

Justice Rajiv Sahai Endlaw, since the year 2008, is a Judge of the High Court of Delhi at New Delhi, India. Prior thereto for 25 years, he practiced law in the courts at Delhi, specializing in trial of civil disputes.

Justice Endlaw is presently occupying the roster of Judge-in-Charge of the ordinary Original Civil Jurisdiction and Commercial Division of the High Court of Delhi, deciding civil and commercial disputes, including disputes arising out of intellectual property rights relating to registered and unregistered trademarks, copyright, patent, design, domain names, geographical indications and semiconductor integrated circuits. Justice Endlaw has decided several suits relating to intellectual properties. In *University of Oxford Vs. Rameshwar Photocopy Services* 2016 SCC OnLine Del 5128, on an interpretation of Section 52(i) of the Copyright Act, 1957, he held that photocopying portions of text books and reference books and making of course packs, even if by commercial photocopier for sale to students of a university, would be covered by the act of reproduction of any work by a teacher or a pupil in the course of instruction not amounting to infringement of copyright. The said judgment was heralded not only by the student community but also by a large number of well-known authors of such text books, who expressed a desire for widespread dissemination of knowledge contained in their works.

In the field of patent, Justice Endlaw in *Bayer Corporation Vs. Union of India* (2017) 238 DLT 701 on an interpretation of Section 107A of the Patents Act, 1971 corresponding to what is internationally known as Bolar provision held that export of patented medicines by Indian manufacturers, for the purpose of research and development, even if without any permission from the patentee, does not amount to infringement of the patent.

With respect to rights in a registered design, Justice Endlaw in *Crocs Inc. USA Vs. Aqualite India Limited* 2019 SCC OnLine Del 7409 held that a registered design cannot constitute a trademark and an action for passing off only lies only if some extra features besides the registered design have been used as trademark and have been copied.

In *Navigators Logistics Ltd. Vs. Kashif Qureshi* (2018) 254 DLT 307, Justice Endlaw held a client list maintained by a business to be devoid of any technique/skill for it to be protected under copyright law. He further held that since such client lists are not published and have no confidentiality, they cannot be used as a basis for suits for infringement and permanent injunction to restrain employees, after their termination, from seeking employment with competitors.

In the context of moral rights of an architect, Justice Endlaw in *Raj Rawal Vs. Union of India* (2019) 260 DLT 190, after looking at law from various jurisdictions as well as academic work on the subject, outlined the scope of moral rights of an artists, and held that demolition of a building cannot be considered a violation of the moral right of its architect, and that policy considerations and practical necessities behind such demolitions outweigh the moral rights of an architect.

In *Allied Blenders & Distillers Pvt. Ltd Vs. Shree Nath Heritage Liquor Pvt. Ltd.* (2014) 211 DLT 346, Justice Endlaw reevaluated the classic tests of ‘deceptive similarity’ and ‘likelihood of confusion’ adopted by courts to determine infringement, by considering the various scientific advancement in the field of human psychology and memory, and held that unconscious associative thinking by consumers must be considered by courts when determining infringement between two competing trademarks.

Else, Justice Endlaw has also rendered a large number of decisions with respect to the procedure for adjudication of suits pertaining to intellectual property rights and which have helped considerably in reducing the time taken in decision and disposal of the said suits.