APAA 2026, in Hong Kong
Trademark Committee
Group Report - India

A. Developments

- **No amendments to the Trade Marks Act, 1999**

No amendments have been made to the statutory provisions of the Trade Marks Act, 1999. The Indian Trade Marks Act, 1999 was last amended by the Jan Vishwas (Amendment of Provisions) Act, 2023 (Act No. 18 of 2023), with provisions relating to the Trade Marks Act coming into force on August 1, 2024.

- **Increase in protection of non-traditional trademarks**

Non-traditional marks have received renewed attention in the Indian trademark practice. In November 2025, IP India reported approval of Sumitomo Rubber Industries' application concerning a floral fragrance reminiscent of roses applied to tyres. The development illustrates the growing practical consideration of olfactory marks. The development is significant as it demonstrates the practical availability of trademark protection for non-visual signs and represents an important development in the evolution of Indian trademark practice.

- **Special Disposal Drive for Opposition Matters**

On 31 August 2026, the Trade Marks Registry introduced a Special Disposal Drive[1] for pending opposition matters, encouraging disposal of matters through settlement or withdrawal. The initiative forms part of the Registry's continuing efforts to reduce the backlog of pending opposition proceedings.

- **Combined examination reports and technology-assisted examination**

The Trade Marks Registry has increasingly adopted a consolidated approach to examination[2], with formality and substantive objections being communicated in a

[1] News Details, Intellectual Property India Website https://ipindia.gov.in/dynamic/news-details/127
[2] Annual Reports, Intellectual Property India ipindia.gov.in/annual-report

single examination report in appropriate cases, thereby enabling applicants to submit one comprehensive response. The Registry has pursued procedural streamlining and technology-assisted examination, including AI/ML-based trademark search capable of supporting phonetic and semantic similarity assessment to improve the speed, consistency and efficiency of examination and reduce manual workload.

- **JANSUNVAI & Feedback Mechanism**

The IP Office has a robust grievance redressal mechanism, which has been further strengthened to ensure prompt, fair, and transparent resolution of complaints and stakeholder concerns. A Daily Open House Conference (Jan Sunwai) has been introduced to facilitate direct interaction between stakeholders and senior officers for timely resolution of issues. In addition, an Open House IT Helpdesk has been established as a single-window platform to address queries and grievances across all key areas of intellectual property. The mechanism has achieved an impressive disposal rate of over 95%, reflecting the Office's commitment to efficient and responsive service delivery[3].

- **WIPO–CGPDTM Mediation Programme for Trademark Oppositions**

The CGPTDM in collaboration with the World Intellectual Property Organization (WIPO) Arbitration and Mediation Centre in April 2026 launched *Bauddhik Samadhan Setu*[4], a pilot mediation programme for resolving pending trademark opposition disputes in India. Participation is voluntary and requires the mutual consent of both parties. The programme provides for online mediation and aims to facilitate amicable, time-bound and cost-effective resolution of disputes, offering an alternative to continued opposition proceedings. Its vision centers on fostering a pro-innovation ecosystem where disputes are settled through amicable negotiation preserving business relationships and reducing the burden on the judiciary while ensuring that IP rights continue to stimulate economic growth and creativity.

- **Relocation of the Well-Known Trademarks office**

[3] https://ipindia.gov.in/storage/uploads/docs-operator/7a8f0ca4-5a8e-416e-b8d4-5647ec352bb9.pdf
[4] Annual Reports, Intellectual Property India; https://ipindia.gov.in/boudhik-sampada

The CGPDTM in February 2026, notified the relocation of the Well-Known Trade Marks office from Mumbai to New Delhi. The relocation centralises the administration of well-known trademark matters in New Delhi.

- **Stamp duty guidance**

The Office of the Controller General of Patents, Designs & Trade Marks (CGPDTM) has made available state-wise indicative information concerning stamp duty [5] applicable to powers of attorney. This is relevant to trademark practice because authorisations filed before the Trade Marks Registry may be subject to state-specific stamp duty requirements. The publication of consolidated guidance is intended to improve transparency and reduce procedural objections arising from insufficient or incorrect stamping.

- **Mandatory e-KYC for IP attorneys**

In July 2026, the CGPDTM introduced mandatory electronic KYC[6] for intellectual property attorneys, including registered Patent Agents and Trademark Agents accessing the IP India online filing systems. The measure aims to strengthen identity verification, authentication and regulatory compliance for users of the Intellectual Property Office's online systems. Technical assistance and open-house sessions were also provided to facilitate compliance.

• Digital Modernisation

The Office has undertaken several IT-driven initiatives aimed at enhancing stakeholder convenience, improving transparency, and increasing operational efficiency. Key initiatives include cloud migration, the introduction of AI/ML-based search facilities, dynamic hearing boards, automated daily reminders and notifications, API integration, and other technology-enabled measures that have significantly modernized office functioning. The portal now provides consolidated links to filing services, application status, public search, electronic records, official notices, statistical dashboards and trademark utilities, including application queues and renewal information.

[5] Stamp duty for POA, Intellectual Property India Website, https://ipindia.gov.in/stamp-duty-for-POA
[6] News and Updates, Intellectual Property Website https://ipindia.gov.in/storage/uploads/others/nzLLm6EODUrk0D5JdHLpSqjEC4vzWxQIAcSjcEiS.pdf

- **New public trademark search portal**

  In July 2026, the existing public search platform for trademarks was decommissioned and trademark search operations were migrated to an upgraded search portal. The new system introduces an updated interface, OTP-based authentication and enhanced search functionality. The Registry's continued integration of AI/ML-based search capabilities is intended to improve the identification of phonetic, semantic and other similarities and to support more efficient examination and pre-filing searches.

- **Draft Trade Marks Manual**

  The Trade Marks Registry in August 2026 published a Draft Manual of Trade Marks Practice and Procedure[7] inviting comments and suggestions on the Revised Draft Manual. The initiative is intended to consolidate and update practice and procedural guidance followed by the Trade Marks Office. The proposed guidance covers, among other matters, examination practice and non-traditional marks, including sound marks. The revised Manual is expected to provide greater consistency and predictability in examination and prosecution practice.

- **Draft Trade Marks (Amendment) Rules, 2025**

  The Department for Promotion of Industry and Internal Trade ("DPIIT") in October 2025, published the Draft Trade Marks (Amendment) Rules, 2025, proposing amendments to the Trade Marks Rules, 2017 relating to the professional conduct and disciplinary oversight of Trade Marks agents and attorneys. The proposed amendments include the introduction of a Code of Conduct and a mechanism for dealing with complaints of professional misconduct. The draft was issued for stakeholder comments and suggestions. As of the reporting period, the proposed amendments had not been notified as final Rules.

B. Statistics

1. The number of new applications

[7] News and Updates, Intellectual Property Website, https://ipindia.gov.in/storage/uploads/others/ZAyEj620WLCcGtFi4vdUIxKpI4vVJvUnbPwGcZOQ.pdf

Year	No. of new applications	Increase/Decrease
2022	4,66,580	4.1% increase from the previous year
2023	4,76,089	2.03% increase from the previous year
2024	5,52,190	15.98% increase from the previous year
2025	*Annual IP Report for FY 2025-26 not yet published.*	

Comments and /or additional statistics:

- The above figures have been reported in the annual reports of Intellectual Property (IP) India[8] published for each financial year.
- 16% hike in trademark applications from previous year[9].

2. Average timeframe from filing up to registration

Year	Average timeframe from filing up to registration (months)
2024	More than 2 years*
2025	Approximately 18 months*

Comments and /or additional statistics:

- *No year-wise national data is available.
- The timeframes provided are approximate estimates and the same is not guaranteed due to backlog at the Trademark Registry. Approximate timeframes for specific cases can be obtained from the TLA Queue List.

C. CASES

1. **Black Diamond Motors Pvt. Ltd. v. Registrar of Trade Marks, Mumbai & Anr.|** Comm. Misc. Petition No. 23 of 2026 | Bombay High Court | 17 June 2026

[8] Annual Reports, Intellectual Property India; Department for Promotion of Industry and Internal Trade https://ipindia.gov.in/storage/uploads/docs-operator/7a8f0ca4-5a8e-416e-b8d4-5647ec352bb9.pdf
[9] Annual Reports, Intellectual Property India; Department for Promotion of Industry and Internal Trade https://ipindia.gov.in/storage/uploads/docs-operator/7a8f0ca4-5a8e-416e-b8d4-5647ec352bb9.pdf

The Bombay High Court considered whether the period prescribed under Rule 45 of the Trade Marks Rules, 2017 for filing evidence in rectification proceedings is mandatory or directory. The Court held that the period is directory and that the Registrar may, in appropriate circumstances, exercise the power under Section 131 of the Trade Marks Act, 1999 to extend the time for filing evidence. The decision is significant because it addresses the interaction between Rule 45, Rule 109 and Section 131 and the consequences of delayed filing of evidence in trademark rectification proceedings.

Facts

The Appellant, Black Diamond Motors Pvt. Ltd., was the registered proprietor of the trademark “BLACK DIAMOND MOTORS” in Class 12. Rectification proceedings were initiated by Black Diamond Track Parts Pvt. Ltd. seeking removal of the registration. In the course of those proceedings, the Registrar permitted the Rectification Applicant to file an affidavit of evidence under Rule 45 despite a delay of more than three years, invoking Section 131 of the Act. The Appellant challenged the Registrar’s order, contending that the two-month period under Rule 45 was mandatory and that the Registrar had no jurisdiction to permit evidence after expiry of the prescribed period.

Decision

The Bombay High Court held that the deadline under Rule 45 is directory and not mandatory. The Court held that Section 131 empowers the Registrar to extend prescribed periods where sufficient cause is shown and that expiry of the original deadline does not, by itself, prevent an extension application from being entertained. The Court also considered Rule 109 and held that its limitation on the period of extension does not preclude an application for extension from being entertained after the original deadline has expired. The Court further clarified that failure to meet the prescribed evidence deadline does not automatically extinguish the underlying rectification proceedings, noting the Registrar’s power under Rule 48 to permit further evidence where appropriate, subject to conditions including costs. Accordingly, the Court declined to interfere with the Registrar’s order. The decision clarifies the interaction between Rules 45, 48 and 109 and Section 131 and provides guidance on the Registrar’s discretion to permit delayed evidence in rectification proceedings. The judgment is under challenge before the Supreme Court, which issued notice on 24

August 2026 and stayed the underlying rectification proceedings pending further proceedings.

2. **Hindware Ltd. v. Grohe India Pvt. Ltd. & Ors.|** CS(COMM) 591/2017 and **Hindware Ltd. v. Omkara Infoweb Pvt Ltd & Ors.|** CS(COMM) 592/2017 | Delhi High Court | 22 May 2026

   The Delhi High Court considered whether the use of a registered trademark as a keyword in Google's paid advertising programme amounts to trademark infringement and whether Google could claim intermediary protection under Section 79 of the Information Technology Act, 2000. The decision is significant in the context of competitor keyword advertising, online search platforms and the liability of digital advertising service providers.

   Facts

   Hindware Ltd., which has used the "HINDWARE" trademark for sanitaryware and bathroom products since 1991, instituted two suits after discovering that competing businesses were using its trademark as a keyword through Google's AdWords programme. In 2013, Hindware discovered that CERA Sanitaryware Ltd., with the assistance of Omkara Infoweb Pvt. Ltd., had purchased "HINDWARE" and related terms as keywords, causing CERA's website to appear prominently in search results for HINDWARE. In 2014, Hindware discovered that Grohe India Pvt. Ltd. had similarly purchased "HINDWARE" and related keyword combinations, resulting in Grohe's website appearing in sponsored results for searches such as "HINDWARE SANITARY" and "HINDWARE SANITARYWARE." Hindware alleged trademark infringement, passing off, dilution and unfair competition, and sought injunctive relief and other remedies. During the proceedings, the disputes with Grohe, CERA and Omkara Infoweb were settled, leaving Google India and Google LLC as the principal contesting defendants.

   Decision

   The Single Judge of the Delhi High Court held that Google's sale and use of "HINDWARE" and related terms as paid advertising keywords amounted to trademark infringement under Section 29(8) of the Trade Marks Act, 1999. The Court rejected Google's defence under Section 79 of the Information Technology Act, 2000, finding that Google's role in suggesting keywords, facilitating advertising auctions and

monetising trademarks went beyond that of a passive intermediary. The Court permanently restrained Google India and Google LLC from using "HINDWARE" and specified combinations as advertising keywords and directed them to jointly and severally pay nominal damages of ₹30 lakh, along with actual litigation costs. The judgment is significant for recognising that the use of a trademark as a keyword may infringe trademark rights even where the mark does not appear in the resulting advertisement. Google has challenged the decision before the Division Bench of the Delhi High Court, and the appeal remained pending as of the latest available update, with the matter listed for 30 November 2026.

3. **Toyota Jidosha Kabushiki Kaisha v. Tech Square Engineering Pvt. Ltd. & Anr. |** LPA 176/2023 | Delhi High Court | 4 May 2026

The Division Bench of the Delhi High Court considered whether Toyota's "ALPHARD" trademark had acquired sufficient trans-border reputation and goodwill in India to invalidate registrations obtained by another party, despite the absence of a formal commercial launch of the vehicle in India. The decision is significant for the law relating to well-known trademarks and trans-border reputation, particularly in the context of high-value and specialised products.

Facts

Toyota Jidosha Kabushiki Kaisha claimed to have adopted the "ALPHARD" mark in 1986 and used it commercially for luxury multi-purpose vehicles worldwide since 2002. Although the vehicle had not been formally launched in India, Toyota relied on evidence of independent imports into India, online listings, automobile publications and media reports to establish recognition of the mark among Indian consumers. Tech Square Engineering Pvt. Ltd. had obtained registrations for the identical mark in Classes 9, 12 and 27, based on applications filed on a proposed-to-be-used basis in 2015. Toyota initiated rectification proceedings under Section 57 of the Trade Marks Act, 1999, alleging prior adoption, trans-border reputation and dishonest adoption. The Single Judge dismissed the petitions in 2023, holding that Toyota had not established sufficient reputation or use in India before the respondent's adoption and registration of the mark. Toyota appealed against that decision.

Decision

The Division Bench allowed Toyota's appeals and held that the evidence established trans-border reputation and goodwill in India before the respondent's applications. The Court emphasised that reputation must be assessed in the context of the relevant consumer segment and the nature of the goods; for high-value luxury automobiles, recognition among a specialised group of consumers may suffice, and mass-market penetration is not required. The Court also held that the absence of a formal commercial launch in India by itself does not, preclude protection where independent imports and other evidence establish recognition and goodwill in the Indian market. The Court held that the "ALPHARD" mark qualified as a well-known trademark and directed removal of the respondent's registrations in Classes 9, 12 and 27. The decision provides important guidance on trans-border reputation, territoriality and the evidentiary threshold for protecting internationally reputed marks in India