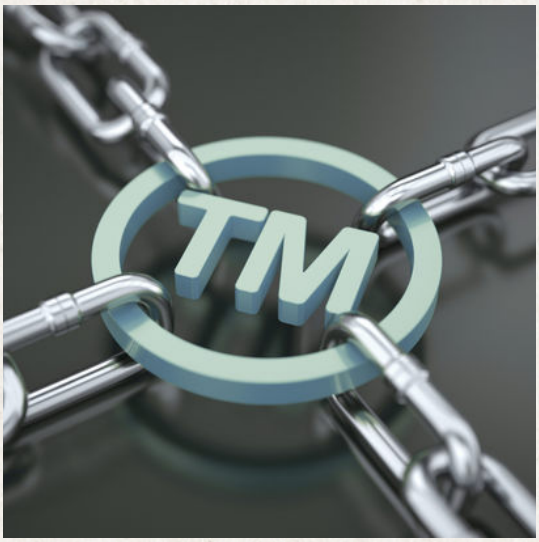
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INTELLECTUAL PROPERTY LAW

Draft Guidelines on AI Misuse and Trade Mark Squatting

On 13 October 2026, in Stryten Energy LLC v. Nidhi Agarwal & Ors., the Delhi High Court held that comprehensive guidelines were needed on AI misuse and trade mark squatting. It directed the CGPDTM to invite public comments and then propose guidelines. IP India issued a public notice dated 16 October seeking suggestions and posted draft AI guidelines for the Trade Marks Registry. The draft would require parties to declare AI use in filings and to verify AI-sourced case citations against non-AI sources. The case arose from AI-generated pleadings that cited fake case law before the Registrar. This makes it one of India's first concrete responses to AI hallucinations in IP proceedings.



Revised Pharmaceutical Patent Examination Guidelines

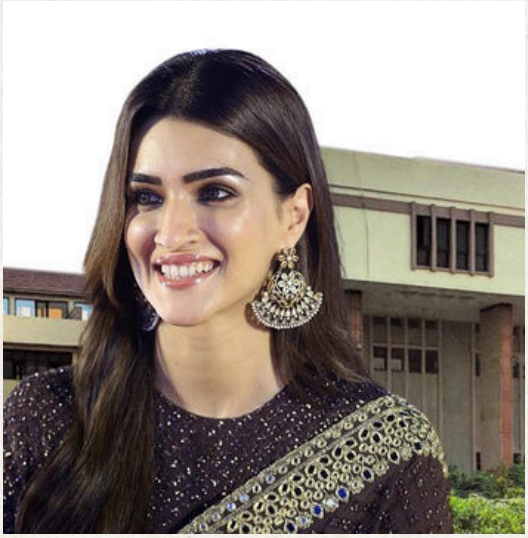


The CGPDTM's draft Guidelines for Examination of Patent Applications in the Field of Pharmaceuticals (2026) remained among the most debated IP policy documents through October. Released alongside draft biotechnology guidelines, the draft would replace the 2014 guidelines and build a decade of court decisions into examination. It covers Section 3(d) and evergreening, Markush and product-by-process claims, polymorphs and salts, and the Section 3(i) method-of-treatment exclusion, with an annexure of worked examples. The guidelines matter to generic and innovator companies alike because examination practice shapes grant rates and claim scope, and so how long market exclusivity lasts in India.

INTELLECTUAL PROPERTY LAW

Kriti Sanon's Personality Rights Suit

Actor Kriti Sanon approached the Delhi High Court in Kriti Sanon v. BBE Marketing Inc & Ors. to protect her name, image, voice and likeness against unauthorised use, including AI-generated content and digital impersonation. Instead of granting a routine injunction, Justice Purushaindra Kumar Kaurav asked her counsel to compile judgments and research on the scope of personality rights and on whether such suits belong in the IP Division, and listed the matter for 29 October. The court has granted many similar protections to celebrities, so the order signals that it wants to settle the doctrinal limits of the right before continuing to expand it case by case.



WIPO Wallet Goes Live and the USPTO Makes Madrid e-Filing the Default

On 5 October 2026, WIPO replaced its current-account system with WIPO Wallet, a single payment account for services such as the PCT and Madrid systems. A few days earlier, on 1 October, the USPTO made WIPO's Madrid e-filing tool the default for international trademark applications filed from the US. Together, the changes push filings and fee payments onto WIPO's digital platforms, which should reduce paperwork and errors for applicants protecting brands in several countries.

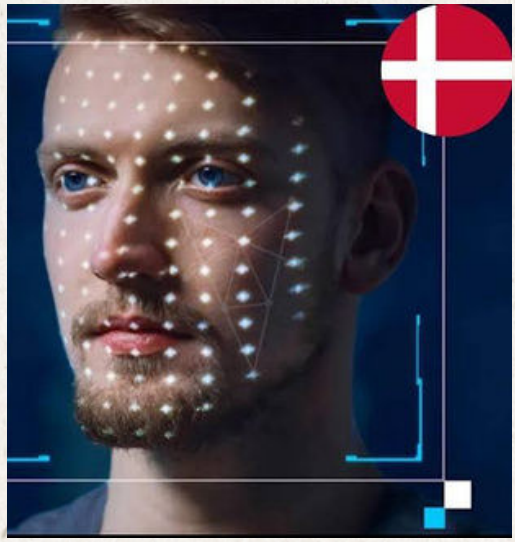
INTELLECTUAL PROPERTY LAW

UK Government Response on Standard Essential Patents

The UK IPO has published the government's response to its 2025 SEP consultation, choosing a targeted, largely guidance-led package over sweeping reform. It dropped the proposed Rate Determination Track for setting FRAND rates and decided against changing the rules on injunctions. Instead it will introduce voluntary disclosure of standard-related patents to the IPO, prepare FRAND licensing guidelines and explore court-anchored early neutral evaluation. A call for evidence on a possible IPO-led FRAND opinion service runs from 20 October to 15 December 2026. The outcome reflects pushback from both patent holders and implementers against heavier intervention.



Denmark Tables Bill L 49 on Deepfakes and Digital Replicas

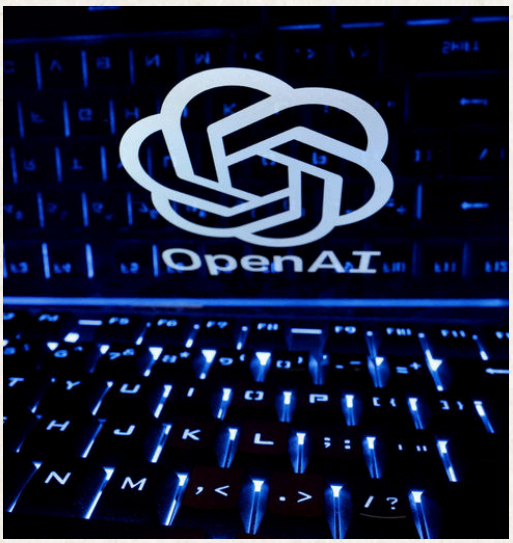


Denmark's Minister of Culture has introduced Bill L 49, which would amend the Copyright Act to make it unlawful to share a realistic digital imitation of a person's appearance, voice or movements without consent. It creates a general protection for all natural persons and a special one for performing artists against digital replicas, with parody and satire excepted. Whoever publishes the content bears the burden of proving consent, and the target date for entry into force is 1 January 2027. These are personality-style rights placed inside copyright law, and if passed, Denmark would be among the first European countries to treat deepfakes this way.

INTELLECTUAL PROPERTY LAW

USA Today Sues OpenAI over AI Training

USA TODAY Co. and its affiliated newspapers have sued OpenAI in the Southern District of New York, alleging that hundreds of thousands of their articles were used without permission to train its models. They seek over USD 250 million. Beyond direct and vicarious infringement, the complaint alleges stripping of copyright management information, a separate DMCA claim, and asks to be treated as related to the consolidated OpenAI litigation already pending there. The suit joins claims by publishers including The New York Times and nearly 400 local newspapers, and keeps AI training and fair use before the US courts.



Giorgia Meloni Files a Sound Mark for Her Voice



Italian Prime Minister Giorgia Meloni has filed an EU trade mark application at the EUIPO for a four-second recording of herself saying “Io sono Giorgia Meloni”, in response to AI deepfakes ahead of Italy’s next election. She is reported to be the first major politician to seek trademark protection for her voice. Registration alone would not stop deepfakes, but it would give her an additional legal tool against unauthorised use. Around the same time, a Japanese court recognised legal protection for the human voice for the first time, in a case brought by a voice actor against an AI clone of his voice on TikTok.

MeitY issues the DPDP (Removal of Difficulties) Order, 2026

On 5 October, India's IT ministry issued the Digital Personal Data Protection (Removal of Difficulties) Order, 2026, making two word-level corrections to the DPDP Act. Section 9(1) now clearly requires verifiable consent before processing the data of a child, or of a person with a disability who has a lawful guardian, and the audit duty of Significant Data Fiduciaries in Section 10 is now expressly a data audit. The government describes the changes as textual and editorial, creating no new compliance regime.



UK CMA proposes strategic market status for Microsoft's business software



The UK's Competition and Markets Authority has proposed designating Microsoft with strategic market status in its business software ecosystem, the first time the regime has been turned on software companies buy for themselves. The CMA sees a strong position in PC operating systems, productivity suites, security software, server operating systems and relational databases. It also published a roadmap covering Copilot AI choice, security bundling and cloud licensing. Comments close on 13 November, with a final decision due by 13 February 2027.

India Mobile Congress puts 6G and patents in focus



India Mobile Congress 2026, inaugurated by Prime Minister Narendra Modi on 8 October in New Delhi, put 6G and AI-native networks at centre stage. The government has set a target for India to contribute 10 per cent of global 6G patents, with the Bharat 6G Alliance working on technology, spectrum, use cases and intellectual property. With standardisation work approaching, India is trying to move from technology adopter to standards contributor.

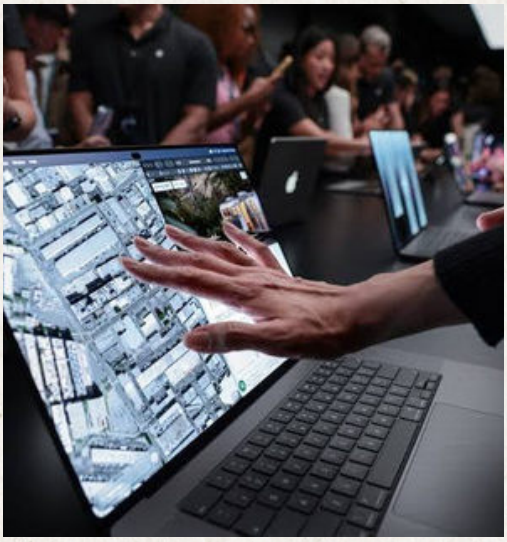
US orders DeepSeek out of federal civilian systems



The US Department of Homeland Security has ordered federal civilian agencies to stop purchasing DeepSeek products and remove them from government IT systems over national security concerns. The order also covers third-party products built using DeepSeek technology, though agencies can request exceptions. Originally issued on 24 July and made public in October, it excludes the Department of Defense. Vendors selling AI features to agencies now need to document which models power their products.

Apple launches its first touchscreen MacBook Pro

It is Apple's biggest Mac hardware change in years, pairing a new display type with on-device AI gains. The OLED models carry a notable price increase. Apple has announced a high-end MacBook Pro with a touch-capable PROLED XDR display, priced from $2,899 for the 14-inch and $3,399 for the 16-inch. A day earlier it refreshed the 14-inch MacBook Pro with the M6 chip, which Apple says delivers up to 25 percent faster AI workloads than M5. The new Macs and an OLED iPad mini reach stores on 6 November.



Microsoft exits UK AI data-centre project over power



Microsoft has withdrawn from Nscale's planned AI data centre at Loughton, Essex, the UK's largest AI data centre project, over concerns about electricity supplies. Power is now not expected until the 2030s, against an original plan of the end of this year. Nscale says it remains committed and is exploring alternative power sources. The episode shows grid capacity is increasingly a constraint on AI infrastructure.

CCI still inquorate as member appointments remain pending

The Competition Commission of India still does not have the three-member quorum, as required by Section 22(3) of the Competition Act. There is only Chairperson Ravneet Kaur and Member Sweta Kakkad in place after one resignation and one retirement, and applications for these two vacancies closed on 28 September. CCI has continued issuing merger approvals this month, and an earlier High Court decision held that vacancies did not invalidate adjudication. However, the lack of quorum remains a potential problem for enforcement capacity.



EU set to designate AWS and Azure as DMA gatekeepers for cloud



The European Commission is finalising a decision to name Amazon Web Services and Microsoft Azure as gatekeepers under the Digital Markets Act for cloud computing. The decision is expected in November, although this may change. It would be the first time the DMA applies to cloud infrastructure, after the preliminary view issued by the Commission in June that both qualify as gatekeepers despite missing the quantitative thresholds. This would give both firms six months to comply, with breaches resulting in fines of up to 10% of global turnover.

CCI considers PVR INOX's VPF commitment offer as producers oppose

The CCI's public comment window on PVR INOX's commitment proposal in its virtual print fee (VPF) case closed on 1 October, and film producers have refused to accept the offer as any form of compromise. In accordance with Section 48B, PVR INOX will cease charging VPF and all upfront payments within 120 days of acceptance. This will let producers choose between a per-show exhibition service charge and a revenue share cut by up to 7.5%. The Commission's ruling on this would be among the first under the commitment regime.



EU closes Sanofi flu vaccine disparagement probe with binding commitments



The European Commission has accepted legally binding commitments from Sanofi, announced on 14 October, closing an Article 102 probe into alleged disparagement of CSL Seqirus's rival flu vaccine Fluad in Germany and France, without a fine. The Commission had preliminarily found Sanofi dominant in enhanced flu vaccines and was concerned its promotion of Efluelda undermined national recommendations treating the two as equivalent. Sanofi must stop such statements until March 2030 and publish corrective notices, showing disparagement can raise abuse-of-dominance concerns.

FTC settles Robinson-Patman case against Southern Glazer's



On 2 October, the FTC filed a proposed consent decree settling its Robinson-Patman Act (US price-discrimination law) case against Southern Glazer's Wine and Spirits, the largest US wine and spirits distributor. The FTC alleged it charged independent retailers more than nearby chains for identical products without cost justification. The order covers sales to the five largest chains in 26 states and requires a six-year independent monitor, without any admission of wrongdoing, and is described as the FTC's first Robinson-Patman case in a generation.

South Korea fines Google and Apple over forced in-app payments



South Korea's media regulator fined Google 42.9 billion won and Apple 20.8 billion won (about $47.6 million combined) on 28 October, in the first enforcement of its 2021 law banning forced use of in-app payment systems. It found both effectively compelled developers to use their own systems, with a 26% commission on third-party payments, and that Apple charged domestic and foreign developers different commission rates. Both must revise payment and app-review practices, and Apple says it disagrees with the decision.

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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.

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