



Nirupam Lodha

Partner

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Practice:

Intellectual Property

Education:

B.Sc., LL.B., National Law
University, Jodhpur (2007)

Professional Affiliations:

Bar Council of Delhi
International Trademark
Association
The International Bar
Association

Nirupam Lodha is a Partner in the Intellectual Property practice group.

Nirupam advises and assists clients on intellectual property and technology related transactions, including acquisition of intellectual property assets, intellectual property and technology licensing, brand acquisition and licensing, SAAS arrangements and conducting intellectual property related due diligences. He also assists clients in securing statutory protection for their intellectual property in India as well as across the world.

Further, he advises clients in intellectual property enforcement matters, including patent, trademark, copyright, design infringement actions, passing off and actions for misappropriation of trade secrets. In particular, he has worked on SEP/ FRAND litigation in the patent space and has also been part of patent trials in India.

Representative Matters

In his area of expertise, Nirupam has represented and advised the following key clients:

Transactions

- **Reliance Retail Limited** on its acquisition of the menswear brand 'John Player' and associated inventory from ITC Limited for approximately INR 150 Crores;
- **Haldiram Snacks** in acquisition of the namkeen brand (i) "Babaji" and associated inventory from Lamba Foods and (ii) "Atop";
- **MediaRadar Inc.** on the acquisition of the 'Vivvix' brand India assets from Numerator India Private Limited (an affiliate of Kantar Group Holdings Limited), which is involved in the business of providing advertising intelligence;
- **Inbrew Beverages** on its acquisition of the business comprising 32 brands including 'Haywards', 'White-Mischief', 'Green Label', 'Romanov' and others (Popular Brands Business) from United Spirits Limited for a total consideration of INR 828 crore;
- **Indo Count Industries Limited** on transfer of the business undertaking of the Home Textiles Business of GHCL Limited, including its plant at Vapi and windmill power plant at Jodiya on a

Recognitions & Accomplishments:

Nirupam has been acknowledged for his experience and expertise by:

- **Asian Legal Business** – ALB Rising Stars 2024;
 - **Asian Legal Business** – Asia 40 under 40 for the year 2022;
 - **Legal 500 – Asia Pacific 2022** as a 'recognized lawyer' for intellectual property;
 - **Legal 500 – Asia Pacific 2019** as a 'leading lawyer' and 'recognized lawyer' for intellectual property; and
 - **Who's Who Legal** as 'expert' in the field of 'Telecommunications Media & Technology' and 'Data Privacy'
- going concern basis by way of a slump sale. The business includes the brands "GRACE", "CIRKULARITY", "REKOOP", "KNIGHTINGALES", "NILE HARVEST", "EARTHOLGY", "ROSEBYS", etc;
- **Insud Pharma**, a leading Spanish multinational pharmaceutical company, in relation to the divestment by Viatrix Inc. of its Women's Healthcare business, primarily related to oral and injectable contraceptives, to Insud Pharma. The deal includes Insud Pharma's acquisition in rights over the brands "SYNTOCINON", "FAMYCEPT", "DESCON", "FREWIL", etc.;
 - **Tata Global Beverages Limited** on their US\$ 100 Million deal with Starbucks Corp. for setting up a joint venture in India and in respect of licensing of technology and intellectual property;
 - **TVS Motor Company Limited** in entering into a Title-Partnership Agreement with Petroliam Nasional Berhad ('Petronas') for appointment of Petronas the 'Title Sponsor' of the TVS Racing team;
 - **CK Birla Healthcare Private Limited (Birla Fertility and IVF)** in relation to its proposed acquisition of majority stake in Asian Reproductive Centre Private Limited and Thrissur Repro Health Care Private Limited, undertaking business under the brand ARMC IVF;
 - **Mylan Inc.** on its US\$ 750 Million acquisition of female health care businesses of Famy Care;
 - **BMW AG**, Advised BMW AG on intellectual property aspects of its joint venture (JV) with Tata Technologies Limited to establish automotive software and IT development hubs in India;
 - **SP Plus Corporation**, a NASDAQ-listed company providing technology-driven mobility solutions, on the India leg of the global asset acquisition (which included an acquisition of all intellectual property and a team of technical engineers) from Divrt Inc., a software, cloud and IOT technology company delivering parking management solutions;
 - **Google International LLC ("Google")** on its investment in CropIn Technology Solutions Private Limited ("Company"), which raised its Pre-Series D funding of approximately USD 14 million from Google and other investors such as Impact Assets, Chiratae Ventures and JSR Active Innovation;
 - **Atlas Holdings LLC** on intellectual property matters on their acquisition of RR Donnelley Sons and Co, involving the purchase of RR Donnelley's outstanding stock by Atlas for a total consideration of approximately USD 2.1 billion;
 - **UC Web** on their various online services and applications including the 'Vmate' and 'Vmate Status' mobile applications and the 'UCWeb Browser';
 - **ANI Technologies Private Limited ("OLA")** on various intellectual property matters, including in respect of use of musical work for its 'OLA-Play' services; and
 - **Khazanah Group**, a Malaysian sovereign wealth fund on its investment of US\$ 100 Million in Fractal Analytics, one of India's leading data analytics company.

IP Enforcement & Disputes

- **Metro-Goldwyn-Mayer Studios ("MGM Studios")** in various intellectual property enforcement and prosecution matters in India for its well-known brands which include "JAMES BOND", "007", "PINK PANTHER", "ROCKY", etc.;
- **Yves Saint Laurent ("YSL")** in successfully enforcing its trademark rights in the marks "YSL", "Yves Saint Laurent", etc. in India;
- **Tata Communications Payment Solutions Limited and Tata Communications Limited** in enforcing trademark rights in the mark "INDICASH";
- **Mahyco Private Limited** in enforcing their trademark and copyright against third party infringers, across the country, as well as in registering their intellectual property rights;
- **Orient Electrical Limited** in various intellectual property matters, for enforcement of their trademark rights in the mark "ORIENT" and design rights against third parties;
- **Lava** on their dispute with Ericsson in relation to standard essential patents and FRAND royalty commitments; and
- **CommScope**, on a patent infringement suit pertaining to base station antennas in India.

Publications and Presentations:

Nirupam has authored / co-authored/ presented the following contributions:

- "Understanding the Draft Trade Marks (Holding Inquiry and Appeal) Rules, 2024" published by Lexology (July 2024);
- "India: Commercial sale of perfume testers amounts to unfair trade practice under Indian Trademark law" published by Wolters Kluwer Trademark Blog (August 2023);
- "Use of player & team names in fantasy sport leagues - trademark infringement?" published on Kluwer Trademark Blog by Wolters Kluwer (June 2021);
- "The Conundrum Around the "First User" Rule: Analysing Supreme Court's Decision in Neon Laboratories' Case" published on Mondaq and Lexology (July 2021);
- "Before the IP Leap" published by Millionaire Asia, in Volume 2 Issue 2 of (2016);
- "Internet of Things" published by Technology, Media and Telecommunications Expert Guide, (2016);
- "Boosting Foreign Technology Transfers & Brand Licensing in India" published by World Intellectual Property Review, (April 2010); and
- "Keeping Your Finger on the Pulse in India" published by World Trademark Review, Issue 23, (February/ March 2010).