

#### **PARTNER**

# Tusha Malhotra

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## **Overview**

Tusha has over 15 years of experience as an Intellectual Property Litigator. She has been actively involved in several phenomenal landmarks which have changed the face of Indian IP Jurisprudence. Known as a fierce litigator, Tusha actively represents big-ticket domestic and international clients in contentious matters across all industries including Pharmaceuticals, FMCG, Luxury apart from many other verticals.

## **Awards & Recognition**

- BW Legal 40 under 40 2022
- Ranked as world's leading patent professional by IAM Patent 1000
- Ranked in Forbest Legitquest Legal Powerlist 2023 as one amongst India's top 100 lawyers

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## **Career Highlights**

#### Tusha has been a counsel in various firsts. Some of the notable works are:

- Hermes v Crimzon case resulted in speedy conclusion as also in a declaration of the H ORAN trademark
- LGE v. Vivo an SEP dispute concluded in about 6 months from its filing in a Patent License Agreement
- Merck Sitagliptin litigation represent Merck and filed 17 lawsuits in a year to enforce its
  Sitagliptin patent. In the said 17 lawsuits, successfully procured injunction orders against all the
  Defendants. Further, facilitated a quick resolution of these lawsuits, and got 8 lawsuits favorably
  disposed in favor of Merck
- Represented Novartis in Novartis v. UOI, first case on interpretation of Section 3(d), Patents Act from the Supreme Court of India
- Represented Merck in Merck v. Glenmark, first patent case decreed in favor of the Plaintiffs in a high contested scenario under the patents Act, 1970
- Represented Mattel, in a tagged appeal with Microfibres v. Girdhar and Co., a leading case on interpretation of Section 15(2) of the Copyrights Act, 1957
- Represented Mattel in Mattel v. Jayant Agarwal, the Scrabulous case, first IP matter where trial was recorded through videoconferencing
- Represented AGC Flat glass, in AGC Flat Glass v. Anand Mahajan, first case under the provision of Section 57 to 59 of the Patents Act, 1970, permitting amendment of a subject patent in a suit for infringement
- Represented MVF 3 ApS, in MVF 3 ApS v. M. Sivasamy, wherein for the first time a confidentiality club was devised to maintain the confidentiality of documents
- Represented telecom giants like Nokia, Samsung etc. before the Customs Authorities in patent troll
  matters such as the Ramkumar case (the dual sim card case) and Bharat Bhogilal case (the laser
  marking case)
- BMS v. Indoco patent where permission was denied to sell generic drugs in light of the pandemic
- Cipla v. SUN, Madras HC trademark injunction was granted in favor of CIPLA, and against SUN regarding their infringing respiratory products. Citing covid, SUN sought to dispose of their existing stock as they are respiratory drugs, the Court denied the request
- Pfizer v. Adley alternate ways to contribute to the Pandemic costs and damages to be payable
  to Pfizer (our client) were agreed to be transferred to the Lawyer's welfare fund intended to be
  used for the purchase of Oxygen concentrators and cylinders
- Represented Merck Sharp & Dohme Corporation in a highly contested litigation where hefty monetary compensation was given up for larger good with infringer being directed to use the costs to plant trees in the national capital of India to purify its air
- Represented Hermes in a matter where where damages were spent towards providing purified

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water, sporting equipment and menstrual hygiene products to adolescent girls from economically weaker background

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### **INDUSTRY FOCUS**

**LICENSING** 

#### **RELATED PRACTICES**

LITIGATION
PATENTS
TRADEMARK
COPYRIGHT
DESIGN

### **EDUCATIONAL**

• LL.B. from Faculty of Law, University of Delhi

#### THOUGHT LEADERSHIP

Tusha writes for various leading national and international publications and law journals like MIP, Asia IP etc. She is also a co-author of the country chapter of Trade Secrets Throughout the World; Patent Litigation India Chapter by Globe Law. She has been a speaker at various forums like the Indian National Bar Association Conference, JETRO ,GIPC, BW Business World and has been a part of one of its kind initiatives by CIPAM which saw her spreading IPR awareness amongst students at 43 Kendriya Vidyalayas across the state of Rajasthan.

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## News & Insights

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'First published on Asia IP' By: Tusha Malhotra and Sugandha Yadav Trademark infringement by a party who is not a registered proprietor is cut and

Thought Leadership • September 13, 2024

<u>Balancing individual liberties and commercial exploitation: Indian</u> <u>personality rights jurisprudence</u>

'First published on Managing IP' Tusha Malhotra and Tanvi Bhatnagar of Anand and Anand say technological advances such as those in Al are presenting

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Safir Anand, Tusha Malhotra in Forbes India Legal Power List

Safir Anand and Tusha Malhotra feature in the 'Forbes India Legal Power List 2023' among the 'Top 100 Individual Lawyers' recognized for their

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By Tusha Malhotra and Yamini Jaswal The article was originally published in Asia Business Law Journal Russia's invasion of Ukraine has wrecked the lives

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