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Brief on

Draft Guidelines on Use of Artificial Intelligence in Proceedings before the Trade Marks Registry



Brief: Draft Guidelines on Use of Artificial Intelligence in Proceedings before the Trade Marks Registry

In October 2026, the Office of the Controller General of Patents, Designs and Trade Marks ("Office of CGPDTM") released the Draft Guidelines on Use of Artificial Intelligence ("AI") in Proceedings before the Trade Marks Registry ("Draft Guidelines"). The Draft Guidelines were prepared pursuant to the High Court of Delhi's order in *Stryten Energy LLC v Nidhi Agarwal & Ors.*

The Draft Guidelines were framed to check the use, abuse, and misuse of AI-generated pleadings and representations that have resulted in false, fake, and non-existent case law being cited in proceedings before the Registrar of Trade Marks ("Registrar").

Objectives

- Prevent the use, misuse, and abuse of AI-generated content, including fabricated, false, or non-existent case law citations, in proceedings before the Trade Marks Registry
- Ensure transparency, disclosure, and human accountability for all AI-assisted submissions placed before the Registrar
- Establish a framework for verification, and consequences of non-compliance consistent with the Trade Marks Act, 1999, the Trade Marks Rules, 2017;
- Protect the integrity of quasi-judicial proceedings before the Registry and ensure that decisions of the Registrar are based on verified, accurate, and authentic legal and factual material
- Provide a deterrent against perjury and obstruction of justice arising from unverified AI-generated content.

The Draft Guidelines are to operate in addition to the Information Technology Act, 2000; the Trade Marks Act, 1999 ("TM Act"); the Trade Marks Rules, 2017; the Bharatiya Sakshya Adhiniyam, 2023; and the Digital Personal Data Protection Act, 2023. They supplement other applicable laws on evidence, digital content, and personal data, and in case of any conflict, the provisions of the relevant statute or law will prevail.

Definitions

AI

- A machine-based system that learns from data and generates outputs, including LLMs, GenAI, and NLP tools.

AI-Generated Content

- Any text, analysis, citation, fact, argument, or other material created or substantially assisted by AI.

Generative AI (GenAI)

- AI systems that generate text, images, audio, video, or code in response to prompts.

Hallucination

- AI-generated information that appears credible but is inaccurate, fabricated, or unsupported.

Human-in-the-Loop

- A requirement that a qualified human reviews, verifies, and remains accountable for AI-generated outputs.

Verification

- Independent confirmation of the accuracy, relevance, and authenticity of citations, legal authorities, and factual claims through reliable non-AI sources.

General Principles

Human primacy and accountability	Transparency and disclosure	Verification before submission	Integrity of proceedings
AI use must remain subservient to human judgment, and no person may disclaim responsibility for a false or fabricated submission by attributing the error to AI.	Every submission prepared wholly or partly with AI must carry a mandatory disclosure declaration, and failure to disclose AI use is treated as a misrepresentation to the Registry.	All AI-contributed citations, statutory provisions and legal propositions must be verified against authorised non-AI legal sources, and AI-contributed factual assertions against the underlying record, with both certified in the declaration before filing.	Every submission is an instrument of a quasi-judicial proceeding, Authorised Representatives owe a paramount duty of candour to the Registry, and citing false or non-existent case law is a serious breach of that duty whether or not AI was involved.

Mandatory Disclosure and Verification

Any submission prepared with AI assistance must be accompanied by a declaration confirming the use of AI and, where applicable, certifying that all AI-generated legal and factual content has been independently verified and that the filer accepts responsibility for its accuracy.

Authorized Representatives must verify the existence, accuracy, and relevance of any AI-generated case law citations before use, and the declaration requirement applies to a broad range of filings before the Registry, including oppositions, written submissions, affidavits, rectification applications, and responses to examination reports.

Obligations of Examiners, Registrar, and Registry Officers

Every Officer, the Registrar, or any other officer exercising functions under the TM Act must ensure that AI is used only as an assistive tool and does not influence or replace independent statutory decision-making. Any AI-generated legal or factual content must be independently verified through authorized non-AI legal sources before use, and the CGPDTM may prescribe additional safeguards, approved AI systems, verification requirements, and security standards for AI use within the Registry.

Consequences of Non-Compliance and Misconduct

Consequences for Parties and Representatives

The Registrar may initiate proceedings, either on their own motion or upon a request from a party, where there is reason to believe that a submission contains fabricated or misleading citations, AI-generated factual inaccuracies, a false or missing AI-use declaration, or other violations of the Draft Guidelines. Before taking action, the affected party or Authorized Representative must be given notice and an opportunity to be heard.

After considering the matter, the Registrar may strike out the offending citation or, where appropriate, disregard the submission in whole or in part. In addition, matters involving professional misconduct, perjury, or similar concerns may be referred to the relevant disciplinary authority, including the appropriate body for Trade Mark Agents or the Bar Council for advocates.

Reporting of AI Hallucinations

Any party, Authorized Representative, or officer who identifies a potentially fabricated citation, factual misrepresentation, or false AI declaration may report it to the Registrar in the prescribed format, supported by relevant evidence and grounds. The Registrar may seek further information from the reporting party or the person who filed the submission and assess whether the report has sufficient basis.

If the reported material is found to be fabricated, non-existent, or remains unsubstantiated, the Registrar may issue a show-cause notice and proceed under Clause 12 of the Draft Guidelines after providing an opportunity to be heard. Good-faith reports will not attract adverse consequences, while frivolous or vexatious reports may themselves lead to action. Unless specifically directed otherwise, verification proceedings will not delay or suspend the underlying Registry proceedings or applicable timelines.

Safeguards for AI-Assisted Documents and Evidentiary Material

No AI in personal-knowledge statements	AI must not be used to generate, embellish, dilute or otherwise alter the substantive content of any affidavit, declaration, verification, undertaking or statement meant to reflect the personal knowledge or belief of a party or Authorised Representative.
No AI-generated or manipulated evidence	No party or Authorised Representative may use AI to generate, fabricate, materially manipulate or digitally alter any document or material filed before the Registry, including labels, invoices, sales data, advertisements, translations, certificates and proof of use.
Consequences of contravention	A breach of Clause 14.1 of the Draft Guidelines renders the document liable to exclusion from the record and the responsible person liable to action under Chapter V.
Registrar's powers on authenticity	Where AI generation or manipulation is suspected, the Registrar may, after a hearing and with recorded reasons, direct production of the original file, metadata, audit trails or creation history, exclude unverified material, draw adverse inferences, and initiate further proceedings.