

KUNAL GUPTA

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SUMMARY

An Intellectual Property sleuth with more than 2 years of PQE primarily on intellectual property (IP) related issues at Rahul Chaudhry & Partners, a tier-1 boutique IP law firm since September, 2019. Key skills include advisory, legal research, drafting and legal opinions, formulating pre/post-litigation strategy, licensing and transfer, opposition proceedings, stock surveillance, client communication and vetting agreements. Currently handling independent on-going litigation as well as non-contentious matters and directly reporting to Partners and paralegals for effective billing. Facilitated in conducting successful criminal raids for counterfeit enforcement actions.

PROFESSIONAL BACKGROUND – ASSOCIATE ATTORNEY

- **Drafting and Vetting:**

=> Complaint, written statement, rejoinder, replication, misc. applications in Infringement and Counterfeit suits, Contempt, Execution Petition, Appeal to rectification order, complaint u/s 16 of companies act, Domain Name complaints (WIPO, NIXI and UK Registry);

=> Cease and Desist notices, Take-downs of infringing content, Rebuttals, Undertakings, Violation letters, Settlement/ Co-Existence Agreement, Representative, Non-disclosure Agreement, Service Agreement, Notice of opposition, Counter Statement, representation letters under Right to Information/Registry.

- **Client Counselling, Advisory & Developments:**

=> Advising on Trademark/Copyright enforcement strategies and pre-litigation action evaluations giving chances of success across different industry sectors- *FinTech & Cloud Computing, Fashion&Apparel, Sports&Entertainment, FMCG, Pharmaceuticals & Healthcare, Automobile & Oil Lubricant, Energy Transport and Software Industry;*

=> *Drafting Newsletters, attending client meetings and promotional events formulating enforcement strategies.*

- **Case Management & Active Handling of Litigation:**

=> Independently handled on-going litigation files, assisting at various stages of proceedings particularly in Delhi High Court, Madras High Court, Bangalore City Civil and Sessions Court, Saket District Court, Tis Hazari Court;

=> Case briefing to Senior Advocates, Court e-filing, OCR, Book-marking, inspection of court files, court appearances. Easy coordination with paralegal for billing purposes.

INTERNSHIPS

An indicative list of the work undertaken are as follows:

- Ira Law [August, 2019 - 4 weeks];
 - **Drafting:** notice of oppositions, case briefs, research article
 - **Research:** 'Safe-harbour protection under Information Technology Act, 2000, Direct selling guidelines, 2021, Infringement of trademarks vis-a-vis keywords under *Google Ad-word program*.
 - Attended Delhi high court case proceedings

- Inttl Advocare IPR Attorneys [February, 2019 - June, 2019 - 5 months];
 - **Drafting:** notice of oppositions, counter-statements, reply to examination reports, NIXI Domain Name complaint, appeal to refusal order of examiner;
 - **Research:** disparagement in comparative advertising, compilation of trademark infringement and passing off cases, patent summary note on water-purification system with UV light technology.

- ALG India Law Offices LLP [January, 2019 - 4 weeks];
 - **Drafting:** notice of oppositions, legal opinions;
 - **Research:** Trademark search (Indian & International), collating e-evidence for pre-litigation enforcement strategy.

- Khaitan and Khaitan (Advocates and Solicitors) [October, 2018 - 4 weeks];
 - **Drafting:** written statement under consumer forum on privity of contract
 - **Research:** note on Drugs and Cosmetics Act, 1940, Pharmacy Act, 1948, Companies Act, 2013, Legal Metrology Rules, 2011 in relation to documents required for establishing pharmacy in Delhi for sale, distribution and import of cosmetics.
 - Attended NCDRC and NCLT proceedings.

- Sr. Adv. Siddharth Luthra, Former ASG, Supreme Court of India [July, 2018 - 4 weeks];
 - Attended court proceedings in Supreme Court and High Court of Delhi, client-meetings;
 - **Research:** admissibility of electronic records, doctrine of innuendo, _____.

- Kanth & Associates [December 2018 - January, 2019 - 2 months];
 - **Drafting:** affidavit of service, memo of parties, exemption applications;
 - Assisted in filing a writ petition against 'automatic disqualification of directors' under Companies Act, 2013 for approval of 'Condonation of Delay Scheme 2018' at the ASG house with registrar of company;

- Chambers of Adv. Atul Tripathi [July, 2017 - 4 weeks];
 - **Drafting:** Petition for quashing of FIR under Section 482 of Criminal Procedure Code, 1973;
 - Attending Karkardooma district court proceedings and preparing case briefs.

-Sr. Adv. Shyamlal Nirwania & Amit Nirwania

[December 2014, December, 2015,
July, 2016, December, 2016 - 4months];

- Attended Haryana district court proceedings, reading case files, preparing summary notes;
- Research on succession of property, dishonour of cheque, fraud, cheating, offences under IPC

MAJOR RESEARCH POINTS CAME ACROSS

- Interplay between the Trademark and Design registration, Trademark Infringement in Hyperlinks and Meta-tags, Trademark and Copyright Infringement in Mobile Applications, Fair-use and Descriptive use of Trademarks in Softwares, Protection of Trade Secrets read with Section 8(1)(d) of Right to Information Act, 2005, Copyright protection in Public Art and Privacy policy/terms of conditions;
- Due diligence of significant social media intermediaries under Information Technology (Intermediaries Guidelines) Rules 2021, Cyber-Squatting, Domain Name Parking, Compilation of Case laws on Trademark Infringement and Passing Off, Infringement in Cognate/Allied goods, Surrogate Advertising;
- Service of Judicial Documents under Hague Convention.

RECENT LITIGATIONS HANDLED

- Sh. Bhavpreet Singh Soni v. Sony Corporation & Ors., Civil Suit 100/2020 (Groundless Threat);
- Exxon Mobil Corporation v. Karan Dharmendra Parikh & Anr., CS COMM 624/2019(Del)(Execution);
- Exxon Mobil Corporation v. Jayesh K. P. & Ors., OS 4333/2019 (Civil Disobedience);
- Exxon Mobil Corporation v. M/s Bike Zone/Siddhivinayak & Ors., CS COMM 606/2021 (Counterfeit);

CERTIFICATIONS & PUBLICATIONS

- Research Article on 'Indian Pharmaceutical Sector - The Struggling Era of FDCs', 2018, volume 5 issue 2, Pg 110-121, [ISSN-2349-8463];
- Online General course on IP Laws conducted by WIPO [DL-101] - Grade A;
- Online Diploma on 'Cyber Laws' offered by Indian Law Institute, New Delhi - Grade B
- Dissertation on 'Comparative Advertising under Trademark Law';
- Legal-Aid cell: conducted workshop cum training session on Right To information (28-29 January, 2015)
- Annual Intra Moot Court Competition: successfully organised Annual Moot Court Competition, 2014;

EXTRA CURRICULAR ACTIVITIES

- member of general assembly committee in Amity International Model United Nations 2015;
- Amity innovation incubator [CCFIS Hacker Cup, 2015] successfully completed training held by *Cyborg Cyber Forensics and Information Security Pvt. Ltd.* on 'CyberGen';
- attended conference on 'IPR and Industrial Revolution 4.0' organised by FICCI, November, 2018;

EDUCATIONAL QUALIFICATIONS

- B.B.A., LL.B. (Hons.) - Amity Law School, Noida ; CPI – 62.32%
- Class XII – C.B.S.E., St. Theresa Convent School, Karnal, Haryana ; Aggregate - 85.5%