

ASSOCIATE PARTNER

Ashutosh Upadhyaya

Ashutosh Upadhyaya joined Anand and Anand in 2016. Since his admission to the bar, he has developed a comprehensive practice that spans diverse fields of intellectual property, seamlessly blending robust courtroom advocacy before the Delhi High Court, Calcutta High Court, and Bombay High Court with strategic corporate counseling. His core practice areas encompass Intellectual Property Rights (IPR), Litigation & Dispute Resolution. Beyond the courtroom, he regularly advises top domestic and international corporations on commercial contracts, technology transfers, and due diligence and compliance in specialized sectors such as advertising, legal metrology, food safety, drugs, and medical devices.

He is a Professor of Practice and a visiting lecturer at renowned law schools in the Delhi NCR region.

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Overview

Ashutosh has been an integral part of counsel teams in path-breaking litigations that have reshaped Indian IP and commercial jurisprudence. In patent law, he was part of the core team securing the landmark Division Bench ruling in *Syngenta Ltd. v. Controller of Patents* (2023), which settled Indian

law by confirming that divisional patent applications can be maintained based on disclosures anywhere in the provisional or complete specification. He was also part of the team that represented the appellant in *Syngenta Participations AG v. Controller of Patents* (2026), obtaining a crucial appellate remand that recognized thermodynamic stability data as a valid measure of enhanced efficacy under Section 3(d) for agrochemicals. In trademark jurisprudence, Ashutosh was part of the team that successfully overturned a blanket interim injunction in *Turning Point v. Turning Point Institute* (2018) before the division Bench of the Delhi High Court, establishing rigorous evidentiary thresholds for proving prior user and goodwill in passing-off disputes. He also represented the appellants before the Division Bench of Calcutta High Court in *Shree Ganesh Besan Mill v. Ganesh Grains Ltd.* (2021), securing a critical modification of an interim injunction by establishing statutory protections for the *bona fide* use of a predecessor's name under Section 35 of the Trade Marks Act. Further expanding his trademark successes, he was part of the team that represented Plaintiff before the Delhi High Court in *Multani Pharmaceuticals Ltd. v. SA Herbal Bioactives* and *Multani Pharmaceuticals Ltd. v. Mayuri Bhamhare* (2025), successfully securing declarations of the marks 'KUKA' and 'MULTANI' as well-known. In high-stakes strategic advisory, Ashutosh successfully advised the Respondents in the high-profile trademark dispute *Macrotech Developers Limited v. House of Abhinandan Lodha Estate Holdings Private Limited & Ors.*,(2025), before the Bombay High Court, involving a massive, multi-crore trademark row over family name usage in the real estate sector, which ultimately culminated in a landmark, amicable mediation settlement.

Publication Links

1. https://www.managingip.com/article/2fp4u8qtz9dhs6zutxibk/sponsored-content/taste-marks-law-science-and-facts
2. https://www.globallegalpost.com/news/intellectual-property-in-a-metaverse-of-madness-288721914
3. https://asiaiplaw.com/article/asci-guidelines-for-advertising-and-promotion-of-virtual-digital-assets-and-services
4. https://www.legaleraonline.com/zoom-in/bringing-the-jetsons-to-life-778062
5. https://law.asia/advertisement-of-medical-devices-in-india/
6. https://asiaiplaw.com/section/ip-analysts/india-should-continue-time-bound-arguments-after-the-pandemic
7. https://asiaiplaw.com/section/ip-analysts/india-puts-teeth-into-surrogate-advertising-laws
8. https://asiaiplaw.com/section/ip-analysts/asci-guidelines-for-advertising-and-promotion-of-virtual-digital-assets-and-services
9. https://asiaiplaw.com/index.php/article/breaking-down-crystallization-of-rights-of-a-patentee-the-enercon-order
10. https://law.asia/reverse-passing-off-unfair-trade-practices/
11. https://law.asia/india-issues-guidelines-digital-media-ads-influencers/

12. https://law.asia/fair-use-trademarks-spare-parts-market/
13. https://www.anandandanand.com/wp-content/uploads/2018/01/Asia-IP-November-2017.pdf

RELATED PRACTICES

LITIGATION

EDUCATION

- LL.B. from Symbiosis International University (2011–2016).

BAR ADMISSION

- Enrolled with the Bar Council of India since 2016.

MEMBERSHIPS

- International Trademark Association (INTA) | Delhi High Court Bar Association (DHCBA).

ACADEMIA

- Professor of Practice at Lloyd Law College and Visiting Lecturer at Symbiosis Law School, Noida.

PUBLICATIONS

- Frequently publishes expert commentary in leading legal publications including Managing IP, Asia Business Law Journal (ABLJ), Legal Era, Asia IP, and Law.asia.

News & Insights

VIEW ALL

News & Updates, Thought Leadership • November 21, 2026

Who Owns India's IP Data? Commercial Scraping and Copyright Protection

Patent applications, trademark registrations, design records and intellectual property judgments form an important part of India's public IP infrastructure.

News & Updates, Thought Leadership • November 18, 2026

Can Foreign Copyright Owners Sue Indian Broadcasters Abroad? The Territorial Reach of Copyright Disputes

A few seconds of weather footage broadcast in New Delhi ended up at the center of a federal copyright lawsuit in California. A news broadcaster based in

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News & Updates, Thought Leadership • November 14, 2026

Can AI Training be Copyright Infringement? The ANI v. OpenAI Dispute in India

Generative artificial intelligence systems are trained on large volumes of information, including text, images, news articles and other digital material.

News & Updates, Thought Leadership • November 11, 2026

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Think about the apps you use every day. Their visual identity is often the first thing you recognise: the arrangement of icons, navigation menus, buttons,

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