



Nishad Nadkarni

Partner

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Practices:

Intellectual Property

Education:

LL.B, University of Pune (1999)
LL.M, Commercial Laws,
University of Mumbai (2001)
Diploma in Consumer Protection
Laws, ILS, Pune (1998)
Masters Diploma in Software
Sciences, Tata Unisys, Pune
(1998)

Professional Affiliations:

Bar Council of Maharashtra &
Goa
Bombay Bar Association
Trade Marks Registry
International Trademark
Association (INTA)
International Association for the
Protection of Intellectual
Property (AIPPI)

Nishad Nadkarni is an Associate Partner in the Intellectual Property (IP) practice group in the Mumbai office. Nishad specialises in various aspects of IP law as well as commercial litigation and arbitration. Before joining Khaitan & Co, Nishad has worked with well-known full service firms.

Nishad has over 18 years of experience in contentious and non-contentious matters pertaining to IP (including advisory, transactions, prosecution and litigation pertaining to trademarks, copyrights, designs and patents), media and entertainment, and commercial litigation and arbitration. He has also advised select clients on real estate transactions and disputes, corporate and commercial laws, foreign investment policy, joint ventures and foreign collaborations.

Representative Matters:

In his areas of expertise, Nishad has represented and advised in the following areas/clients:

Intellectual Property:

- Registrability, protection and exploitation, *inter alia*, of trademarks, copyrights and designs;
- Handling, managing and maintaining the IP portfolios for corporate clients including the registration process and brand audits for clients such as **Alcon (Novartis), Raymond, Pidilite, P & G etc;**
- IP perspective of commercial transactions including strategizing, documentation, negotiations pertaining, *inter alia*, to technology transfers, licensing, franchising, and acquisition of IP;
- Due diligences in IP related transactions and audit of IP portfolios for clients in sectors, *inter alia*, relating to manufacturing, healthcare, garments, and pharmaceuticals;
- IP litigations (including for issues relating to comparative advertising) for multinational companies in various fields including pharmaceuticals, textiles and garments, FMCGs and adhesive and paint manufacturers which included



strategizing, drafting of pleadings, appearing himself for ad-interim reliefs or along with Counsel;

- **Hindustan Unilever** and **Godrej Consumer** in relation to well-known suits against disparagement;
- **Owners of NATURAL ice cream** in a trademark infringement and passing off of business litigation involving issues pertaining to protection of descriptive marks which acquire distinctiveness;
- Domain Name disputes under UDRP and INDRP and related legal proceedings arising therefrom either with a view to enforce or challenge the awards passed, *inter alia*, under the Arbitration and Conciliation Act, 1996; and
- Franchise agreement in relation to the franchise of the well-known real estate mark "TRUMP" to **Rohan Developers Private Limited**.

Media & Entertainment:

- **Film and television production houses** for drafting and negotiating film contracts including co-production agreements, directors agreements, talent and artist agreements, distribution agreements and music agreements;
- **Urmi Juvekar Chiang** against CNN-IBN in the leading litigation pertaining to breach of confidentiality in a concept note for a reality show; and
- **A scriptwriter** against the producers and director of, and the script writer named in, the film "RANN".
- **Trimurti Films** against T-Series in relation to a well-known suit for copyright infringement of musical works pertaining to remixes.

Commercial Litigation and Arbitration:

- A litigation (including an anti-suit injunction proceeding and applications for stay of arbitration proceedings and for interim reliefs therein) in relation to the Indian Premiere League broadcasting rights on behalf of the **World Sport Group** which involved allegations of fraud pertaining to a facilitation fee of about Rs 425 crores;
- A shareholders dispute for an agro-chemical major and its managing director involving a series of Company Petitions filed under sections 397 and 398 of the Companies Act, 1956 and appeals arising out of decisions passed by the Company Law Board and a derivative action pertaining to Patent rights; and
- Arbitration proceedings and related proceedings for interim reliefs under section 9 of the Arbitration and Conciliation Act, 1996 for an FMCG multinational group of



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companies arising out of the non-renewal/termination of their contract manufacturer for detergents, toothbrushes and toothpaste, involving claims up to Rs 300 crores.

Corporate Commercial and Private Equity:

- **Star Drugs and Research Labs Limited** In its business transfer to Bangalore based Strides Acrolab (through its unit Agila Specialities) for approximately Rs 12.5 crores;
- **Tata Motors** in the preparation of agreement on various aspects during the launch of the small car Nano including arrangements with finance companies and distributors;
- Corporate due diligence of over 13 companies forming a part of the **Future Group of Companies (Pantaloon)** as a part of an internal restructuring exercise;
- Issues pertaining to foreign direct investment for setting up of insurance intermediaries, automobile parts manufacturers, and cosmetic companies;
- **A multinational cosmetics major** with regard to complaints filed against it before the Advertising Standards Council of India in respect of claims made in advertisements for its products with a view to sustain the claims; and
- **A multinational cosmetics major** on issues pertaining to the Drugs and Cosmetics Act, 1940.

Real Estate:

- **Future Market Networks Limited** (the real estate and mall management arm of the Future Group of Companies) on a regular basis including drafting lease and license agreements, commercial contracts, contractual disputes and legal proceedings arising therefrom.

Publications and Presentations:

Nishad has authored articles in Indian and international legal journal like the World Trademark Review, Lexology, Mondaq and Law Street India.

Recognitions and Accomplishments:

Featured in IP rankings such as Legal 500 Firm Rankings.