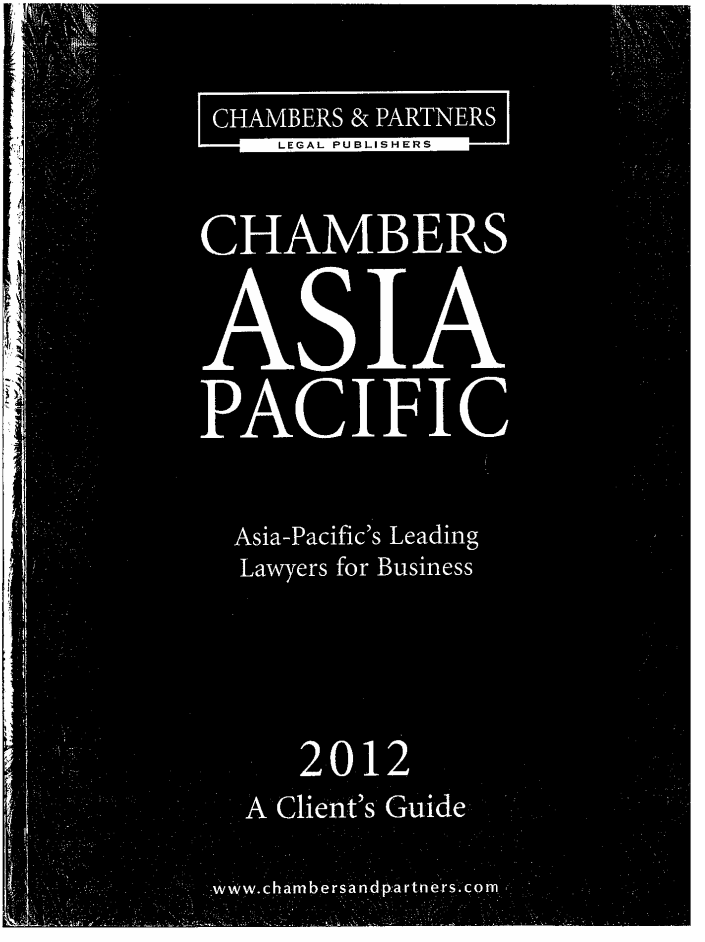
CHAMBERS & PARTNERS
LEGAL PUBLISHERS
CHAMBERS
ASIA
PACIFIC
Asia-Pacific's Leading
Lawyers for Business
2012
A Client's Guide
www.chambersandpartners.com

INTELLECTUAL PROPERTY Litigation p.526

Intellectual Property Leading Firms

Band 1
Anand and Anand Advocates *
K&S Partners

Band 2
Lall & Sethi Advocates
Lall Lahiri & Salhotra *
Remfry & Sagar
Saikrishna & Associates
Subramaniam, Nataraj & Associates

Band 3
Amarjit & Associates
Chadha & Chadha
De Penning & De Penning
DP Ahuja & Co
Iitti Advocare
Khaitan & Co
Krishna & Saurastri
Lakshmi Kumaran & Sridharan *
LexOrbis Intellectual Property Practice
Luthra & Luthra Law Offices *
S Majumdar & Co
Singh & Singh Advocates
Zeus IP

Band 4
Altacit Global
Amarchand & Mangaldas & Suresh A Shroff & Co
Archer & Angel
AZB & Partners *
Kochhar & Co
Mundkur Law Partners
Obhan & Associates *
Singhania & Partners

* Indicates firm with profile
Alphabetical order within each band. Band 1 is the highest.

KEY INDIVIDUALS Market observers hail **Pravin Anand** (see p.547) as a doyen in this field. *"He is larger than life in the IP space. Not many lawyers can share the same space as him,"* they enthuse. **Safir Anand** (see p.547) enjoys a sterling reputation and is *"an outstanding lawyer with fantastic experience in trade mark prosecution,"* say sources. He advised Cargill India on its acquisition of the brand Rath from Agro Tech Foods, including a review of the entire IP portfolio. **Archana Shankar** (see p.552) spearheads the patents practice. *"She has a very thorough understanding of the Indian Patent Office and her knowledge of patents is among the very best,"* according to commentators.

Band 1

Anand and Anand Advocates

See profile on p.557

THE FIRM This IP heavyweight is a top choice for industry leaders seeking high-calibre advice on a diverse range of matters. The practice has a comprehensive offering, encompassing transactional work, prosecution and litigation expertise, and is instructed by a substantial client base that includes Microsoft, LVMH, the Tata Group and GlaxoSmithKline. Notable work includes advising Tata Global Beverages on a joint venture with PepsiCo to set up a beverage company.

Sources say: *"One of the premier law firms in the country, with vast experience in IP." "They have a very strong reputation and win tremendous respect."*

K&S Partners

THE FIRM Market observers are full of glowing praise for the patents practice at K&S Partners, particularly in relation to its prosecution work. The team is especially conversant in pharmaceutical, biotechnology, automobile, electronics and telecoms matters, with key clients including AstraZeneca, Eli Lilly, IBM and Toyota. On the litigation side, the firm successfully defended Saint Gobain and its Indian subsidiary in a patent infringement suit before the Delhi High Court. The team is also at the forefront of geographical indication (GI) work, handling portfolios like Darjeeling Tea and Scotch Whisky.

Sources say: *"An amazing IP prosecution practice – they give us a run for our money." "The firm has outstanding discipline and you can always expect a reliable standard of service."*

KEY INDIVIDUALS A seasoned patent expert, **DC Gabriel** draws tremendous respect in the market, with sources describing him as *"a trusted name in IP."* A peer adds: *"He's someone I'd really like in my dream team."* Gabriel has dealt with patent prosecution matters for more than two decades and has recently turned his focus to litigation. Also highly esteemed is **Rajendra Kumar**, who is recognised for his work in relation to trade marks and GI. **Ravi Bhola** has a standout profile in the patents field and his credentials include a background in biotechnology.

Band 2

Lall & Sethi Advocates

THE FIRM This firm is admired for its impressive IP litigation practice, which has handled several high-profile cases over the past year. It acted for GlaxoSmithKline on a trade mark disparagement case against Heinz, involving issues in comparative advertising. Trade marks constitute the mainstay of its workload, while copyright and design are other key areas. The firm also handles IP matters for international clients in other South Asian jurisdictions.

Sources say: *"The lawyers are very responsive and offer advice that is to the point."*

KEY INDIVIDUALS **Chander Lall** is a highly renowned IP litigator and *"a brilliant lawyer who presents his case very well,"* interviewees note. In a recent highlight, he represented the film industry in litigation that challenged the government's ban on the depiction of smoking in cinema or television.

Lall Lahiri & Salhotra

See profile on p.570

THE FIRM Lall Lahiri & Salhotra has been going from strength to strength, fielding an all-round IP practice that covers trade marks, patents, copyright and designs. It is adept in both contentious and non-contentious work, and also has capabilities in IP alternative dispute resolution. The team has attracted a solid clientele, particularly from the technology and media sectors.

Sources say: *"They make the cut in terms of both vintage and volume."*

KEY INDIVIDUALS **Anuradha Salhotra** is highly regarded in the IP litigation arena, with sources singling out her in-depth experience in trade mark matters.

Remfry & Sagar

THE FIRM Despite the death of senior partner Dr Vidya Sagar in early 2011, this IP boutique continues to be a notable player, having cemented its reputation over the years. The team is active in trade mark, patent and design matters, and advises a predominantly international clientele. Highlights include acting for Procter & Gamble in an infringement and passing-off case involving the misuse of its 'Olay Total Effects' mark.

Sources say: *"The bench quality is of an extremely high calibre and the firm commands a global name."*

KEY INDIVIDUALS **Ashwin Julka** is at the helm of the practice. Commentators praise him for being *"seasoned, solid and reliable."*

Saikrishna & Associates

THE FIRM Saikrishna & Associates has a highly acclaimed IP litigation practice, with recent highlights including representing Greenpeace in a trade mark infringement suit filed by Tata

India (Domestic Firms) Intellectual Property

Intellectual Property
Leading Individuals

Band 1	
Anand Sanj	*Anand and Anand Advocates* *
Cariappa KC	*K&S Partners*
Kumar Shanti	*LexOrbis Intellectual Property*
Majumdar S	*S Majumdar & Co*
Ravindran Sudhir	*Altacit Global*
Subramaniam Hari	*Subramaniam, Nataraj*
Band 2	
Bhola Ravi	*K&S Partners*
Chadha Chetan	*Chadha & Chadha*
Chakraborty Samaresh	*DP Ahuja & Co*
Das Sriroy	*Archer & Angel*
Groser Francis Stewart	*Groser & Groser*
Krishna Sunil	*Krishna & Saurastri*
Rajanda Gunjan	*Zeus IP*
Robinson Dev	*Amarchand & Mangaldas*
Shankar Archana	*Anand and Anand Advocates* *
Singh Prathiba	*Singh & Singh Advocates* *
Band 3	
Chhabra Sanjay	*Archer & Angel*
Jaika Ashwin	*Remfry & Sagar*
Madan Jose	*Khaitan & Co*
Mason Neel	*Mason & Associates*
Mundkur Ramanand	*Mundkur Law Partners*
Nataraj G	*Subramaniam, Nataraj*
Obhan Essenese	*Obhan & Associates* *
Pillai Manoj	*LexOrbis Intellectual Property*
Roy Gayatri	*Luthra & Luthra Law Offices* *
Solomon DJ	*De Penning & De Penning*

Intellectual Property: Litigation
Leading Individuals

Band 1	
Anand Pravin	*Anand and Anand Advocates* *
Kane Himanshu	*W.S. Kane and Co* *
Lall Chander M.	*Lall & Sethi Advocates*
Rajagopal Saikrishna	*Saikrishna & Associates*
Singh Amarjit	*Amarjit & Associates*
Singh Hemant	*Intti Advocare* *
Band 2	
Datta Ameet	*Luthra & Luthra Law Offices* *
Kumar Rajendra	*K&S Partners*
Mohan Arunachalam Appaji	*Mohan & Associates*
Salhotra Anuradha	*Lall Lahiri & Salhotra*

* Indicates individual with profile.
Alphabetical order within each band. Band 1 is the highest.

at the Delhi High Court. The team has built up a strong prosecution practice over recent years, and handles the trade mark portfolios of notable brands such as Pfizer and NewsCorp.
Sources say: *"A trustworthy firm for IP litigation."*

KEY INDIVIDUALS Saikrishna Rajagopal has carved out a distinguished name in IP litigation, with a focus on trade mark and copyright matters. Peers heap praise on him for being *"a brilliant practitioner and the go-to lawyer for infringement issues."*

Subramaniam, Nataraj & Associates

THE FIRM This firm stands out particularly for its patents practice and elicits profuse praise for its prosecution work. Other significant areas of expertise include trade marks, industrial designs and copyright. The team advises both domestic and international clients, and is especially well versed in the pharmaceutical sector.
Sources say: *"An excellent firm with a particularly strong presence in Delhi."*

KEY INDIVIDUALS Hari Subramaniam is widely respected for his seasoned practice. *"He is one of the finest patent attorneys in India; he has superior expertise and is quick and persuasive,"* sources report. **G Nataraj** excels in patents and design work. *"He knows his law and if I am against him in litigation, I'll study the briefs very thoroughly – that's the best tribute I can pay to him,"* said one peer.

Band 3

Amarjit & Associates

THE FIRM This Delhi-based firm is highly regarded for its handling of complex IP litigation matters. It advises corporates from a broad range of sectors and is especially popular with local brands, with key clients including Tata, Bisleri and Haldiram's.
Sources say: *"An excellent trade mark practice filled with very competent lawyers."*

KEY INDIVIDUALS Amarjit Singh is a distinguished IP litigator whom sources describe as *"one of the leading trade mark and copyright counsel in India."*

Chadha & Chadha

THE FIRM Clients are impressed with the responsiveness of this firm and note that it is a growing force in the IP field. Trade mark prosecution is a major part of its portfolio, while the team has also been seeing an increase in patents work. Noteworthy clients include Tata Sky, Olympus and Samsung Electronics.
Sources say: *"Very efficient in handling the work with a strong 'can do' attitude." "Able to review a situation and provide commercial advice promptly."*

KEY INDIVIDUALS Chetan Chadha is hailed by clients for his expertise in IP prosecution and litigation. *"His advice on complex issues has been extremely valuable and he has an overall perspective on the close relationship between IP and business,"* say interviewees.

De Penning & De Penning

THE FIRM This firm was founded in 1856 and maintains a robust IP practice. The team advises on a plethora of issues relating to trade marks, patents, copyright and designs. Market observers note that the practice is well placed to handle a high volume of work and has a strong international client following.
Sources say: *"They represent some of the country's top firms and also have an international practice."*

KEY INDIVIDUALS DJ Solomon is a key figure of the practice and is recognised as *"a very competent lawyer."*

DP Ahuja & Co

THE FIRM DP Ahuja & Co has a well-established IP practice, with a focus on patent and trade mark prosecution and litigation. It is a port of call for both domestic and foreign clients, and has helped to enforce many well-known trade marks.

KEY INDIVIDUALS Samaresh Chakraborty is widely recognised as an experienced IP practitioner and is best known for his patent expertise.

Intti Advocare

THE FIRM Intti Advocare excels in IP prosecution and enforcement, and has handled a large volume of litigation cases involving trade marks, patents, copyright and industrial designs. The team advises several major industry players, including Nestlé and Pernod Ricard.

KEY INDIVIDUALS Hemant Singh (see p.553) is lauded as a *"brilliant and knowledgeable lawyer."* He has handled a substantial number of IP cases at various levels.

Khaitan & Co

THE FIRM This firm has a well-rounded IP team that handles a raft of prosecution, transactional and litigation matters. A key highlight saw the firm advising Mahindra & Mahindra on its acquisition of a majority stake in Reva Electric Car Company, including the IP aspects such as technology transfers. A particular strength of the team lies in patent drafting for various science, engineering and technology sectors.

KEY INDIVIDUALS Jose Madan leads the practice and enjoys a strong reputation for his specialism in patents. His knowledge extends to European IP laws, having spent time at a German IP law firm.

successfully handled and been involved in resolution of a diverse range of contentious disputes and providing other litigation related services for clients like Headstrong Corporation, Lufthansa Airlines, Swarovski, Rolls Royce, Mitsubishi, etc.

SINGH, Amaresh
Luthra & Luthra Law Offices, New Delhi
+91 11 4121 5100
asingh@luthra.com
Featured in Real Estate (India)

Practice Areas: Mr Amaresh Singh is a Partner at Luthra & Luthra Law Offices. He specialises in structuring of all kinds of real estate transactions, negotiation and documentation, legal analysis and due diligence, and advising on regulatory issues.

Professional Memberships: He is a Member of the Bar Council of India and Delhi High Court.

Career: Mr Singh has advised and rendered wide ranging legal services to leading private equity funds, real estate developers and overseas Government funds such as CapitaLand, Mapletree, Blackstone, Lehman Brothers, Oman Investment Fund in their investments and ventures in India.

Publications: He has several articles and columns in various law journals to his credit.

SINGH, Hemant
Intl Advocare, New Delhi
+91 11 4619 0400
hemant@intladvocare.com
Featured in Intellectual Property (India)

Practice Areas: Hemant Singh, the founder member of the firm, joined the bar in 1984 and has been exclusively practicing in the field of Intellectual Property Rights for more than two and a half decades. Till 1991, he was a partner in an IP law firm whereafter, he established INTIL ADVOCARE, an IPR law firm based at New Delhi, India. His guid ance has seen the firm grow steadily from a national to an international level. INTIL ADVOCARE is a full service IP boutique firm, ranked as one of the leading IP firms in India by, 'Managing IP', as well, 'Chambers and Partners U.K.' INTIL ADVOCARE has multi-jurisdictional practice and is one of the few IP law firms in India having significant expertise and experience in IP prosecution, enforcement, custom complaints as a part of broad spectrum of professional services in the fields of trade marks, copyright, industrial designs, patents, domain names and cyber squatting, geographical indications, traditional knowledge, unfair trade practices, unfair competition, consumer protection laws, right of privacy and publicity, corporate laws, commercial documentation, foreign collaborations, transfer of technology agreement and franchising, strategising IP protection, trade secrets, know-how and breach of confidence, technical collaboration etc. INTTL ADVOCARE has had the privilege of representing some of the biggest and leading brands in the industry including but not limited to Foods and Beverages, Liquor, Garments, Cosmetics, FMCG, Fashion Accessories, Computer Software, Telecommunication, Media, Electronics, Telemarketing Industry, Pharmaceuticals, Automobiles, Biotechnology etc. Mr Singh he has been instrumental in developing a world-wide clientele, and has handled over 1200 IP litigations. He has been the lead counsel in several land mark IP cases. He is a litigation counsel as well as a registered Patent Agent. Mr Singh has argued significant cases which are one of the landmark judgments. Some of the leading cases are as under: Austin Nichols Vs. Jagatjit Industries: first international usage relevant, if intention to use in India is established; Moods Hospitality Vs. Nestle: a descriptive mark not used as a trade mark is not liable for injunction; Hawkins Vs. Murugan: right of spare part manufacturer to use a registered trade mark is permissible, only if, the same is in accordance with honest trade practice, bonafide, and necessary for indicating the usage or purpose of the spare parts; Standipack Vs. Oswal (Patent Infringement): mere arrangement or rearrangement of known integers cannot constitute invention, if it was obvious to a skilled person with no imagination; Smithkline Beecham Vs. Hindustan Liver Limited: if the shape of the mark is primarily functional and utilitarian it is incapable of trade mark protection; Gillette Vs. Yaduvendra Singh (Parallel import): parallel import of goods in India was injuncted and an order of delivery of all such stocks available with the retailers was given by the court; Smithkline Beecham Vs. Cello: (copyright in mould): claim of copyright in respect of mould of tooth brush which was earlier subject matter of a registered design was rejected and such design registration was held to be invalid; Austin Nichols Vs. Jagatjit Industries: the Court affirmed that the Registrar has suo motu power to cancel the registration certificate if issued erroneously; Heinz Italia Vs. Dabur: generic marks can't be monopolised and are exception to infringement; Dabur Vs. Pankaj Goel: the court held that co-existence agreement can't be cited against the proprietor that the mark is publici juris; Thukral Vs. P.M. Diesel: when the ownership of the brand has changed hands during the material period of non-use, the subsequent proprietor cannot be penalised for non-use thereof by its predecessor and such non-use must be established by all the persons who were the proprietors during the 5 year period, failing which the registration cannot be cancelled; Cadila Vs. Dabur: No right in generic marks such as SUGAR FREE; Havana Club Vs. Union of India: the court directed the Registrar to renew the lapsed registration after 11 years on the ground that refusal to renew, in absence of renewal notice, violates principles of natural justice; Marie Stopes Int. Vs. Parivar Seva Sansthan: a licensee is estopped in law to challenge proprietary right of the licensor in the trade mark after taking the benefits of license; SPN Vs. Darshan Kumar Mahajan: KIT KAT is a distinctive and a well known trade mark and such marks can't be allowed to remain restricted for the goods it is registered for.

Publications: Mr Singh has been an active member of various organisations associated with the issues concerning intellectual property, apart from being the speaker at various forums. MEMBER: INTA, AIPPI, APAA, IPAA, FICCI, ASSOCHAM & DELHI HIGH COURT BAR ASSOCIATION VICE PRESIDENT APAA (Asian Patent Attorneys Association)India Group(2004-09) CHAIRMAN NATIONAL COUNCIL ON IPR OF ASSOCHAM (Associated Chambers of Commerce and Industry in India) (20 11) COMMITTEE MEMBER: Trade Name Subcommittee of INTA (International Trade Marks Association (2010-11); Anti Counterfeiting Sub-Committee of INTA (2006-09); Membership Committee of INTA (2004-05); Internet Counterfeiting Task Group of INTA (2006-07); Trade Marks Committee of APAA (Asian Patent Attorneys Association) (2010-11); Anti Counterfeiting Committee of APAA (2004-09); Executive Member of APAA Management Committee (Indian Group) (2002-04) SPEAKER/AUTHOR: TOPICS FORUM VENUE YEAR, Impact of Dunkel Draft in SAARC Region, Third SAARC Law Conference New Delhi, India 1994, IP and Technology Transfer in India, The Adelaide Conference Australia 1995, Evolving an IP Regime Beneficial to Developing Countries, The Indian Experience, Lawasia IP Conference Kota-Kinabalu, Malaysia 1996 India Ready for Franchising-Regulatory and Administrative Issues, International Bar Association Conference New Delhi, India 1997, Recent Developments in the Protection of IP in India, Third Lawasia IP Conference San Francisco, USA 1998, Counterfeit Spurious & Contraband Goods: Preventive and Remedial Issues, The Associated Chambers of Commerce and Industry of India New Delhi, India 2005 Combating Counterfeiting Brand Protection, The Associated Chambers of Commerce and Industry of India New Delhi, India 2007, The Challenges of Shape and Colour trademarks in India and the Asian Subcontinent, INTA Table Topic Moderator Berlin, Germany 2008, The IP Rights (Imported Goods) Enforcement Rules, 2007 and their implications, INTA, ASSOCHAM Jointly hosted Workshop New Delhi, India 2009, ÄúAn Asian Perspective on the Dilution Doctrine Scope & Limitations: INTA Table Topic Moderator Seattle, USA 2009 "Current litigation trends" AIPPI-Speaker Hyderabad, India 2010, Quantifying the Benefits of GI Registration National Conference on GI Hyderabad, India 2010 through Post-GI study, Workshop by CII, Many shades of grey: Parallel Import, INTA-Trail Blazer Mumbai India 2011`

SINGH, Prathiba
Singh & Singh Advocates, New Delhi
+91 11 2431 4741
prathiba@singhandsingh.com
Featured in Intellectual Property (India)

Practice Areas: Filing and arguing counsel in all kinds of Intellectual Property litigation; patent infringement; copyright - especially entertainment and database protection trademark and passing off, unfair competition actions; internet disputes.

Professional Memberships: Secretary, APAA (Indian Group) – Co-Chairman Copyright Committee APAA; Secretary, Anti-Counterfeiting Group of India; Member, INTA - Berlin 2008 - Was a Speaker on 'Anti counterfeiting in Asian Region' and was featured on the front page of the INTA DAILY NEWS. Was a Member of the National Steering Committee on IPR - Confederation of Indian Industry; expert retained for Training the Indian Judiciary and Trade Mark Officers by the EU-TIDP Project in India. Has spoken in a number of Seminars organised by the Indo-American Chamber of Commerce.

Career: 1992-96: worked as an Associate lawyer in a leading IP firm in New Delhi; 1997-present: started the firm Singh & Singh along with Mr Maninder Singh and she exclusively practices in the area of Intellectual Property. Has the credit of handling the leading IPR cases in India this year especially in the area of Patents. Has been a Counsel in more than 125 reported IPR precedents some of which are considered as land-mark judgments. She is both a filing and an arguing Counsel and argues matters on a daily basis both before the Delhi High Court. Has argued the leading case on