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INTELLECTUAL PROPERTY
Practice Profile

Mumbai I New Delhi I Bengaluru



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 15 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 disputes, while each associate has a passion for the law, and is individually groomed to share the vision and mission of the partners and the Firm. The hallmarks which each of our practitioners 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 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 understand 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. 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, opposition, 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, brand, and inventions.

Our Intellectual Property Practice advises clients across sectors such as electronics, FMCG, life sciences, luxury goods, traditional and digital media and entertainment, aero-space, telecommunications, pharmaceuticals, and technology.

Our practitioners 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.

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The Intellectual Property Practice Leaders



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, Practice Lead - Regulatory, IP, TMT | Practice Development

Kaushik leads the Intellectual Property Practice at the Firm. He has a wealth of experience in intellectual property rights spanning across the telecom, media, entertainment, sports, e-commerce, and technology industries. His experience with diversified media conglomerates provides him with 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 relevant 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, Practice Lead – Equity Capital Markets

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, Partner

Karnika advises clients throughout the entire life cycle of content, beginning from the planning and production stages, advising on content distribution and advertisements, and up to navigating any disputes brought before various fora, including various High Courts and the Supreme Court of India. She routinely assists clients with respect to their brand development and strategy, and the exploitation and protection of their intellectual property across jurisdictions.

Karnika has experience in advising technology companies and start-ups on various business needs, including aligning their business and operations to ensure compliance with applicable data protection regulations.

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Indicative Experience

1. Representing A.R. Rahman, one of the most decorated, acclaimed, and influential composers in India and the world over, before the Delhi High Court in a suit filed against him by a Hindustani Dhrupad musician seeking inter-alia, injunction, and damages for alleged infringement of copyright in musical work.

2. Representing and assisting the British Broadcasting Corporation with respect negotiation of commissioning agreement and license agreements, renewal of channel license, trade mark licence, and change of their channel logo.

3. Advising Torrent Pharmaceuticals in respect of their pharmaceutical advertisements to ensure that they are compliant at Indian law.

4. 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.

5. Advising and representing Sony Entertainment Television Limited, SunTV Network, and Viacom 8 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-a-vis anti-piracy raids.

6. Advising Minnow Films, a UK based production house, through the pre-production, production, and post-production of several journalistic documentaries released in India and across the globe on platforms such as Netflix and Amazon Prime and negotiating the client's rights with the commissioning platform. The Firm has:
   a. Rendered advisory services relating to production of documentary series titled "Bad Boy Billionaires" including advising on licensing, assignment, and fair use of intellectual property, replying to legal notices, and representation before the Supreme Court, Telangana High Court, and district courts in Araria, Bihar and Lucknow in matters filed by the subjects of the documentary including Mehul Choksi, Subrata Roy, and Ramalinga Raju.
   b. Rendered advisory services relating to production of documentary series titled "Crime Stories: India Detectives", including advising on licensing, assignment, and fair use of intellectual property, and representation before the Bangalore High Court, and district courts in Bangalore in matters filed by a subject of the documentary. The documentary series chronicles the functioning of the Bengaluru City Police as they attempt to solve 4 violent crimes.
   c. Rendered advisory relating to production of the documentary film titled "Mumbai Mafia: Police vs the Underworld" including but not limited to advising on licensing and assignment of intellectual property, privacy concerns and content licensing. The documentary film retraces and sheds light on the intense clashes between the Mumbai Police, Dawood Ibrahim, and other members of D-Company.

7. Advising Passion Docs Limited through the pre-production, production, and post-production of their documentaries released in India and across the globe on Netflix and Amazon Prime and negotiating the client's rights with the commissioning platform. The Firm has:
   a. Rendered IP advisory relating to production of documentary film titled "Caught Out: Crime, Corruption, Cricket" which depicts the Central Bureau of Investigation's inquiry into various Indian and international cricket players who were allegedly engaged in match fixing.
   b. Rendering IP advisory relating to production of documentary film titled "This is AP Dhillon" which follows his life from a small village in Punjab, to performing on the global stage and redefining the music industry.

8. Advising BritDocs Films Limited relating to the documentary film titled “While We Watched”, which is a newsroom drama that chronicles the working days at the New Delhi Television Limited (NDTV) office and follows broadcast journalist Ravish Kumar as he navigates the spread of disinformation in India.

9. Advising and representing Sony Pictures Network India Pvt. Limited in various matters including inter alia:
    a. Advise and representation with respect to cases pertaining to patent and copyright infringement in respect to the game show, “Kaun Banega Crorepati”.
    b. Representation 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.
    c. Representation before the Bombay High Court with respect to the commercial suit filed by 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 footage from the 2014 FIFA World Cup in the movie “Argentina Fans Kattoorkadavu”.
    d. Representation before the Bombay High Court with respect to a suit based on allegations of copyright infringement filed against a popular Indian soap opera.
    e. Representation re licensing of copyrights in a movie titled “Is it a Murder?” from the alleged producers of the movie “Murder of a Journalist”.

10. Advising Notice Pictures Inc., a reputed production company incorporated by the award-winning filmmaker Nisha Pahuja, the Director and Producer of various Emmy-nominated films inter-alia “The World Before Her” and “Diamond Road”, pertaining to issues of Intellectual Property Licensing, privacy concerns, potential contempt actions, and obtaining a certificate from the Central Board for exhibition of the documentary film “To Kill a Tiger” in India.

11. Advising Tanvi Gandhii, a reputed executive producer and line producer in the Bollywood industry who has worked on projects such as “Vikram Vedha”, “Mardaani 2”, “Super 30”, “Udta Punjab” and “Queen”. We have been representing the client for upcoming projects, and on IP rights acquisition and transfer, negotiating the rights of the client with producers, drafting, and negotiating on the various documents in the course of production of feature films and web series such as “Laar” and “Love Sex Aur Dhokha 2”.

12. Advising Abhinandan Gupta, a reputed director and writer in the Indian Film Industry who has worked projects such as “OK Jaanu” (associate director), “Padmaavat” (associate director), and “Chandigarh Kare Aashiqui” (first assistant director). We have been representing the client for his upcoming projects, and on IP rights acquisition and transfer, negotiating the rights of the client with producers, drafted, and negotiated on the various documents in the course of production of feature films and web series and advised the client through termination of agreements and buy back of IP rights.

13. Advising the production house Kahaaniwaaley Media and Entertainment Ventures Private Limited and Ms. Swara Bhaskar, who has won two Screen Awards and received four Filmfare Award nominations for her supporting work in several productions, in relation to inter alia copyright protection in works, artist agreements, drafting of defamation notices, and advisory regarding various concerns that may arise from time to time in the Indian entertainment industry, preparing and filing responses to notices, and assisting the client with filing and addressing complaints.

14. Advising BPL Media Limited and assisting in drafting agreements and negotiations with counterparties for content licensing and channel management for the Punjabi language general entertainment channel ‘Tabbar Hits’.

15. Advising Alchem International Private Limited on multiple matters on an ongoing basis, including: litigation, filing and prosecuting trademark applications in India and abroad in over 30 jurisdictions; drafting cease and desist notices and replies thereto for infringement of intellectual property and passing off of trademark and copyright; representing the client before the Trade Marks Registry, Copyright Office and the USPTO, EUIPO,

and other international IP offices; advising on website compliances and drafting the client's Privacy Policy and Terms of Use setting out adequate measures for intellectual property protection; and advising Alchem with respect to their brand development and strategy.

16. Advising M/S Uprising Science Private Limited who offer clean beauty products under the brand 'Minimalist' regarding defamatory and infringing posts by a competitor on their social media about Minimalist products and defamatory and infringing posts made by influencers on YouTube at the behest of the competitor.

17. Advising Reliable E-solutions Private Limited with respect to the acquisition of its application 'ROPOSO' (social entertainment application) by Glance lnMobi Pte. Limited including the underlying intellectual property in the application.

18. Advising Digivive Services Pvt Ltd on a variety of agreements such as Content Licensing, Material Release Letters, Software Licensing agreements, and DRM agreements. Digivive is a leading OTT Platform, White-Label Technology, and service provider which offers video services to leading telcos, cable operators, broadcasters, educational institutions, transport operators, and media companies.

19. Advising SVF Entertainment Private Limited with respect to commercial disputes, content regulation and acquisition, and licensing for their over-the-top (OTT) platform 'HoiChoi'.

20. 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.

21. Representing Idea Cellular Limited in various matters with respect to trademarks including but not limited to prosecution and opposition of trademarks.

22. 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 the transfer of domain names.

23. Advising clients like One97 Communication Limited (Paytm), Sharda Foundation Samsung India Electronics Private Limited, Flipkart India Private Limited, Flipkart Internet Private Limited, Morepen Laboratories Limited, Infotel M-Commerce LEP, CitiXsys Tech Solutions Private Limited, NexG Platforms Private Limited NexG Devices Private Limited, Surya Marketing Limited (Sprandi) and Netprophets Cyberworks 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.

24. Assisting Fitcore Tech Solutions Private Limited in assigning all Intellectual Property Rights and Domain Names held by the company to Hair Drama Fashion FZCO by originating and reviewing the necessary documentation to affect the transfer.

25. Representing and assisting Homevilla Yoga Private Limited in a transaction for the transfer of Domain Names and Social Media Handles and the content therein including originating necessary documentation to affect the transfer.

26. Advising Cuddles Foundation as well as Access Life Assistance Foundation, both non-profit entities that provide support to children with cancer, with respect to management of their respective intellectual property.

27. Advising Happily Unmarried Marketing Private Limited, a leading provider of men's and women's grooming and FMCG products in India, in protecting, managing, and enforcing its IP in India; in managing their IP through multiple rounds of investment; and in respect to the celebrity endorsement agreement for the brand 'Ustraa'.

28. Assisting WeWork India Management Private Limited, a global presence engaged in the lease of commercial properties for office use, in addressing legal notices for copyright infringement.

29. The Firm believes in being holistic lawyers, and as such provides intellectual property advisory to many of our clients from our Investment Funds Practice, and our Mergers and Acquisitions Practice (and associated strategy). For inter alia General Atlantic, IMCD, and Ivanhoe Capital Corporation, the Firm conduced intellectual property searches and prepared brief opinions on the risks and liabilities associated with the target IP so discovered; conducted IPR Due Diligence for the targets IP; advised on enforceability of patent assignment agreements per Indian law; and assessed the IPR portfolio of targets and thereby assessed the risk matrix.

30. The Firm is the only Indian Law Firm to be a member of Asia Video Industry Association (**AVIA**) and routinely attends and advises on various regulatory and policy meetings and matters. B&P has also originated the India Regulatory Update for AVIA's annual newsletter on IP issues. AVIA is a trade association for multichannel TV broadcast service providers across Asia and includes digital multichannel television, content, platforms, advertising, and video delivery. The membership with AVIA is B&P's effort to stay in tandem with the video industry and play an active role in law policy making and regulatory matters.

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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



















Bharucha & Partners



M P Bharucha



Alka Bharucha



Hiroo Advani



Justin M. Bharucha



Vandana Pai

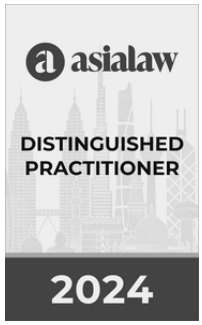


Sonam Gupta

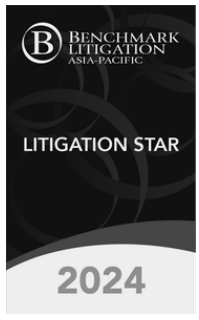


Sneha Jaisingh















♦♦♦



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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
- **Hiroo Advani** "is highly sought after for the breadth of his experience in arbitration issues. He often takes on cases in the energy, infrastructure and construction 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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