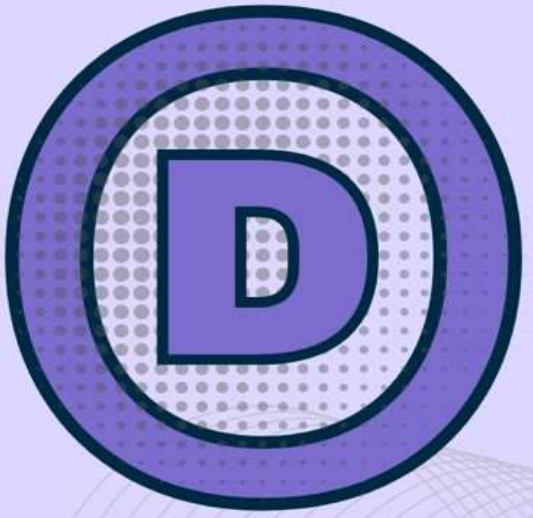
CASE COMPENDIUM

INDUSTRIAL DESIGN



2026 Edition

CREDITS

INSTITUTIONAL LEADERSHIP

Chief Patron: Prof. (Dr.) K.V.S Sarma, Vice-Chancellor, National Law University and Judicial Academy, Assam

Project Head: Dr. Nalanda Bala Murugan, DPIIT IPR Chair, National Law University and Judicial Academy, Assam

SPONSORING & GOVERNING BODIES

Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry, Government of India

EDITORIAL & RESEARCH TEAM

Research Head: Dr. Sharmistha Baruah, Research Officer, DPIIT-IPR Chair, NLUJAA &

Ms. Dolly Kumar, Research Assistant, DPIIT-IPR Chair, NLUJAA

Compilers / Researchers: Ms. Dalia Dey, Mr. Aniket Jana (LL.M, 2025-26)

Editors / Formatting: Ms. Dalia Dey, Mr. Aniket Jana (LL.M, 2025-26)

ADMINISTRATIVE SUPPORT

Coordinators: Mr. Priyanko Mahanta

Note: This compendium is strictly for academic and research purposes and does not constitute official legal advice. All judgments credited to respective courts.

CASE COMPENDIUM

(India Specific)

Cases that directly impacted Design Law in India

1. BHARAT GLASS TUBE LIMITED V. GOPAL GLASS WORKS LIMITED

Citation: (2008) 10 SCC 657 (Supreme Court of India)

PLAINTIFF	DEFENDANT
Gopal Glass Works Ltd. (Respondent in SC)	**Bharat Glass Tube Ltd. (Appellant in SC)**

Facts: Gopal Glass Works held a registered design for a distinct diamond-shaped pattern applied to glass sheets. Bharat Glass began manufacturing and marketing identical glass sheets. In defense against the infringement claim, Bharat Glass argued that the design lacked novelty, presenting evidence that a German company had previously manufactured metal rollers bearing the exact same pattern, which were used to imprint the glass.

Issues: Does the prior publication of a pattern on a manufacturing tool (a metal roller) invalidate the registration of that same pattern when registered for a specific finished article (a glass sheet)?

Ruling: The Supreme Court ruled in favor of Gopal Glass, holding that a design must be inextricably linked to the specific article it is applied to. The Court noted that the pattern on the German metal roller was a mechanism of production, not the final consumer article. Therefore, applying that pattern to a glass sheet constituted a novel and original design.

Amendment in Design Law: While it did not prompt a legislative amendment, this ruling established the foundational judicial doctrine for Section 4 of the Designs Act, 2000: novelty is not assessed in a vacuum but is strictly relative to the specific class of article to which the design is applied.

2. RECKITT BENCKISER (INDIA LTD. V. WYETH LTD.)

Citation: AIR 2013 Del 101 (Division Bench, Delhi High Court)

PLAINTIFF	DEFENDANT
Reckitt Benckiser (India) Ltd.	**Wyeth Ltd.**

Facts : Reckitt Benckiser held a registered design in India for an S-shaped spatula included with its "Veet" hair removal cream. Wyeth subsequently launched a similar S-shaped spatula. Wyeth challenged the validity of Reckitt's design registration, arguing it was not novel because the exact design had been previously registered by Reckitt's foreign affiliates in the UK and USA patent offices.

Issues : Does the mere registration of a design in a foreign jurisdiction automatically constitute "prior publication" in India under Section 19 of the Designs Act, 2000?

Ruling : The Division Bench held that registration abroad does not inherently equate to publication. For prior publication to destroy the novelty of a design in India, the design must be physically or visually accessible to the public. A design sitting in the archives of a foreign patent registry, without evidence of public commercial availability or accessibility, does not defeat novelty.

Amendment in Design Law: This case clarified the evidentiary threshold for "prior publication," ensuring that Indian design registrations cannot be invalidated solely by obscure foreign paper registrations unless actual public dissemination is proven.

3. CARLSBERG BREWERIES A/S V. SOM DISTILLERIES AND BREWERIES LTD.

Citation: AIR 2019 Del 23 (Full Bench, Delhi High Court)

PLAINTIFF **Carlsberg Breweries A/S**	**DEFENDANT** **Som Distilleries and Breweries Ltd.**

Facts: Carlsberg sued Som Distilleries for infringing the registered design of its distinctively shaped beer bottles. In the same suit, Carlsberg also claimed the common law remedy of passing off (trademark infringement), arguing the shape acted as a trade dress. An earlier precedent (Mohan Lal v. Sona Paint) strictly dictated that these two distinct causes of action could not be joined in a single suit.

Issues: Is a composite suit combining claims for infringement of a registered design and passing off legally maintainable?

Ruling: Overruling the Mohan Lal judgment, the Full Bench held that under Order II Rule 3 of the Civil Procedure Code, a plaintiff can indeed file a composite suit for both design infringement and passing off. The Court reasoned that if both claims arise from the same core transaction — the sale of the offending goods — joinder is not only permissible but necessary to prevent a multiplicity of proceedings.

Amendment in Design Law: This caused a massive procedural paradigm shift in IP litigation. While not amending the Designs Act itself, it fundamentally altered civil procedure for IP practitioners, streamlining the enforcement of overlapping IP rights.

4. CROCS INC. USA V. BATA INDIA LTD & ORS.

Citation: 2019 (78) PTC 1 (Delhi High Court)

PLAINTIFF	DEFENDANT
Crocs Inc. USA	**Bata India Ltd., Aqualite, and others**

Facts: Crocs' Indian design registrations for its iconic perforated clogs had lapsed or been invalidated due to prior publication. Having lost its statutory design monopoly, Crocs pivoted and sought to stop competitors like Bata from making similar shoes by claiming trademark protection. Crocs argued the shape of the footwear had acquired a secondary meaning and constituted a protectable trade dress under passing off.

Issues: Can a shape or feature that was previously registered as a design claim trademark protection (passing off) once the design rights cease or are found invalid?

Ruling: The Court ruled against Crocs, holding that a registered design and a trademark are mutually exclusive. Section 2(d) of the Designs Act expressly excludes trademarks from the definition of a design. The Court established that an entity cannot elect the 15-year statutory monopoly of design law and then subsequently attempt to secure perpetual protection under trademark law for the exact same feature.

Amendment in Design Law: Enforced the "election of rights" doctrine, hardening the statutory boundary separating the Designs Act, 2000 from the Trade Marks Act, 1999.

5. CRYOGAS EQUIPMENT PVT LTD V. INOX INDIA LTD.

Citation: Civil Appeal No 5174 of 2025 (Supreme Court of India)

PLAINTIFF	DEFENDANT
Inox India Ltd. (Claimants)	**Cryogas Equipment Pvt Ltd. (Defendants)**

Facts: Inox India asserted copyright over highly technical drawings used for manufacturing cryogenic equipment. They had not registered these drawings under the Designs Act. Cryogas countered that the technical drawings were inherently "designs." Because Inox had industrially reproduced the physical articles based on those drawings more than fifty times, Cryogas argued that Inox's copyright was completely extinguished under Section 15(2) of the Copyright Act, 1957.

Issues: How should the law distinguish between an "artistic work" protected by copyright and a "design" subject to the Designs Act, specifically regarding functional technical drawings?

Ruling: The Supreme Court established a strict sequential flowchart test to determine the "dominant purpose" of the creation. It ruled that if drawings are inherently capable of being registered as designs and are utilized to industrially mass-produce an article (more than 50 times), the creator forfeits copyright protection.

Amendment in Design Law: This ruling revitalized the intersection of the Copyright Act and the Designs Act, cementing a strict "complex article test" to prevent IP owners from bypassing the limited 15-year tenure of design law by claiming indefinite copyright over functional, industrial products.

Other Important Cases including Cases in Cyberspace

1. CASTROL INDIA LTD. V. TIDE WATER OIL CO. (I) LTD.

Citation: 1996 (16) PTC 202 (Cal) (Calcutta High Court)

PLAINTIFF	DEFENDANT
Castrol India Ltd.	**Tide Water Oil Co. (I) Ltd.**

Facts: Castrol had a registered design for a specific shape and configuration of non-metallic containers used for packaging lubricating oils. Tide Water Oil began selling its products in containers that Castrol alleged were obvious and fraudulent imitations of their registered design.

Issues: What is the precise legal test to determine infringement of a design, and how does it differ from the "deceptive similarity" test used in trademark passing-off cases?

Ruling: The Calcutta High Court drew a sharp line between trademark and design law. It held that in a passing-off action, the test is whether the defendant's packaging causes consumer confusion (deceptive similarity). However, in design infringement, the test is strictly "judged solely by the eye." The court must visually compare the two articles; if the defendant's design is an exact replica or an "obvious imitation" without any substantial difference, it is an infringement, regardless of whether a consumer would actually be confused about the brand.

Amendment in Design Law: None, but it established the bedrock standard for visually assessing "obvious imitations" in Indian courts, independent of brand identity.

2. DABUR INDIA LTD. V. RAJESH KUMAR

Citation: 2008 (37) PTC 227 (Del) (Delhi High Court)

PLAINTIFF	DEFENDANT
Dabur India Ltd.	**Rajesh Kumar & Ors.**

Facts: Dabur obtained a design registration for the entire shape of the plastic bottles used for its Amla Hair Oil. They subsequently sued the defendant for selling hair oil in bottles with a similar shape. The defendant countered that the bottle was a standard, generic shape used widely in the cosmetics industry and lacked any novel features.

Issues: Can the registration of a standard, commonly shaped packaging vessel be enforced against competitors if the registration does not highlight a specific, novel aesthetic feature?

Ruling: The Court ruled against Dabur, observing that a plastic bottle is a common industrial item. Because Dabur simply registered the "whole bottle" without specifying any peculiar, eye-catching feature, novel dimensional ratios, or unique surface patterns, the design registration was inherently weak. The Court held that minor variations in standard industry packaging do not meet the threshold of novelty and originality required for design protection.

Amendment in Design Law: None. However, it serves as a critical cautionary tale for IP prosecution, emphasizing that generalized registrations of common packaging are practically unenforceable.

3. MICOLUBE INDIA LTD. V. RAKESH KUMAR (TRADING AS SAURABH INDUSTRIES)

Citation: AIR 2013 Del 142 (Full Bench, Delhi High Court)

PLAINTIFF	DEFENDANT
Micolube India Ltd.	**Rakesh Kumar**

Facts: Micolube filed a civil suit for design infringement against the defendant. The complication arose because the defendant also held a valid design registration for their allegedly infringing product.

Issues: Is a suit for infringement of a registered design maintainable against another registered proprietor of a similar or identical design under Section 22 of the Designs Act, 2000?

Ruling: The Full Bench held that a suit for design infringement under Section 22 cannot be maintained against another registered proprietor. The Court reasoned that once a design is registered, the proprietor enjoys a statutory monopoly. One statutory right cannot be used to automatically override another in an infringement suit. The proper legal recourse is for the aggrieved party to first file a petition to cancel the opponent's design registration under Section 19 of the Act.

Amendment in Design Law: This ruling provided vital procedural clarity on Section 22, confirming that a valid design registration acts as an absolute shield against infringement claims until that registration is formally cancelled.

4. NEC CORPORATION V. CONTROLLER OF PATENTS AND DESIGNS

Citation: [2026] Cal HC (Delivered March 9, 2026, Calcutta High Court)

PLAINTIFF	DEFENDANT
NEC Corporation (and other connected appellants like TVS Motor Company)	**Controller of Patents and Designs**

Facts: Several companies, including NEC, had their design applications for Graphical User Interfaces (GUIs) rejected by the Indian Designs Office. The Controller argued that a GUI is not a physical "article," lacks permanence (as it only appears when a screen is turned on), is generated by software rather than an industrial process, and should be protected under copyright rather than design law.

Issues: Do digital Graphical User Interfaces (GUIs) meet the statutory definition of a "design" applied to an "article" under Section 2(d) of the Designs Act, 2000?

Ruling: The Calcutta High Court reversed the Controller's rejections, delivering a progressive interpretation of the law. The Court clarified that the design and the article are distinct; a GUI is the design, and the display screen (or smartphone/dashboard) is the article. The statute does not require the design to be permanently tangible or physically embossed. Because GUIs consist of layouts, colors, and iconography that appeal to the eye and are applied via technical processes to a device, they are registrable designs.

Amendment in Design Law: While not a legislative amendment, this 2026 judgment marks a massive policy shift, overturning years of Patent Office reluctance and finally opening the doors for tech companies to secure statutory design monopolies over digital interfaces in India.