Letter from India

All of us in Delhi have been enjoying an unusually mild summer - April temperatures were at a 40 year low. The weatherman attributes this to 'Western Disturbances'. Alas, pleasant breeze is not all that winds from the West have carried - deepening economic woes seem to have accompanied the beatific weather.

The Rupee has sunk to an all time low against the US dollar, industrial output data is disappointing, there's been a Standard & Poor's downgrade and many say the magic is gone from the Indian market. Quite a bit of the blame has been parked at the doors of the political establishment for ruining the business environment. The Vodafone-Hutchison deal is a case in point. While the Supreme Court ruled that the tax department has no jurisdiction to levy tax on an overseas transaction between companies incorporated outside India, the government sought to neutralize the verdict by amending the tax statute with retrospective effect. Sops and freebies remain in place and populism has forced rollbacks on measures taken by the exchequer to raise money, one of them being an increase in passenger rail fares for the first time in 8 years.

Speaking of populism, the patent office was the source of much dismay recently to all pharma companies which invest heavily in R&D. Accepting all of Natco Pharma's (an Indian generic drug manufacturer) arguments - unaffordability, unmet public requirements and non-working of patent in India - the Controller General awarded it India's first compulsory license in respect of Bayer's patented anti-cancer drug Nexavar.

At a Glance

But surely it can't all be gloom and doom? Indian cinema is always a good starting point if one is looking for a feel good factor. A recent film boasted state-of-the-art special effects generated solely in Indian studios. In fact, in terms of technological savviness, Indians are far ahead of most Asian counterparts. Facebook's third largest userbase is in India. Amazon recently entered the Indian market - it wouldn't make sense not to - the internet retail industry is growing at close to 50% a year. We're aiming for the stars, literally. Last month, India launched its first radar imaging satellite capable of providing crystal clear pictures in all weather conditions. And in the end, as all IP creators and owners know only too well, what are we without our dreams.

Firm Buzz

‣Mamiko Nakashima, a patent specialist from Japan joined the Remfry team this May. Her extensive experience of both Japanese and Indian markets is bound to generate new synergies at the firm which have us all excited.

‣Earlier in the year, Managing Intellectual Property magazine organized its first ever India IP & Innovation Forum in New Delhi. Partners Ritushka Negi and Pankaj Soni hosted a panel discussion on 'Patent Prosecution Tips'. Aravind Chinchure, AVP - Innovations, Reliance Industries, Rahul Vartak, Associate Director-IP at Nycomed and Anindya Sircar, AVP and head of IP Cell, Infosys were co-panelists.

‣Year ends and beginnings also coincide with industry award roll-outs. For the year gone by, we were picked by Intellectual Property magazine as the *'IP Law Firm of the Year in an Emerging Market'*. Managing Intellectual Property magazine adjudged us *'IP Firm of the Year - Prosecution (India)'*, India Business Law Journal proclaimed the firm a winner in the category of *'Intellectual Property (India)'* and Asia IP awarded us top prize in the *'Trademarks (India)'* category. We are truly honoured.

TRADE MARKS

'Ancillary' infringement

A dispute first arose between Hawkins Cookers Ltd. and Murugan Enterprises in 2008 when the latter began using the registered trade mark 'Hawkins' in connection with its pressure cooker gaskets. Murugan's gaskets were manufactured and sold under the trade mark 'Mayur', however, its packaging carried the expression: "Suitable for Hawkins Pressure Cookers" and the words "Suitable for", "Hawkins" and "Pressure Cookers" were spread over three separate lines. Further, while "Suitable for" and "Pressure Cookers" were printed in black font, the word 'Hawkins' stood out in a red font.

When Hawkins brought this matter before the Delhi High Court by filing a suit for infringement and passing off, the 'limits on effect of trade mark registration' as defined under Section 30 of the Trade Marks Act, 1999 ('the Act') came under scrutiny. In particular, the Court examined 'sub-clause 2(d)' of the said provision under which use of a registered trade mark by a third party does not constitute infringement as long as such use is 'reasonably necessary' to indicate that the third party's goods/services form part of, or are an accessory to, the goods and services in respect of which the trade mark in question is registered; and such trade mark use does not in the course of trade, purposefully or effectively, indicate an incorrect connection between any person and the goods/services involved. The judge was of the opinion that Murugan's use of the expression "Suitable for Hawkins Pressure Cookers" was not actionable as it was 'reasonably necessary' to indicate that its gaskets were meant to be used in 'Hawkins Pressure Cookers'. Moreover, Murugan's use of the trade mark 'Mayur' on the packaging eliminated any possibility of confusion regarding source of origin.

Representing Hawkins, we appealed this order before a two judge bench (Division Bench) in the High Court. The Division Bench was of the view that the single judge had erred in concluding that Murugan's gaskets were specially made for, and would only be used with, Hawkins Pressure Cookers. Per Murugan's own admission, its gaskets were meant for use with various pressure cooker brands. Also, the gaskets were neither designed, nor were capable of being designed to be used in any particular kind of pressure cooker. It was observed that all pressure cookers of a particular dimension have standard lids, the only variation amongst different cookers being that of capacity. As Murugan's goods were capable of being adapted for use with pressure cookers manufactured by several manufacturers, it was not 'reasonably necessary' for Murugan to use the trade mark 'Hawkins'. The Court further observed that 'Hawkins' is a well known brand and by printing the word 'Hawkins' in a distinct red colour, Murugan had lent it an undue prominence, with the apparent intention that 'Hawkins' catch the eye. Thus, the defence against infringement provided by Section 30(2)(d) of the Act was not available to Murugan Enterprises in the instant case. On April 13, 2012, our appeal was allowed and the suit decreed in favour of Hawkins Cookers thereby permanently injuncting Murugan Enterprises from using the mark 'Hawkins' in any manner whatsoever.

Trade Mark Case 'Number 8'

In our previous issue, we had reported the High Court of Delhi's refusal to recognise exclusive trade mark rights over a single numeral and its dismissal of Radico Khaitan Limited's (Radico) application for interim injunction against Carlsberg India Private Limited's (Carlsberg) use of the number 8 for beer. However, to obviate even the slightest chance of confusion with Radico's whisky brand 8PM, Carlsberg was directed *inter alia* to use PALONE and the numeral 8 together, in the same line, size and font; and use font in any colour other than golden. That decision was appealed by both parties before a Division Bench of the High Court and the order passed was challenged further by Radico's special leave petition in the Supreme Court, which was ultimately dismissed.

The Division Bench allowed Carlsberg's appeal and rejected Radico's submissions along with its earlier application for interim injunction. It also vacated the restrictions imposed on Carlsberg *re* use of the numeral 8, observing that the single judge's reason - 'to avoid any bleak chances of misrepresentation' - is no ground to grant a limited injunction. However, the Bench affirmed the finding of the single judge inasmuch as it held that no exclusivity can be claimed in a single numeral. It held that 'trade mark jurisprudence in India has fought shy of according trade mark status to single numerals or letters. While a combination of letters and numbers has often been found worthy of trade mark protection, there is ample material to suggest that the consistent stand taken both by the Trade Mark Registry and the courts is to frown upon attempts to secure trade mark protection for single digits, single colours and single letters in India.'

Carlsberg's use of the numeral '8' was found more arbitrary than descriptive, with no indication towards the nature or quality of its product. In turn, Radico's label was seen to lack uniqueness - the mere manner of writing the numeral 8 or its size was held to be an insufficient ground for granting an injunction in its favour. Use of a black and gold colour combination on Radico's part was also found to be fairly common amongst alcohol product labels. Upon overall comparison, the Bench concluded that no actionable similarity emerged between the labels of the rival parties.

This prompted Radico's further appeal before the Supreme Court. It pleaded that the mode and manner of representation of the numeral '8' was under challenge and not the issue of exclusivity of the numeral '8'. It argued that trade channels for whisky and beer are similar and, therefore, confusion between Radico's and Carlsberg's products is inevitable. On behalf of Carlsberg, we submitted *inter alia* that whisky and beer are different goods, confusion/deception is impossible and exclusive rights can not be claimed over a single numeral. Ultimately, the Court dismissed Radico's petition and directed Carlsberg to maintain and file accounts in respect of products sold under the PALONE 8 label with the trial court. Its refusal to interfere with the Division Bench ruling has for the first time settled the question as to whether or not any exclusivity can be claimed over use of a single numeral.

A feasible domain?

ICICI Bank Limited, a ubiquitous private sector bank in India with an overseas presence, offers services under the trade mark/trade name/style 'ICICI', rights to which can be traced back to 1955. Presently, the bank holds numerous registrations for the said mark in India and abroad including Hong Kong and China. It also possesses registrations of various domain names including icicibank.com (since July 16, 1996), icicibankchina.cn, icicibankchina.org.cn, icicibankchina.net.cn and icicibankchina.com.cn.

On September 21, 2005, one Chuandong Xu, registered the domain 'icicigroup.com'. This led ICICI Bank to file a suit for trade mark infringement and passing off before the High Court of Delhi in December 2008 against Xu and HiChina Web Solutions Limited (the Registrar), both based in China. With defendants in absentia, ICICI led *ex parte* evidence to prove its prior, well-known rights as well as allege bad faith adoption on part of Xu.

Significantly, a UDRP complaint was filed in parallel to recover the domain icicigroup.com. Though viewed as visually and aurally confusingly similar to ICICI's mark, Xu's website was in Chinese and phonetically, 'icicigroup' translates to 'a community of like-minded netizens with common interests', with the letter 'i' denoting 'love'. Per the tribunal it was thus incorrect to say that 'ICICI' was exclusively associated with the bank. Further, Xu's activities were unrelated to banking and despite Xu's demand of USD 800,000 for transferring the domain in the bank's favour, ICICI's case was dismissed.

According no weight to the UDRP decision, the Delhi High Court ruled that Xu's actions constituted infringement and passing off. Xu was permanently injuncted from using the domain icicigroup.com and mandatory injunction issued directing the Registrar to take all steps to transfer the disputed domain to ICICI Bank.

Upon analysis, this decision raises several issues, a primary one being that of jurisdiction. To establish the jurisdiction of the Delhi court in the instant case, ICICI relied on an old judgment to prove that a suit against a foreigner depends upon the local law. And while the Indian Code of Civil Procedure ('the CPC') prescribes that suits may only be filed in the defendant's jurisdiction (where he actually and voluntarily resides or carries on business or personally works for gain) or where the cause of action arises, reliance was placed on Section 134(2) of the trade marks statute which allows infringement suits to be instituted in the plaintiff's jurisdiction as well. Yet the case at hand clubbed two causes of action and precedent dictates that in such composite suits, a court which has territorial jurisdiction to try only one cause of action can not be clothed with jurisdiction to try both causes. It is thus debatable whether the court at Delhi could try a passing off action, where jurisdiction would continue to be determined by the CPC. Certainly, the defendants neither resided nor carried on business at Delhi. Further, whilst the website www.icicigroup.com was accessible in Delhi, it was not proven that viewers in the city were specifically targeted for commercial transactions and that such a transaction had resulted in injury to the bank. Thus, even cause of action could not have been said to have arisen in Delhi.

Examining jurisdiction under the UDRP, it additionally allows domain disputes to be resolved before any court of 'competent' jurisdiction without seeming to dictate any particular jurisdiction for the complainant to file a lawsuit. It appears then that ICICI Bank could have filed the lawsuit in Delhi subject to establishing the court's territorial jurisdiction.

In terms of enforcement, the defendants are unlikely to comply voluntarily with the Indian judgment. UDRP provisions envisage transfer of domain upon receipt of such an order from a court of competent jurisdiction - however, defendant/s may contest competency in the instant case. Serious questions may then arise with regard to enforceability and execution of the decree passed by an Indian Court against defendants in China. Had the decree been passed by a Chinese Court, China being a 'non-reciprocating territory', the CPC would not treat it as one passed by an Indian Court. Further, the CPC renders a foreign judgment inconclusive when it is *inter alia* not passed by a court of competent jurisdiction; not given on merits; founded on an incorrect view of international law or refusal to recognize the law of India, if applicable; contrary to principles of natural justice; or obtained by fraud. It is thus difficult to predict the weight a Chinese court would give to the decision, especially given its *ex parte* nature and *prima facie* uncertainty *vis-à-vis* passing off. Notwithstanding the above, the judgment recognizes 'ICICI' as a well-known mark and at a minimum, shall serve as a precedent in respect of the strength of the said mark/name.

Considering exhaustion anew

In the recent case of *Samsung Electronics Company Limited & Anr. v. Kapil Wadhwa & Ors.*, infringement and passing off actions were filed by Samsung against erstwhile authorized dealers now unauthorizedly distributing and retailing Samsung printers which were not earmarked for the Indian market. These printers were different from those available in India, were being sold at lower prices and per Samsung sold without due adherence to statutory norms such as affixing maximum retail price stickers.

The dealers contended *inter alia* that they were purchasing and selling original, unaltered Samsung printers imported through legitimate channels and that Samsung also imports products from other territories and sells them in India in the exact manner as them; Samsung itself admitted that the imported goods appeared to be genuine and was estopped from challenging subsequent sales by the rule of exhaustion; and Article 6 of the TRIPS convention allows member states to opt for the exhaustion principle pursuant to which India has followed the principle of international exhaustion of rights by introducing the same in its trade mark legislation. Thus, no restriction can be imposed on sale or resale of genuine products and the dealer's actions did not amount to infringement, dilution and passing off under the Trade Marks Act, 1999 ('the Act').

Considering all arguments and precedents cited in support thereof, the court held that under the Act, import/export of goods under a registered trade mark is use thereof and unauthorized import by a person other than a registered proprietor/permitted user amounts to infringement. The statute did not distinguish between the import of genuine and non-genuine articles to determine infringement. In the absence of any legislative exception for genuine imported goods, unauthorized import of goods, whether genuine or counterfeit, involved an equal infringement.

Examining 'limits on the effect of a registered trade mark' under another provision of the Act, in the specific clause exempting resale of 'goods bearing a registered trade mark...lawfully acquired by a person' from infringement, the court noted that 'registered trade mark' clearly meant a domestic registration. A plain and contextual reading of the said provision only contemplated removing resale of those goods from the purview of infringement which were lawfully acquired from the same market (Indian) where the trade mark is registered, rather than from 'any place'. Hence, the law did not follow the concept of international exhaustion.

Samsung was found to have established a *prima facie* case fit for grant of an interim injunction. The court restrained the dealers and their agents from importing, exporting, and dealing in printers and ink cartridges/ toners bearing the trade mark Samsung as well as using the mark Samsung in any manner in respect of promotional activities (including on their website). An appeal has been preferred by the dealers and the same is pending. Being the first to state unequivocally that India follows the principle of national exhaustion of trade mark rights, this judgment has garnered a lot of attention and it remains to be seen whether or not this interpretation will hold.

PATENTS

Compulsory licensing makes a debut

The Patent Office granted India's first compulsory licence this March when it ruled in favour of Natco Pharma, a local generic drug manufacturer, against German pharmaceutical giant Bayer. Natco had sought a compulsory license last year for Bayer's patented anti-cancer drug Nexavar and despite the latter's stiff legal protestations, the Patent Office ultimately upheld all three grounds argued by Natco in support of its application - namely, inadequate supply of the drug, unaffordable pricing and non-working of the patented drug in India.

The order stated that Bayer's supply of Nexavar to merely 2% of the patient population of India did not meet the 'reasonable requirements of the public'. Further, Bayer's pricing of the drug at close to INR 2,80,000 (approximately US$ 5700) for a month's dose was judged to be extremely high, leading the Patent

Office to observe that the 'drug was not bought by the public due to the fact that the price was not reasonably affordable to them'. Significantly, it was also held that mere importation of Bayer's drug into India did not amount to 'working' as envisaged under the Patents Act, 1970. The Patent Office referred to the Paris Convention, the TRIPS Agreement and various provisions in the Indian patent statute to conclude that working cannot mean importation and the phrase 'worked in the territory of India' means 'manufactured to a reasonable extent in India.'

On its part Natco was enjoined *inter alia* to pay Bayer a royalty calculated at 6% of its net sales each quarter *re* the licensed drug, cap the price for its medicine at INR 8,800 (approximately US$ 185) for a month's dose of 120 tablets and distribute its drug free of charge to at least 600 disadvantaged patients each year. All the while Natco must ensure that its drug can be clearly told apart from Bayer's in the marketplace and that production is limited to its own manufacturing facilities. In turn, Bayer, has been permitted to grant licence to third parties.

The Controller's decision is appealable. And despite the Patent Office upholding all three grounds argued by Natco, Bayer has challenged the order before the Intellectual Property Appellate Board (IPAB). An appeal was filed in early May and hearings had commenced at the time of print.

As for the ramifications of this ruling, it is no doubt a game changer. Indian generic companies will be emboldened to take this route more often than ever before. To counter the perceived onslaught by generics, innovator companies will fashion fresh strategies. Finally, the ruling on importations not qualifying as working in India will likely raise serious concerns amongst patent holders. We are of the opinion that it is unlikely that an application for compulsory license on this ground alone will find favour with the decision makers. Perhaps, it is time for this issue to be tested before a court of law so that the rules of the game can be firmed up.

Business methods: a patent refusal

Overture Services Inc.'s (acquired by Yahoo, Inc. in 2009) patent application for a 'system and method for influencing a position on a search result listing generated by a computer network search engine' met various objections upon examination including one on the ground of Section 3(k) of the Patents Act, 1970 ('the Act'). Section 3 bars certain subject matter from patentability with sub clause (k) excluding 'a mathematical or business method or a computer programme *per se* or algorithms'. Claims were amended in response and the application for a 'method of operating a computer network search apparatus for generating a result list' was found in order for grant, subject to disposal of a pre-grant opposition (if any).

A pre-grant opposition was filed by Rediff.com India Ltd. and it was held that Yahoo's invention did not pass the test of novelty and patentability. Yahoo appealed before the Intellectual Property Appellate Board ('IPAB').

In Yahoo's view its invention is a mixture of technical and non-technical features. Its own 'pay for placement' system defined the prior art and is described thus: if a third party enters a term in a search engine, say 'cars', and Toyota comes up first in the results, Honda can open an account with Yahoo, view Toyota's bid and bid a higher price to rise above Toyota in the search listings. Thus, Yahoo's program compares one advertiser's bid amount with another's in real time to determine search result positions with the bid amount being deducted from an advertiser's account when a third party clicks on its advertisement. The invention claimed in the instant case allows retrieval of the bid amount from an advertiser's account by technical means in a manner simplifying the process of reconciliation between click-through and the said account, thus, increasing the efficiency of the computer system. Such a technical contribution over prior art, Yahoo argued, entitled grant of patent.

The IPAB opined that if the claimed subject matter is excluded by Section 3 of the Act, then none of the other objections - anticipation, obviousness etc. - need to be looked into (although it did examine and reverse the Controller's decision on novelty and anticipation).

STOP PRESS!

Within a few days of each other, both Houses of Parliament recently passed the Copyright (Amendment) Bill, 2012, first introduced more than 2 years ago. The Bill significantly modifies existing copyright law, particularly for the music industry. Other new provisions pertain to rights of the disabled to use copyrighted works, technological protection measures, a new safe harbour clause for internet intermediaries and a reorganization of the Copyright Board.

Further, after due heed to UK, US and European laws (including the Symbian and Bilski judgments), it considered the statutory definitions of an 'invention' and 'inventive step' and ruled that under Indian law when a patentee claims a technical advance over existing knowledge as an inventive step that alone does not give it the right to a patent. The technical advance must be analyzed *vis-à-vis* the subject matter of invention, which should not fall within the exclusions of Section 3. Yahoo's 'pay for placement invention' was in reality only a business tool. And the 'inventive step', that is, technical advance claimed over the existing art was simply an improvement in the method of doing business. Since Section 3(k) bars business method patents, Yahoo's invention was held non-patentable and its appeal dismissed.

To bolster its case, Yahoo also highlighted several business method patents held by Google Inc. in India. Declining to go into the specifics of Google's patents, the IPAB merely stated that there should be uniform practice when similar inventions come up for grant.

This may be the IPAB's first ever decision on the interpretation of Section 3(k). Though it marks a step forward in Indian patent jurisprudence, it leaves much room for further debate and argument. For instance, the statutory definition of inventive step does not necessarily require a 'technical advance' and may even be a non-obvious feature which simply bears 'economic significance'. Keeping in mind the competitive forces which drive businesses, a revisit of the issues discussed in the instant case may be expected sooner rather than later.

Borders in patent protection

The case of *Kingtech Electronics (India) Pvt. Ltd v. Union of India and Ors* was one where the Delhi High Court found opportunity to strengthen recent precedent and hold that Customs cannot restrict the clearance of consignments pertaining to the infringement of patents, designs and/or geographical indications unless the offences are established by judicial pronouncements.

The dispute stemmed from M/S Telefonaktiebolagat LM Ericsson filing an objection with the Deputy Commissioner of Customs against the importation of mobile phones by Kingtech as they violated Ericsson's registered IP rights. Rule 7(1)(a) of the Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007, allows the Deputy/Assistant Commissioner of Customs to suspend clearance of goods on the basis of such notice if he/she has a reasonable belief that the imported goods are suspected to be goods infringing intellectual property rights. Persuaded by Ericsson's submission, the Customs department restricted clearance of Kingtech's consignments.

Kingtech challenged the Custom's order before the Delhi High Court on the ground that it breached a government notification ('the Notification') (specifically, Clause 4 of Notification No. 305/96/2004-FTT vide Circular No.41/2007-Customs dated 29.10.2007) which *inter alia* states that while it is not difficult for Customs officers to determine copyright and trade mark infringements at the border based on available inputs, it may not be so in the case of patent, design and geographical indication violations, unless the offences have already been established by a judicial pronouncement in India and Customs is called upon to merely implement such order. Agreeing with Kingtech, and relying on its earlier judgment in *LG Electronics India Pvt. Ltd v. Bharat Bhogilal Patel & Others*, the Court struck down the Customs order stating it did not disclose the basis for the Deputy Commissioner's belief that the goods in question infringed Ericsson's patents.

The facts of the earlier LG Electronics case were similar. The defendant held a patent on the basis of which a complaint was filed before Customs against LG Electronics India Pvt. Ltd. and other importers, alleging the imported products infringed his patent rights. Customs authorities restricted clearance of LGs' consignments on the basis of the complaint and LG appealed before the Delhi High Court. In the absence of a judicial order in favour of the patentee restraining LG Electronics from infringing its patent, the Court held that the patentee's complaint was to be treated contrary to the Notification and any conflicting orders would be without jurisdiction.

Both judgments imply that the Customs Department cannot restrict clearance of consignments based on an independent determination of infringement in respect of patents, designs and geographical indications. It is merely an implementing agency to enforce orders, if passed by a court in favour of the holder of such IP rights. Contrarily, the Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007 do not distinguish patents, trade marks, copyrights, designs and geographical indications from each other and apply equally to all classes of IP rights. Only time will bear out whether jurisprudence crystallizes in the direction indicated by these two decisions or follows a uniform practice *re* all kinds of IP rights.

Directing office practice

An application for interim injunction came before the High Court of Delhi in *Ten Xc Wireless INC & Anr. v. Mobi Antenna Technologies (Shenzhen) Co Ltd.* It was observed that Mobi Antenna had raised a substantial, tenable and credible challenge to the validity of Ten Xc's patent and therefore, the latter was not entitled to an interim injunction. While raising doubt on the validity of the patent, the High Court pointed out the flawed practice followed at the Patent Office. Records revealed that Ten Xc's patent has been granted in undue haste. The Office had passed a non-speaking order without recording a finding in the grant order to the effect that the claimed invention was novel and innovative, had not been anticipated by any previous publication or prior claim and did not fall in the category of non-patentable inventions defined under Sections 3 and 4 of the patent statute. It was categorically stated that at the time of grant, it was imperative for the Controller to record his finding in relation to patentability of the invention.

The court also negated Ten Xc's contention that the Patent Office may rely on examination conducted during the PCT phase and forego search and investigation under Section 12 and 13 of the Indian patent act. In its view, such investigation is mandatory and the said obligations cannot be circumvented by relying on the findings of the ISR (International Search Report) and IPER (International Preliminary Examination Report).

CORPORATE LAW

Tracking developments in FDI Policy

1. Pharmaceutical Sector

Under the erstwhile regime, FDI up to 100% under the automatic route was permitted in the pharmaceutical sector. Through Press Note 3 of 2011, the policy stands revised as follows:

- FDI up to 100% under the automatic route would continue to be permitted for green field investments in the pharmaceutical sector;

- FDI up to 100% would be permitted for brown field investments (investments in existing companies) in the pharmaceutical sector, under the government approval route.

2. Single Brand Retail Trading

Earlier FDI up to 51% was permitted in single brand product retail trading subject to prior government approval and certain other conditions. Press Note 1 of 2012 has introduced a revised policy which now permits FDI up to 100% in single brand retail trading under the government approval route.

3. Multi Brand Retail Trading

The extant FDI policy prohibits retail trading activity in India (with the exception of single brand retail trading as discussed above). In November last year, along with the liberalization of the FDI policy for single brand retail trading, 51% FDI was also allowed in multi brand retail trading. However, following widespread opposition, the government later suspended its decision *re* multi brand retail trading. Currently consultations are on with various stake holders such as farmers' associations, consumers' associations and the food processing industry to reach a consensus on the issue.

About Us

As we celebrate the 185th anniversary of our founding, we enjoy a legacy unrivaled by contemporaries in India. Proud to have been at the vanguard of IP jurisprudence in the country, we are at the forefront of law and policy evolution even today.

Our firm actively supports over 7000 clients across the globe and has been handling 25% of all inbound Trademark and Patent work in the country. A significant increase in work and clientele in recent years bears testament to the quality of our services. We cherish our partnerships and look to deepen our engagement with all stake holders as we make history over the next 185.

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