

b&p

bharucha & partners

Advocates & Solicitors

INTELLECTUAL PROPERTY

Practice Profile



About the Firm

Founded in 2008 on immutable principles of professional ethics and excellence, Bharucha & Partners is a full-service law firm, with offices in Mumbai, New Delhi, and Bengaluru in India.

We are a Firm of practitioners, with 11 Partners and over 80 lawyers offering a blend of rich experience, creativity, and the energy of youth. Each of the partners has a proven track record of handling complex commercial transactions or dispute while each associate has a passion for the law and a love for learning. Each associate has been individually groomed and selected as sharing the qualities and vision of the partners and the Firm. The hallmarks which each of our lawyer's share are Commitment to the Profession, Communication and Transparency, and, Conviction and Integrity in our dealings with each other, our clients, counterparts in the profession and, also, and no less importantly, with ourselves.

The Firm caters to a diverse clientele including Fortune 500 companies, multinational corporations, public sector undertakings, banking and financial institutions, government and state authorities, and various not-for-profits. Our clients consistently praise the 'work ethic' of the Firm, the 'timeliness' of our lawyers, and the 'hard-working' team of lawyers that serve 'the best interests of the clients'.

The Firm has been consistently recognised on various platforms like Chambers and Partners, Euromoney, Legal 500, Who's Who Legal, IFLR1000, asialaw, Benchmark Litigation, and India Business Law Journal, to name a few.

Mission

To our clients

We are committed to further your interests: by delivering work product of the highest quality; on time, every time; consistent with high ethical standards; at a reasonable cost; always delivering value.

To our professional colleagues

As our learned friends, we offer courteous and straight dealing.

To our counter parties

Respectful of your legitimate rights, we will not make unreasonable demands while working for the best results for our clients. In a hostile situation, may the best man win and we will work to ensure that the best case for our client is put forward.

Vision

In the 21st century, time is at a premium; competence is said to be a commodity; and loyalty is for sale. We accept none of that.

Organisations and systems make time manageable. Excellence is rare, it cannot be equated with competence.

We have seen the legal profession grow and change with growth. We believe that growth cannot be at the cost of excellence. To the contrary, growth must foster excellence. We will not be part of any system where values or quality may be impaired in the rush to get the deal done.

We have come together based on immutable principles of truth, ethics, and excellence.

We will not compromise.

Growth will be driven by these principles. We will select the right people, groom them, invest in them. We will not just invest money. We will invest our time and our commitment. Some will fall by the way, as they must, but a few will make the grade. Those who share our values and our vision will be partners. They will be lawyers who will succeed in any jurisdiction.

Within ourselves, we have the capabilities of a full-service law firm. We will grow our capabilities to better serve our clients.

We are proud of every member of our Firm, be they professionals, fee earners, or support staff. Each is a flag bearer. We are committed to going forward and each constituent of our Firm is proud to belong to the law firm that delivers excellent value to its clients and enriches the profession.

The Intellectual Property Practice

At Bharucha & Partners, we know what it takes to protect, license, and monetise your intellectual property. Our Intellectual Property Practice group is among the best in the country and is recognised for its ability to strategically fend off violations and protect creative expression. Our practice encompasses all facets of intellectual property rights, patents, trademarks, copyright, designs, and trade secrets. In particular, our experience in copyright, trademark, and trade secrets related matters is unparalleled.

We advise and represent clients on all aspects of Intellectual Property including protection and litigation, prosecution, transaction and advisory, enforcement, and management of rights. We work with our experienced Dispute Resolution Practice group to successfully apply for urgent interim injunctions or preliminary discovery. Our significant experience in obtaining Anton Piller as well as John Doe orders from various High Courts in India has ensured that our clients can nip infringements and piracy in the bud.

With our multidisciplinary approach, our clients benefit from the expertise of all our other practice groups to receive tailor-made advice that secures their commercial interests and protects their ideas, creations, and inventions.

Our Intellectual Property Practice advises clients across sectors, ranging from automotive, electronics, FMCG, life sciences, luxury goods, media and entertainment, telecommunications, and pharmaceuticals to technology.

Our lawyers have represented clients on several landmark and first-of-its-kind matters including representing leading FM radio operators concerning the fixing of a compulsory copyright license fee, a first under India's copyright laws. We were also involved in the first-ever John Doe order being passed by the Delhi High Court in the case of a sports property owner and the landmark ruling of the Supreme Court of India with respect to the liability to pay license fees for underlying musical works and lyrics.

The Intellectual Property Practice



MP Bharucha, Founder, Senior Partner

MP, as he is popularly known, spearheads the commercial litigation Practice at the Firm. MP has been consistently ranked by Chambers and Partners, Euromoney, and Legal 500 as amongst India's leading lawyers and has wide experience in matters ranging from construction contracts to commercial arbitration. He is known for his multidisciplinary abilities in both dispute resolution and general corporate advisory.



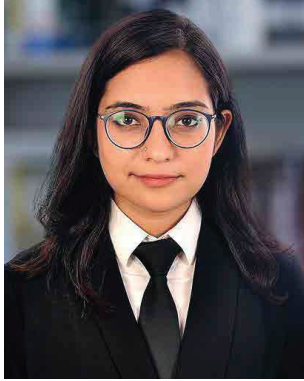
Kaushik Moitra, Partner

Kaushik leads the Intellectual Property Practice at the Firm. He has a wealth of experience in intellectual property rights spanning across telecom, media, entertainment, sports, e-commerce, and technology industries. His experience with diversified media conglomerates affords him a 360-degree view of the media and entertainment sector that helps him, and his team provide advice and representation that has deep sectoral insights and relevance to the client's business. Kaushik is known for his prompt and business-centric advice in the transaction space and his ability to address intellectual property mandates which require representation in tribunals and courts across the country.



Vishnu Dutt U, Partner

Vishnu has advised and acted for domestic and foreign companies in registering and defending trademarks. He has also worked on matters pertaining to the protection of domain names.



Karnika Vallabh, Counsel

Karnika assists Kaushik with the Intellectual Property Practice at the Firm. Karnika has been involved in a wide range of IPR matters, including trademark registrations, assignment and transfer of IP rights, cancellation of domain names, and infringement suits.

Indicative Experience

1. Advising and representing the nodal association and foundation for all leading television broadcasters in the country with respect to matters concerning the intellectual property regime and issues that have an impact on the industry.
2. Representing Synergy Media Entertainment Limited before the Supreme Court of India in a landmark ruling with respect to the liability to pay license fees for underlying musical works and lyrics.
3. Representing leading private FM radio operators before the Copyright Board, High Courts of Delhi, Bombay, and Madras, and the Supreme Court of India in the first ever case with respect to fixing a compulsory copyright licensee fee by the Copyright Tribunal.
4. Advising and representing the Events and Entertainment Management Association with respect to copyright issues pertaining to licensing of music as well as providing on-ground support with the police in various states where live events were hosted.
5. Advising and representing Sony Entertainment Television Limited, SunTV Network, and Viacom18 Media Private Limited before the Supreme Court of India and various High Courts of India with respect to distribution, piracy, content regulation and related issues, and providing on-ground support with the police vis-à-vis anti-piracy raids.
6. Advising leading telecom companies with respect to India's first ever case on Standard Essential Patents (SEPs).
7. Advising leading broadcasters with respect to the interface of copyright and competition law.
8. Advising television broadcasters and FM radio operators as well as leading sports franchisees with respect to allegations of infringement of 'performers' rights' under the Copyright Act, 1957.
9. Representing leading artistes in two landmark cases with respect to 'moral rights' pertaining to a film and an artistic work.
10. Advising celebrity management companies with respect to the right of publicity actions.
11. Representing an individual patent owner with respect to patent infringement by multinational software companies.
12. Representing multinational consumer electronics company with respect to case of first impression dealing with the right of publicity.

13. Representing healthcare equipment manufacturing company with respect to data misappropriation by employees.
14. Advising the producers of various motion pictures with respect to pre-production and post-production documentation and protecting the intellectual property in and of the motion pictures, including:
 - a. Advising and representing Sony Entertainment Network with respect to cases pertaining to patent and copyright infringement in respect of the game show, "Kaun Banega Crorepati";
 - b. Representing producers and production houses in 'John Doe' proceedings initiated prior to the release of films such as 'Piku', 'Youngistaan', 'Kya Kool Hai Hum', 'Darr @ the Mall, the Indian Premier League, and India-New Zealand Cricket Series; and Representing Viacom18 Media Private Limited with respect to proceedings across India with respect to copyright infringement of the film, 'Toilet Ek Prem Katha' and 'Padmavat.
 - b. Advising film artists, sports personalities, and celebrities with respect to the monetisation and protection of their personality rights.
15. Advising film artists, sports personalities, and celebrities with respect to the monetisation and protection of their personality rights.
16. Advising one of India's leading artists with respect to the demand for royalties under the author's resale right.
17. Representing Idea Cellular Limited in various matters with respect to trademarks.
18. Advising and representing several broadcasters in cases of 'statutory licensing' with respect to the amendment to the Copyright Act, 1957.
19. Representing several broadcasters with respect to petitions seeking re-constitution of the Copyright Board.
20. Representing various broadcasters and other establishments such as restaurants, etc. with respect to suits for infringement by Copyright Societies.
21. Representing various generic drug manufacturers in matters with respect to patent infringement and trademark infringement (pertaining to names of drugs).
22. Advising and representing production houses vis-à-vis rights and liabilities with respect to Copyright Societies, after the amendment of the Copyright Act, 1957.
23. Advising and representing various clients before the World Intellectual Property Organization (WIPO) and the National Internet Exchange of India (NIX) with respect to proceedings pertaining to transfer of domain names.



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24. Advising and representing Sony Pictures Networks India Private Limited:
 - a. Before the Bombay High Court with respect to the commercial suit filed by the against Ashiq Usman Productions and certain others for infringement of the client's copyright, trademark, and broadcasting rights in their mark 'SONY SIX' and with respect to the usage of the footage of the 2014 FIFA World Cup in the movie 'Argentina Fans Kattoorkadavu'; Before the Bombay High Court with respect to a suit based on allegations of copyright infringement filed against a popular Indian soap opera; and
 - b. On licensing of copyrights in a movie titled 'Is it a Murder?' from the alleged producers of the movie 'Murder of a Journalist'.
25. Advising and representing Vodafone India Limited and CVC Capital Partners Finance Limited with respect to filing trademark applications, prosecution and protecting the trademark, and managing their trademark portfolio in India.
26. Advising and representing Sara Research and Development Centre before the National Company Law Tribunal with respect to its dispute with Sun Pharmaceutical Industries Limited concerning medical formulation.
27. Advising clients like Samsung India Electronics Private Limited, Flipkart India Private Limited, Flipkart Internet Private Limited, Morepen Laboratories Limited, Net Prophets Cyberworks Private Limited, Infotel M-Commerce LLP, and CitiXsys Tech Solutions Private Limited with respect to filing trademark applications, prosecution and protecting the trademark, managing their trademark portfolio in India, and acting as their Intellectual Property Rights Counsel.
28. Advising Alchem International Private Limited with respect filing trademark applications, prosecution and protecting the trademark, managing their trademark portfolio in India and in select jurisdictions outside India, and acting as their Intellectual Property Rights Counsel in India and various foreign jurisdictions.
29. Advising clients like One97 Communication Limited (Paytm), Samsung Electronics Company Limited, and Surya Marketing Limited (Sprandi) with respect to filing trademark applications, prosecution and protecting the trademark, and managing their trademark portfolio in India.
30. Advising Relevant e-solutions Private Limited with respect to the acquisition of its application 'ROPOSO' (social entertainment application) by Glance InMobi Pte. Limited including the underlying intellectual property in the application.

Clients

We act for public and private companies, acquirers and targets, financial and strategic investors, banks and financial institutions, boards of directors and promoters. The Firm has an even spread of domestic and international clients across a range of industries.

- Aditya Birla Group
- Adani Group
- Apollo Global Management
- Ameriprise Financial, Inc.
- Axis Bank Limited
- BAE Systems plc
- Badminton Association of India
- Balaji Motion Pictures Limited
- Buongiorno SpA
- Burberry Group plc
- Collage Group
- Curtiss-Wright Controls, Inc.
- Danone S.A.
- Diageo plc
- Edelweiss Comtrade Limited
- Firstsource Solutions Limited
- Flipkart India Private Limited
- Fokker Aerostructures B.V.
- Girnar Software Private Limited
- Grover Zampa Vineyards Limited
- Harris Corporation
- HSBC Limited
- IDBI Bank
- IJM Corporation Berhad
- Imperial Auto Industries Limited
- Indian Broadcasting Foundation
- Indostar Capital Finance Limited
- ISS A/S
- ITC Limited
- JCDecaux Group
- JM Baxi Group
- Johnson & Johnson Private Limited
- Kalaari Capital
- Kalpataru Power Transmission Limited
- Kotak Mahindra Bank
- Larsen & Toubro Limited
- Lucid Colloids Limited
- Luxottica Group SpA
- Macquarie Group Limited
- Marks & Spencer Group plc
- Minnow Films Limited
- Morepen Laboratories Limited
- Next Radio Limited
- NIIF Infrastructure Finance Limited
- Peugeot Citroen S.A.
- Porvair plc
- Rolls Royce plc
- Samsung Group
- Shemaroo Entertainment Limited
- Skyline Radio Network Limited
- Standard Chartered Bank Limited
- Star India Private Limited
- State Bank of India
- Sun TV Network Limited
- Tata Communications Limited
- The Federal Bank Limited
- The Times Group
- Twitter, Inc.
- V-Ships Group
- Vestas Wind Systems A/S
- Vodafone Idea Limited
- Wadhawan Group
- Zostel Hospitality Private Limited

Practice Areas and Sector Support

Practice Areas

- Mergers & Acquisitions
- Commercial Litigation
- International & Domestic Arbitration
- Private Equity / Venture Capital
- Laws of Crime
- Governance, Ethics, & Anti-Corruption
- Banking & Finance
- Project Finance
- Capital Markets & Securities Law
- Employment & Human Resources
- Regulatory & Compliance
- Intellectual Property
- Insolvency Resolution, Restructuring, & Stressed Assets
- Competition & Antitrust
- Direct Tax
- Indirect Tax
- Real Estate
- Private Client
- Social Impact & Policy
- General Corporate Advisory

Sector Support

- Banks & NBFCs
- Defence & Aerospace
- Real Estate
- Energy (Conventional & Renewable)
- Ports & Logistics
- Roads
- Technology, Media, & Telecommunications
- Securities & Financial Markets Intermediaries
- Fintech
- Food & Beverages (including Water)
- Trade (Wholesale & Retail)
- Private Clients

Awards & Recognitions



Alka Bharucha



M P Bharucha



Bharucha & Partners



Justin Bharucha



Vandana Pai



Sonam Gupta



Sneha Jaisingh



Reviews

- *“Highly qualified team acting on the full range of corporate matters including M&A, foreign direct investment and joint ventures. Provides general corporate advice to major companies, financial institutions and investors on both the sale and purchase sides. Provides support to private equity and venture capital entities as well as target companies on the entire life-cycle of investment and fund issues. Handles fund formation, management buyouts, minority and controlling-stake acquisitions and a range of follow-on transactions. Notable ability in the financial services, telecommunications, logistics and energy sectors.” - Chambers and Partners*
- *“They are very thorough, proactive and knowledgeable.” - Chambers and Partners*
- *“We receive top-notch partner time. They are realistic in negotiations, which results in the work being handled faster in a more congenial atmosphere.” - Chambers and Partners*
- *“They are a competent team, very capable.” - The Legal 500*
- *“They are customer centric and respond in detail to points raised or opinion sought. They are not ambiguous in their response.” - The Legal 500*
- **MP Bharucha** is lauded by market sources as *“one of the leading lawyers in the country,”* who *“has been on the top of his game for a long time.”* Active on a range of commercial disputes, he maintains a particularly high reputation as a litigator in the Mumbai market.” - Chambers and Partners
- **Alka Bharucha** *“boasts a stellar reputation in corporate transactions. She is renowned for her expertise in cross-border M&A as well as her proficiency in providing advice on general corporate issues, in particular within the power, telecommunications and banking sectors.”* - Chambers and Partners
- **Justin M Bharucha** *“specialises in foreign direct investments in highly regulated sectors. He is regularly active on complex cross-border transactions, utilising his deep knowledge of inbound and outbound M&A.”* - Chambers and Partners
- **Vandana Pai** *“commands a strong reputation among market commentators, who praise her excellence in providing assistance with private equity transactions. Her clients are effusive with praise, with one reporting: “She foresees business and legal issues and is very proactive in addressing potential concerns.”* - Chambers and Partners





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