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# JUDGEMENTOPEDIA

*(Learning Judgements For A Living)*

- 1 Are the domain names of well-known Trademarks protected from cybersquatting?
- 2 Whether methods for antibody production using genetically modified animals fall within the patent exclusion under Section 3(i) of the Patents Act, 1970?
- 3 Whether anticipatory bail can be provided if the accused can afford interim compensation?
- 4 Improper Constitution of ICC members
- 5 Delhi High Court Ruling: Balancing Women's Rights and Property Ownership in Domestic Disputes



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# JUDGEMENTOPEDIA

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1

Gulshan Khatri v. Google INC.

2

Kymab Limited v. Assistant Controller of Patents & Designs

3

The State Of Jharkhand v. MD. Sufiyan

4

Ruchika Kedia v. Internal Complaints, Goa Institute of Management, Through Its President Prof. Annamika Sinha And Ors.

5

A v. State (NCT of Delhi)





# Are the domain names of well-known Trademarks protected from cybersquatting?

**CONTEXT:** On Feb 17, 2007 Mr. Khatri applied to the .IN registry for online registration of domain name “googlee.in”. The registration was granted and renewed in 2008 for 4 years. In 2010, upon further application, it was further renewed until 2020. Google sent a cease and desist notice to Mr. Khatri stating that the domain name copied its well - known trademark Google. With no response Google made a complaint under the .IN Domain Name Dispute Resolution Policy (INDRP). The Arbitrator appointed was directed to cancel the registration of Googlee.in and transfer it to Google. This appeal to the Delhi High Court arises from the impugned order.

The Hon’ble Delhi High Court concurred with the Arbitrators’ conclusions. It further added that **1** the adoption by the petitioner of a nearly identical mark/domain name “googlee.in” is in bad faith and not merely a coincidence.

## PRECEDENTS:

1. **YAHOO INC VS AKASH ARORA 78 (1999) DLT 285**
2. **SATYAM INFOWAY VS SIFNET SOLUTIONS PVT LTD. (2004) 6 SCC 145**

**GULSHAN KHATRI**  
**VERSUS GOOGLE**  
**INC.**

**[2017 SCC ONLINE**  
**DEL 7592]**

**SECTION 29 (1), 27**  
**(2) & 2 (zg) OF THE**  
**TRADEMARKS ACT,**  
**1999**

**SECTION 34 OF THE**  
**ARBITRATION AND**  
**CONCILIATION ACT,**  
**1996**

# Whether methods for antibody production using genetically modified animals fall within the patent exclusion under Section 3(i) of the Patents Act, 1970?

**CONTEXT:** Kymab Limited filed a patent application (No. 10716/CHENP/2012) for a process involving the genetic modification of non-human mammals to produce antibodies specific to desired antigens. The Assistant Controller rejected the application on May 29, 2020, primarily citing Section 3(i) of the Patents Act, 1970. The applicant appealed this rejection before the Madras High Court.

The Court set aside the Assistant Controller's rejection of the patent application, holding that:

1 The method for producing antibodies through genetic modification of non-human animals does not fall within the exclusionary scope of Section 3(i).

2 The rejection of the patent application was unjustified. The applicant is entitled to patent grant.

## PRECEDENTS:

1. **CHINESE UNIVERSITY OF HONG KONG AND SEQUENOM, INC. V. THE ASSISTANT CONTROLLER OF PATENTS AND DESIGNS (2023)**
2. **BAYER PHARM AKTIENGESELLSCHAFT V. CONTROLLER GENERAL OF PATENTS (DELHI HIGH COURT, JUNE 2024)**

**KYMAB LIMITED V.  
ASSISTANT  
CONTROLLER OF  
PATENTS &  
DESIGNS**

**[O.A./SR.118/2020/  
PT/CHN, CMA(PT)  
NO. 200 OF 2023]**

**SECTION 3(i) & 15  
OF THE PATENTS  
ACT, 1970**

# Whether anticipatory bail can be provided if the accused can afford interim compensation?

**CONTEXT:** The respondent was accused of engaging in behaviour that outraged the modesty of a woman and was involved in sharing indecent videos on social media platforms. The respondent mentioned that he was willing to cooperate with the investigation and also undertook to pay Rs. 1,00,000/- as ad interim victim compensation. This was accepted as a ground for anticipatory bail by the High Court. Thus, this appeal was filed against the impugned order.

① There was no mention of the grounds on which anticipatory bail was granted.

② The Court mentioned “Merely because the accused is willing to pay some amount as ad interim compensation cannot be a ground for grant of anticipatory bail.”

③ There was no interference with the judgement provided due to the facts and circumstances of this case and also because the trial has already commenced; however, the Registrar was directed to communicate the order to the Registrar of the High Court of Jharkhand and the same shall be placed before the Hon’ble Chief Justice of that High Court for appropriate directions.

THE STATE OF  
JHARKHAND VS. MD.

SUFIYAN

[CRIMINAL APPEAL  
NO. OF 2024 (ARISING  
OUT OF SLP(CRL.) NO.  
1960 OF 2022)]

341, 354B, 504,  
506,509 OF THE  
INDIAN PENAL CODE

SECTION 8 OF THE  
PROTECTION OF  
CHILDREN FROM  
SEXUAL OFFENCES  
ACT, 2012

SECTION 66E, 67 OF  
THE INFORMATION  
TECHNOLOGY  
ACT, 2000



# Improper Constitution of ICC members

**CONTEXT:** A student filed a sexual harassment complaint against her educational institution, which was to be addressed by the Internal Committee (IC) as per the All India Council for Technical Education (AICTE) regulations. These regulations require the IC to include a female presiding officer, two faculty members, two non-teaching staff, three students, and one external member knowledgeable about sexual harassment. The IC submitted its inquiry report, but it was improperly constituted: it included only one non-teaching employee, lacked participation from the three students, and had an external member who was a professor at the institute. The petitioner contested the inquiry report, arguing that the IC was not formed according to the regulations and thus requested it be annulled.

“In so far as provisions of sub-clause (b) of the said Regulations are concerned, instead of having two non-teaching employees, there was only one non-teaching employee in the ICC. In so far as **1** clause (c) of Regulation 4(1) of the said Regulations is concerned, the record reveals that three students were associated with the ICC. However, we agree with the contention of Ms. Collasso that such association was not as is contemplated by letter and spirit of the provisions in sub-clause (c).”

“In so far as clause (d) of Regulation 4(1) of the said Regulations is concerned, it is the case of Respondents No. 1 and 3 that Prof. Nila Nayak, Senior HR Professional with 20 years experience (External Member) was made part of the ICC. However, there is nothing on record to indicate that Ms. Nila Nayak was a member **2** of some non government organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment. Besides, the affidavit states that Ms. Nila Nayak was a Professor at the Institution. According to us, therefore, there is no compliance with sub-clause (d) of Regulation 4(1) of the said Regulations, as well.”

**RUCHIKA KEDIA V.**  
**INTERNAL**  
**COMPLAINTS, GOA**  
**INSTITUTE OF**  
**MANAGEMENT,**  
**THROUGH ITS**  
**PRESIDENT PROF.**  
**ANNAMIKA SINHA**  
**AND ORS.**  
**[2020 SCC ONLINE**  
**BOM 139 ]**

**SEXUAL**  
**HARASSMENT OF**  
**WOMEN AT**  
**WORKPLACE**  
**(PREVENTION,**  
**PROHIBITION AND**  
**REDRESSAL) ACT,**  
**2013**

# Delhi High Court ruling: Balancing women's rights and shared household in domestic disputes

**CONTEXT:** The petitioner (wife) filed a petition under Section 482/483 of the CrPC, 1973 to challenge orders regarding her right to reside in the shared household after separating from her husband. The couple married on July 12, 2017, and soon after, the husband and his family moved out, leading to a petition under the Domestic Violence Act (DV Act), 2005 for protection of residence. The Metropolitan Magistrate initially granted interim protection but later recalled it, allowing the husband's father to evict the wife and terminate her maintenance.

1 The Delhi High Court upheld the Metropolitan Magistrate's orders, asserting that no absolute right of residence could be claimed by the wife.

2 The court recognized her status in the shared household despite it being owned by her father-in-law and noted that alternate accommodation was to be provided.

3 The court dismissed the petition, affirming that the provisions of the DV Act were duly followed, ensuring the wife was not left homeless and that the rights of all parties were balanced appropriately.

A V. STATE (NCT OF DELHI)  
[CRL.MC. 1797 OF 2020]

**PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005**