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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 21.11.2025

+ **CS(COMM) 633/2022 & I.A. 15016/2022 I.A. 383/2023**

VISAGE BEAUTY AND HEALTHCARE PRIVATE LIMITED

.... Plaintiff

Through: Mr. Vaibhav Vutts, Ms. Aamna
Hasan and Ms. Aarya Deshmukh,
Advocates

versus

FREECIA PROFESSIONAL INDIA PRIVATE LIMITED & ANR.

.....Defendants

Through: None

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

I.A. 15016/2022(under Order XXXIX Rule 1 & 2)

1. This is an application filed by the Plaintiff under Order XXXIX Rule 1 and 2 of Code of Civil Procedure, 1908 ('CPC') seeking for interim injunction against the Defendants.
2. The Plaintiff has filed the present suit with respect to infringement of its trademarks and copyright in its three (3) products, which are as follows:
 - a. O3+ Bridal Facial Kit Radiant & Glowing Skin.
 - b. O3+ Bridal Facial Kit Vitamin C Glowing Skin.
 - c. O3+ Shine & Glow Kit.
3. The Defendant No. 1 is engaged in selling various skin care and



cosmetic products under its house mark 'PROADS'. The subject matter of the suit are its products known as 'Proads Bridal Facial Kit Radiant Smooth Glowing Skin', 'Proads Bridal Facial Kit Vitamin C Enriched Glowing Skin' and 'Proads Facial Kit Shine & Glowing Skin' ['impugned products'].

4. The Plaintiff's grievance stems from the fact that the Defendant No. 1 has verbatim copied the original literary work with respect to the contents of 'ingredients' and 'steps to use' mentioned on the Plaintiff's products on its own impugned products and in the process, the Plaintiff's trademarks 'D-TAN'[Plaintiff's Product (a) as above], 'SHINE & GLOW' and 'DERMOMELAN [Plaintiff's Product (c) as above]' has also been infringed.

5. The Defendant No. 1 was duly served and had entered appearance as well as filed its written statement as a reply to this application. However, there has been no appearance on behalf of Defendant no. 1 after 04.12.2024 and the Defendant No. 1 was proceeded ex-parte vide order dated 21.08.2025.

6. The Plaintiff has filed an affidavit on 28.10.2025 stating that Defendant no. 1 continues to sell the infringing products as available on the Defendant no. 1's official website www.proadsindia.com and relies upon the purchases made on 17.09.2025 with respect to the following products:

- a. Proads Professional Bridal Facial Kit Radiant Smooth Glowing Skin; and
- b. Proads Professional Shine & Glowing Skin Facial Kit.

7. Mr. Vaibhav Vutts, learned counsel for the Plaintiff sets up the Plaintiff's case as under:



7.1. The Plaintiff adopted the trademarks DERMOMELAN in 2008 and got it registered under Registration No. 1913811 (Class 3), D-TAN in 2009 bearing Registration No. 2065580 (Class 3), and SHINE & GLOW in 2011 bearing Registration No. 2219460 (Class 44). The details of the trademark registrations and applications are mentioned at paragraph 16 of the amended plaint.

7.2. The Plaintiff has recorded substantial sales under its trademarks, with D-TAN recording over Rs. 18 crores in 2020-21, 'DERMAMELON' recording over Rs. 1 crore in 2021-2022 and 'SHINE & GLOW' recording over Rs. 9 crores in 2021-2022. The detail of the Plaintiff's sales for its products under the mark 'D-TAN', 'SHINE & GLOW' AND 'DERMOMELON' is mentioned at paragraph 20 of the amended plaint.

7.3. The Plaintiff has expended substantial amounts towards the promotion of its trademarks, incurring advertisement expenses exceeding Rs. 21 crores during the period 2004-2021. The details of the advertisement expenses are mentioned at paragraph 22 of the amended plaint.

7.4. The Plaintiff's trademarks have been extensively promoted, advertised and find prominent mention in the marketplace including:

- i. Magazines like Femina, Cosmopolitan, Salon International
- ii. Products under the Plaintiff's trademarks are available on third party e-commerce platforms like Amazon, Flipkart, etc.
- iii. Plaintiff's social media platforms like Facebook, Instagram and twitter.
- iv. Search Engine results also prominently display the Plaintiff's products under the Plaintiff's trademarks.



7.5. The Plaintiff's trademarks 'SHINE & GLOW', 'D-TAN' and 'DERMOMELAN' are coined, catchy and fanciful marks and the marks 'D-TAN' and 'DERMOMELAN' find no mention in the dictionary. Owing to their extensive sales and advertisement expenses, the Plaintiff's trademarks 'D-TAN', 'DERMOMELAN' and 'SHINE & GLOW', have acquired substantial goodwill and reputation in the market.

Infringement and passing off by the Defendants

8. The Plaintiff became aware of the Defendant no. 1's infringing activities in and around August, 2022. From the comparison of products attached as Plaintiff's Document Vol. 5, Index no. 27, it is clear that there is infringement of trademark, passing off and copyright of the Plaintiff's products as:

- i. Defendant No. 1 has adopted Plaintiff's three (3) trademarks 'D-TAN', 'DERMOMELON' and 'SHINE & GLOW' for its impugned products.
- ii. Defendant No. 1 has verbatim copied the 'ingredients' and 'steps to use' on its product(s) from the corresponding product of the Plaintiff.
- iii. The goods offered under the impugned marks are identical to the Plaintiff's trademarks.
- iv. The relevant segment of the consuming public as well as the trade channels, is the same
- v. Defendant No.1's products are cheaper i.e. Rs. 300-600 whereas Plaintiff's products are worth Rs. 1,000/- upwards.



8.1. Learned Counsel for the Plaintiff states that the Defendant No. 1 has adopted three (3) trademarks, not merely one, evidencing clear dishonest intention of the Defendant No. 1.

8.2. He states that the unique manner of representation of the Plaintiff's trademarks 'SHINE & GLOW', 'D-TAN' and 'DERMOMELAN' on its products are original works under the Copyright Act, 1957.

8.3. The Plaintiff has over a period of time developed and created a unique manner of representation including artistic work, packaging, content etc. for its Kits which, as in the present case, also includes the lists of 'ingredients' and 'steps to use' encrypted on the Plaintiff's products. These have been created under the supervision of the Plaintiff and exclusively for them and all rights in the original work vests with the Plaintiff.

8.4. He states that there is no justification for the Defendant No. 1 to adopt and use the Plaintiff's trademarks and the literary work pertaining to the ingredients and step to use except to ride on the reputation and goodwill of the Plaintiff.

8.5. He states that Defendant No. 1 in its written statement has alleged that the three (3) trademarks 'SHINE & GLOW', 'D-TAN' and 'DERMOMELAN' are common to trade and used by several third parties.

8.6. He states that mere claim of third-party use of the Plaintiff's trademarks is insufficient to justify infringement by Defendant No. 1. The Defendant No. 1 must establish (i) substantial use by such third parties, (ii) the extent of their trade, and (iii) that such use impacts the distinctiveness of the Plaintiff's marks.

8.7. He states, however, Defendant No. 1 has failed to produce any evidence demonstrating the extent of such third-party use, the area of



operation, period of operation, extent of sales or any other supporting documents such as sales invoices or records.

8.8. He states that the infringing actions of the Defendant No. 1 cannot be justified or condoned by the existence of similar infringements by unrelated third-parties. The Plaintiff is not expected to go after every third-party infringer, whose use may be inconsequential for the plaintiff's business.

8.9. He states that the Plaintiff in fact, has issued legal notices to various third-parties including those cited by the Defendant No. 1 in its written statements and has also been successful in various civil actions and oppositions. The detailed list of actions taken by the Plaintiff against the third-party infringers and undertakings are mentioned at paragraph 28 and 29, respectively, of the amended plaint.

8.10. He states that when the Plaintiff commenced the use of the trademarks 'DERMOMELAN' and 'D-TAN' in the year 2008 and 2009, for over a decade, no third party had used the same. The Plaintiff began noticing increased unauthorized use of its trademarks only during and after the COVID-19 pandemic, owing to the mark's established success and popularity at that point in time.

8.11. He states that the unauthorized adoption and use of the trademarks and the slavish imitation of the "Ingredients" and "Steps to use" on the Plaintiff's product by the Defendant No. 1 amounts to infringement of Plaintiff's trademarks, copyright and passing off. In the event the Defendants are not enjoined, the Plaintiff is likely to suffer severe losses.

8.12. He states that in view of the abovementioned facts and submissions, the Plaintiff prays for grant of an injunction.

9. The principal contention raised by the Defendant no. 1 in its written



statement are as follows:

9.1. It is stated that ‘SHINE & GLOW’, ‘DERMOMELAN’, and ‘D-TAN’ are laudatory and descriptive, denying the Plaintiff any exclusive rights therein, and that Defendant No.1’s use is merely descriptive and protected under Sections 30(2)(a) and 35 of the Trade Marks Act, 1999.

9.2. It is stated that the Plaintiff’s trademarks are common to the trade, with various third-parties using the same and consequently, the Plaintiff cannot claim exclusive rights therein.

9.3. It is stated that the overall get-up, colour scheme, layout, and presentation of the Defendant No. 1’s goods are distinct and dissimilar from those of the Plaintiff’s products.

9.4. It is stated that the “ingredients and steps to use” as mentioned on the Defendant No. 1’s product are as per standard industry practice and there has been no infringement of copyright, as alleged.

Findings and analysis

10. This Court has heard the learned counsel for the Plaintiff and perused the record.

11. As noted above, the Defendant No. 1 has been proceeded ex-parte vide order dated 21.08.2025. Thereafter, the matter was listed for further arguments on 03.11.2025, 13.11.2025 and there has been no appearance on behalf of Defendant No. 1. The Plaintiff has pressed this application only vis-à-vis Defendant No. 1.

D-TAN

12. The Plaintiff has placed on record documents evidencing its trademark/wordmark registration for the mark ‘D-TAN’ in Class 3 under Registration No. 2065580 effective on 09.12.2010. The Plaintiff has averred



that it had adopted the trademark D-TAN in 2009 and has recorded substantial sales and advertisement expenses of its product.

13. The Plaintiff has contended that the mark 'D-TAN' is a coined, catchy and fanciful mark which does not find any mention in the dictionary.

DERMOMELAN

14. With respect to its trademark/wordmark 'DERMOMELAN', the Plaintiff has contended that it adopted this mark in year 2008 and has a trademark/wordmark registration bearing no. 1913811 for Class 3 since 01.04.2009 and has provided substantial sales and advertisement expenses of this product.

15. The Plaintiff has contended that the mark 'DERMOMELAN' is a coined, catchy and fanciful mark which does not find any mention in the dictionary.

SHINE & GLOW

16. Similarly, with respect to its trademark 'SHINE & GLOW', the Plaintiff contends that the said mark was adopted by the Plaintiff in the year 2011 and it obtained registration for the said trademark/wordmark in Class 44 under Registration No. 2219460 with effect from 13.10.2011. The product sold under 'SHINE & GLOW' has achieved substantial sales over the period of time.



17. The Defendant No. 1's products by which the Plaintiff is aggrieved of, in the present suit, are as follows:

- (i) Proads Professional Bridal Facial Kit Radiant Smooth Glowing Skin.
- (ii) Proads Professional Bridal Facial Kit Vitamin C Enriched Glowing Skin.



(iii) Proads Professional Facial Kit Shine & Glowing Skin.

18. With respect to the product at serial no. (i) as above, the Plaintiff has provided a pictorial comparison of the products which is as under:

<i>O3+ Bridal Facial Kit Radiant & Glowing Skin v. Proads Bridal Facial Kit Radiant Smooth Glowing Skin</i>		
<i>Description</i>	<i>Plaintiff's Product</i>	<i>Defendants' Product</i>
Manner of representation		



Trademarks used	D-TAN	D-TAN
Ingredients & Steps to Use	<p>INGREDIENTS & STEPS WHITENING CLEANSING FOAM (5g X 1N)</p> <p>Ingredients: Aqua, Stearic Acid, Light Liquid Paraffin, Glycerin, Caprylic Triglyceride, Cetostearyl, Alcohol, Sodium Lauryl Sulphate, Glyceryl Stearate, Polyethylene Glycol 100 Stearate, Butyrospermum Parkii (Shea Butter), Preservative & Perfume.</p> <p>Step 2. D-TAN PACK (2g x 1N)</p> <p>Ingredients: Aqua, Stearic Acid, Glycerine, Isopropyl, Myristate, Cetyl Alcohol, Eucalyptus Globulus Leaf Oil, Cinnamomum (Camphor) Bark Oil, Eugenia Caryophyllus (Clove) Flower Oil, Pisum Sativum (Pea) Extract, Phenoxyethanol, Di Sodium EDTA.</p> <p>WHITENING TONIC (2ml x 1N) Ingredients: Aqua, Glycerin, Propendeol, Butylene Glycol, Aloe Barbadensis Leaf Juice, Cucumis Sativus (Cucumber), Fruit Extract, Sodium Hyaluronate, Treahlose, Preservative & Perfume.</p> <p>WHITENING MASSAGE CREAM (5gx 1N) Ingredients: Aua, Light Liquid Paraffin, Isopropyl Myristate, Isopropyl Plamitate, Butyrospermum Parkii (Shea Butter), Cetostearyl Alochol, Cetyl Alcohol, Glyceryl Stearate, Stearic Acid, Glycerine, Dimethicone, Oilve (Olea Europaea) Oil, Phenoxy Ethanol, Wheat (Triticum Bulgare)</p>	<p>INGREDIENTS WHITENING CLEANSING FOAM (5gx1N)</p> <p>Aqua Light Liquid Paraffin Stearic Acid, Cetearyl Alcohol Allantain, Cartbomer, Aloe Barbadensis Leaf Juice, DI Panthenol Butyrospermum Parkil (Shea Butter), Sarbitain Stearate, Phenoxethanol, Cucumis Sativus (Cucumber) Fruit Extract, Tacopheryl Acetate, Trehlose, Phenoxyethanol, Bisabolol, Perfume.</p> <p>Step 2. D-TAN PACK (2g x 1N)</p> <p>Aqua, Stearic Acid, Potassium Hydroxide, Glycerin, Mentha Piperita (Peppermint) Oil, Vitamin-C, Eugenia Caryophyllus (Clove) Flower Oil. Cinnamomum Camphora (Camphar) Bark Oil, Pisum Sativum (Pea) Extract, Phenoxyethanoi.</p> <p>WHITENING TONIC (2g x 1N) Aqua, Sodium Lactate, Glycolic Acid, Glycerin, Imid Urea, Sodium PCA, Propendeol, Treahlose, Allantoin, DMDM-Hyantoin, Disodium EDTA, Cucumis Sativus (Cucumber) Fruit, Aloe Barbadensis Leaf Juice, Sodium Hyaluronate, Imid Urea, DHDM-Hydantoin, Perfume.</p> <p>WHITENING MASSAGE CREAM (5g x 1N) Aqua, Tocopheryl Acetate, Light Liquid Paraffin, Ethyl Ascorbic Acid, Butyrospermum Parkil (Shea Butter) Glyceryl Sterate, Triglyceride, Trehlose, Carbomer, Tretharol Amine, Prunus Amygdalus Dulais (Sweet Almond) Oil,</p>



	<p>Germ Oil, Sodium Ascorbyl Phosphate, Preservative & Perfume.</p> <p>WHITENING SERUM (2mlx 1N) Ingredients: Aqua, Butylene Glycol, Glycerine, Propanediol, Peony(Paeonia Albiflora) Extract, Sodium Lactate, Glycolic Acid, Aloe Barbadensis Leaf Juice, Cucumber, Preservative & Perfume.</p> <p>FACIAL POWER MASK POWDER 2030 (60mlx 1N) Ingredients: Aqua, Propendiol, Aloe Barbadensis Leaf Extract, Glycerine, Sodium Alginate, Trehalose, Licorice (Glycyrrhiza Glabra) Extract, Niacinamide, D Panthenol.</p> <p>POWER MASK POWDER 2030 (20gx 1N) Ingredients: Calcium, Sulphate Zea Mays (Corn) Starch, Perfume, Mint Bold Flakes.</p> <p>ARBUTIN SERUM (2mlx 1N) Ingredients: Aqua, Sodium Lactate, Glycerin, Propendoil, Sodium PCA, Aebutin, Hydroxyethyl Cellulose, Preservatives & Perfume.</p> <p>ARBUTIN POWDER MASK (20gx 1N) Ingredients: Sodium Alginate, Zea Mays Corn Starch, Hydrolyzed Collagen, Calcium Sulphate, Disodium Phosphate, Menthol, Perfume.</p> <p>WHITENING CREAM SPF -30 (2gx 1N)</p>	<p>Pheraxyethanol Perfume, Cuauris Sativus (Cucumber) Fruit Extract, Sodium Hyaluronate Citrus Aurat Dulcis (Orange) Peel Extract.</p> <p>WHITENING SERUM (2g x1N) Aqua, Sodium Lactate, Glycolic Acid Glycerin, Imid Urea, Propendeol, Sodium PCA, Treahlose, Allartoin, DMDM-Hydantoin, Disodium EDTA, Perfume, Aloe Barbadensis Leaf Juice, Cucumis Sattivum (Cucumber) Frui, Sodium Hyaluronate, Pefrume, Waltheria Indica Leaf Extract, Femllic Acid.</p> <p>FACIAL POWER MASK GEL3030 (60g x 1N) Aqua, Glycertin, Aloe Barbedensis Juice Extract, Solanum Lycopersicum (Tomato) Extract, DiSodium, EDTA, DMDM-Hydantoin, Sodium Alginats, Cucumis Sativus (Cucumber) Fruit Extract, Panthenol, Allantoin.</p> <p>FACIAL POWER MASK POWDER 3030 (60x1N) Zea Mays (Corn), Starch, Algin, Hydplyzed Collagen, Calciumsuiclhate, Disodium Sulphate.</p> <p>ARBUTIN SERUM (2gx1N) Aqua, Sodium Lactate, Glycerin, Propendoil, Sodium PCA, Arbution,</p> <p>ARBUTIN POWDER MASK (20g x 1N)) Hydrolyzed Collagen Zea Mays Corn Starch, Menthol, Calcium Sulphane, Disodium Phosphate, Perfume.</p> <p>WHITENING CREAM SPF -30 (2gx 1N)</p>
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	Ingredients: Aqua, Octyl Methoxycinnamate, Glyceryl Stearate (and) Peg- 100 Stearate, Methylene Bis-Benzotriazolyl Tetramethylbutylphenol, Benzophe-none-3, Propylene Glycol, Stearyl Alcohol, Zin Oxide, Glycerine, Dimethicone Crosspolymer, Pisum Sativum (Pea) Extract, Perfume.	Aqua, Glyceryl Stearate, PEG100 Stearate, Stearyl Dimethicone, Dimethy, Sikaxcan, Benzaphenane, Zinc Oxide, Glycerin, Propylene Glycol, Tridthanol Amine, Cyclopentasilozane & Dimetgicone Trithanol Amine, Crosspoymer, Sucrose Dimethicone Pisum Sativum (Peal) Extract, Phenoxyetyhanol, /octyl Methoxycinnamate, Methylene Bis-Benzotriazolyl Tetramethylbutylphenol Magnesium Aluminum Silicate.
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18.1. The Plaintiff in its affidavit dated 28.10.2025 has stated that this infringing product of Defendant No. 1 is still available in the market.

18.2. It is contended that the Defendant No. 1, in their products, have verbatim copied the manner of description of the Plaintiff's products, including 'Ingredients & Steps to use' which is displayed on the Plaintiff's product 'O3+ Bridal Facial Kit for Radiant and Glowing Skin' and has displayed the same on its product "Proads Professional Bridal Facial Kit Radiant Smooth Glowing Skin" packaging. At step 2, the trademark D-TAN has been adopted by the Defendant No. 1 as a consequence of the literal copying of the 'ingredients' and 'steps to use'. In addition, it is stated that the layout such as placement of the name of the product on the packaging and its representation have been copied by the Defendant No. 1.

18.3. Upon perusal of the abovementioned comparison chart, the Plaintiff's submission that Defendant No. 1 has substantially copied the description of the 'ingredients' and 'steps to use' of the Plaintiff's product is duly borne out. The 'ingredients' and 'steps' for both the products are substantially identical. So also, the Plaintiff's contention with respect to layout of the



front portion of the packaging with respect to the manner in which the name of the product is placed is similar.

18.4. The Defendant No. 1 in its written statement at paragraph 38, while responding to the allegations made in the plaint, has stated that the “ingredients and steps to use” as mentioned on its product are as per standard industry practice and there has been no infringement of copyright, as alleged.

18.5. The Defendant No. 1 has filed pictures of about four (4) third-party products in its written statement to aver and substantiate that the ‘steps to use’ are as per standard industry practice. However, on a perusal of the images as pasted in the written statement, this Court finds that the said assertion in the written statement is not substantiated. Upon a bare perusal of the pictures, nothing can be made out as the visibility of the ingredients and steps to use on the third-party products is not vivid or clear enough to substantiate the plea. In the documents filed, no clearer images of these third-party products have been filed.

18.6. It has also been contended by Defendant No. 1 that the use of word ‘D-TAN’ in the ‘steps to use’ on the Defendant’s product does not amount to infringement of the Plaintiff’s trademark ‘D-TAN’, as this word is generic which merely describes the nature and purpose of the product i.e., to remove the tan.

18.7. It is a matter of record that rectification petition has been filed against the trademark/wordmark ‘D-TAN’. The written statement enlists several third-party brands including reputed brands which use the mark ‘De-TAN’ for products which are used for removal of tan. In the considered opinion of this Court, the issue whether ‘D-TAN’ is a descriptive and generic word



would require further consideration; therefore, this Court is not deliberating on the infringement of the word 'D-TAN' and nothing stated here is an expression of opinion.

18.8. However, having perused the comparison of the 'ingredients' and 'steps to use' as well as the layout between the Plaintiff and Defendant No. 1's product, this Court is satisfied that prima facie Defendant No. 1 has substantially copied the same from the Plaintiff's product. The submissions of the Defendant No. 1 that the 'steps to use' and 'ingredients' are as per industry practice has not been substantiated.

18.9. Accordingly, Defendant No. 1 is restrained from the layout, 'steps to use' and 'ingredients' for this impugned product which is prima facie an infringing copy of the Plaintiff's corresponding product.

19. The Plaintiff has referred to product of the Defendant No. 1 as mentioned above at serial no. (ii) and provided the product-by-product comparison which is as under:



B. 'O3+ Bridal facial kit vitamin C glowing Skin v. Proads Bridal Facial Kit Vitamin C Enriched Glowing Skin		
<i>Description</i>	<i>Plaintiff's Product</i>	<i>Defendants' Product</i>
Manner of representation		



		
<p>Ingredients & Steps to Use</p>	<p>INGREDIENTS & STEPS</p> <p>VITAMIN –C CLEANER (5ml x 1N) Ingredients: Aqua, Sodium Laureth Sulphate, Cocamido-propyl Betaine, Triethanolamine, Glycolic Acid, Aloe Barbadensis Leaf Extract, Citrus Aurantium Dulcis (Orange) Peel Extract, Perfume.</p> <p>MICRODERMA BRASION FACIAL PEEL (5gx 1N) Ingredients: Aqua, Light Liquid Paraffin, Isopropyl Myristate, Cetyl Alcohol, Glycerine, Dimethicone, Glyceryl Monostearate, Butyrospermum Parkii (Shea Butter), Phenoxyethanol, Olive Squalane, Aloe Barbadensis Leaf Extract, Camellia Sinesis (Green Tea) Leaf Extract, Tocopheryl Acetate, Panthenol, Niacinamidem, Scrub & Perfume.</p>	<p>INGREDIENTS</p> <p>VITAMIN –C CLEANER (5gx 1N) Aqua, Acrylate Sodium, Ascorbic Acid, Sodium Laureth Sulphate, Glycolic Acid, Allantain, Bisabolol.</p> <p>MICRODERMA BRASION (5gx 1N) Aqua, Scrub, Stearic Acid, Glycerin, Butyrospermum Parkii (Shea Butter), Bisabolol, Allantoin, Perfume.</p>



	<p>VITAMIN – C TONIC (2mlx 1N) Ingredients: Aqua, Glycerine, Sodium Lactate Ascorbic Acid, Aloe Barbadensis Leaf Juice, Hydroxyethyl Cellulose, Glycolic Acid, Propendeol, Bisabolol, Preservative & Perfume.</p> <p>VITAMIN – C MASSAGE CREAM (5gx 1N) Ingredients: Aqua, Light Liquid Paraffin, Isopropyl Myristate, Isopropyl Palmitate, Shea Butter, Cetostearyl Alcohol, Cetyl Alcohol, Glyceryl Stearate, Stearic Acid, Glycerine, Dimethicone, Olive (Olea Europaea) Oil, Phenoxy Ethanol, Wheat (Triticum Bulgare) Germ Oil, Sodium Ascorbyl Phosphate, Preservative & Perfume.</p> <p>WHITENING MASK (5gx 1N) Ingredients: Aqua, Titaniumdioxide, Isopropyl Palmitate, Capryl Methicone, Capric Capric Triglyceride, Kaolin Glycerine, Glyceryl Monostearate, Emulsifying Wax, Cetyl Alcohol, Glyceryl, Coccoate, Hydroxyethyl Cellulose, Pea Extract, Preservative & Perfume.</p> <p>FACIAL POWER MASK 2030 GEL (60mlx 1N) Ingredients: Aqua, Propendiol, Aloe Barbadensis Leaf Extract, Glycerine, Sodium Alginate, Trehalose, Licorice (Glycyrrhiza Glabra) Extract, Niacinamide, D Panthenol.</p>	<p>VITAMIN – C TONIC (2gx 1N) Aqua, Hydrocellulose, Aloe Barbadensis Leaf Juice, Cucumis Sativus, (Cucumber) Fruit Extract, Sodium Lactate, Glycolic Acid, Hyaluronic Acid, Glycerin, Prolendeol, Sodium PCA, Treahlose, Allantoin, DMDM Hydantoin Disodium EDTA, Imid Urea, Perfume.</p> <p>VITAMIN – C MASSAGE CREAM (5gx 1N) Aqua, Hyaluronic Acid, Tacopheryl Acetate, Light Liquid Paraffin, Butyrospermum Parkil (Shea Butter) Cetearyl Alcohol, Caprylic/Capric Triglyceride, Trehlose, Ethyl Ascorbic Acid, Prunus Amygdalus Dulcis (Sweet Almond) Oil, Phenoxy, Cucumis Sativus (Cucumber) Fruit Extract, Aloe Barbadensis Leaf Extract, Citrus Aurantium Dulcis (orange) Peel Extract.</p> <p>WHITENING MASK (5gx 1N) Aqua, Sodium Lactate, Glycolic Acid, Glycerin, Imid Urea, Propendeol, Sodium PCA, Treahlose, Allantoin, DMDM-Hydantoin, Disodium EDTA, Perfume, Aloe Barbadensis Leaf Juice, Cucumis Sativus (Cucumber) Fruit, Sodium Hyaluronate, Perfume, Waltheria Indica Leaf Extract, Fennel Acid.</p> <p>FACIAL POWER MASK GEL 3030 (60gx1N) Aqua, Glycerine, Aloe Barbadensis Juice Extract Solanum Lycopersicum (Tomato) Extract, Disodium EDTA, DMDM Hydantoin, Sodium Alginates, Cucumis Sativus (Cucumber) Fruit Extract, Panthenol, Allantoin.</p>
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	<p>POWER MASK 2030 POWDER (20gx 1N) Ingredients: Calcium Sulphate, Zea Mays (Corn) Starch, Perfume, Mint Bold Flakes.</p> <p>VITAMIN – C GLOWING FACE SHEET MASK (30gx 1N) Ingredients: Aqua, Hydroxyethyl Urea, Sodium Lactate, Glycerine, Propendiol, Sodium Ascorbyl Phosphate, Butylene Glycol, Hydroxyethyl Cellulose, Sodium Hyaluronate, D Panthenol, Polysorbate-20, Perfume.</p> <p>VITAMIN – C SERUM (2mlx 1N) Ingredients: Aqua, Glycerine, Sodium Lactate, Ascorbyl Phosphate, Pyrrolidone Carboxylate, Hydroxyethyl Cellulose, Preservatives & Perfume.</p> <p>WHITENING CREAM SPF 30 (2gx 1N) Ingredients: Aqua, Octyl Lethoxycinnamate, Glyceryl Stearate (and) Peg-100 Stearate, Methylene Bis-Benzotriazolyl Tetramethylbutylphenol, Benzophe-none-3, Propylene Glycol, Stearyl Alcohol, Zinc Oxide, Glycerine, Dimethicone Crosspolymer, Pisum Sativum (Pea) Extract, Perfume.</p>	<p>FACIAL POWER MASK POWDER 3030 (20gx 1N) Zea Mays (Com) Starch, Algin, Hydrolyzed Collagen, Calciumsulclhate, Disodium, Sulphate.</p> <p>VITAMIN – C GLOWING FACE SHEET MASK (30gx 1N) Aqua, Glycerine, Sodium Lactate, Sodium Hyaluronate, Sodium Ascorbyl Phosphate, Allantoin, Glycyrrhiza Glabra (Lioorice), Root Extract, Citrus Aurantium Bulcis (Orange) Peel Extract, Carica Papaya (Papaya) Furit Extract, Panthenol, Niacinamide, Sebacic Acid Copolymer, Aloe Barbadensis Leaf Extract, Propendiol DMDM Hydantoin, Disodium EDTA, Pefume.</p> <p>VITAMIN – C SERUM (2gx 1N) Aqua, Aloe Barbadensis Leaf Extract, Cucumis Sativus, Sodium PCA, Niacinamide &Perfume.</p> <p>WHITENING CREAM SPF 30 (2gx 1N) Aqua, Glyceryl Stearate, PEG-100 Stearate, Stearyl Dimethylcone, Dimethy Silaxcan, Benzephenone, ZincOxida, Glycerin, Propylene Glycol, Tridthanol Amine, Cyclopentasilozone & Dimetgicone Crosspoymer Sucrose Dilaurate Pisum Sativum (Pea) Extraxt, Phenoxyethanol, Octyl Methoxycinnamate, Methylene Bis-Benzotriazolyl Tatramethylbutylphenol.</p>
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20.1 A perusal of the aforesaid comparison also substantiates the Plaintiff's case that Defendant No. 1 has copied the representation of the 'ingredients' and 'step to use' of the Plaintiff's product to its impugned product. Similarly, the placement of the name of the product on the front part of the packaging has been copied and is deceptively similar.



20.2 It is prima facie apparent that Defendant No. 1 has substantially copied the layout of the packaging, 'ingredients' and 'steps to use' provided on the Plaintiff's product and have therefore infringed upon Plaintiff's copyright.

20.3 With respect to this product, the Defendant No. 1 in its written statement has similarly stated that the manner of description of 'ingredients' and 'steps to use' mentioned on this product by the Defendant No. 1 is a standard industry practice followed by the other entities in respect of cosmetic products and has denied infringement of copyright of the Plaintiff's product.

20.4 The Defendant No. 1 has filed two (2) pictures of third-party products in its written statement to aver that the 'steps to use' are standard industry practice however on a perusal of the images as pasted in the written statement, this Court finds that the said assertion in the written statement is not substantiated. Upon a bare perusal of the pictures, nothing can be made out as the visibility of the ingredients and steps to use is not clear enough to substantiate. There are no separate documents filed with the written statement of the third-party products.

20.5 The Plaintiff in its affidavit dated 28.10.2025 has remained silent whether this infringing product of Defendant No. 1 is available in the market and learned counsel for the Plaintiff contends that its representative could not find the same.

20.6 Nevertheless, in view of the substantial similarity in the layout, in the description 'ingredients' and 'steps to use' on the infringing product, which the Defendant No. 1 has failed to justify, the Defendant No. 1 is restrained



from using the layout, ‘ingredients’ ‘steps to use’ for this product which is prima facie an infringing copy of the Plaintiff’s corresponding product.

21. With respect to Defendant No. 1’s product as mentioned above at serial no. (iii), the Plaintiff has provided the product-by-product comparison which is as under:

C. O3+ Shine & Glow Kit v. Proads Facial Kit Shine & Glowing Skin		
Description	Plaintiff’s Product	Defendants’ Product
Manner of representation	 	 
Trademarks used	i. SHINE & GLOW ii. DERMOMELAN	i. SHINE & GLOW ii. DERMOMELAN
Ingredients & Steps to Use	Ingredients & Steps Whitening Cleansing Foam 5g x 1N	Ingredients Whitening Ceaning Foam (5g x 1N)



	<p>Ingredients: Aqua, Stearic Acid, Light Liquid Paraffin, Glycerin, Caprylic Triglyceride, Cetostearyl Alcohol, Sodium Lauryl Ether Sulphat, Glyceryl Stearate, Polyethylene Glycol 100 Stearate, Butyrospermum Parkii (Shea Butter), Preservative & Perfume</p> <p>Lactic Peel 2mlx1N Ingredients: Aqua, Sodium Lactate Glycerine, Propendiol, Pyrrolidone Carboxylate, Hydroxyethyl Cellulose, DMDM Hydantoin, Disodium EDTA.</p> <p>Purifying Tonic 2mlx1N Ingredients: Aqua, Sodium PCA, Solanum Lycopersicum (tomato) Fruit Extract, Aloe Barbadensis Leaf Extract, Arbutin, Sodium Lactate, Hydroxyethyl Cellulose, Glycolic Acid, DMDM Hydantoin, Perfume.</p> <p>Arbutin Serum 2mlx1N Ingredients: Aqua, Sodium Lactate, Glycerin, Propendiol, Sodium PCA, Arbutin, Hydroxyethyl Cellulose, preservatives & Perfume</p> <p>Dermomelan Cream 5gx1N Ingredients: Aqua, Light Liquid Paraffin, Butyrospermum Parkii (Shea Butter), Cetearyl Alcohol, Stearic Acid, Glycerine, Caprylic / capric Triglyceride, Prunus Amygdalus Dulcis (Sweet Almond) Oil, triethanolamine, Ethyl Ascorbic Acid, Carbomer, Aloe Barbadensis Leaf Extract, Phenoxy Ethanol Perfume.</p> <p>Arbutin Powder Mask 20gx1N</p>	<p>Aqua, Paraffinum Liquidum, Aloe Barbadensis, Leaf Extract, Hyaluronic Acid, Xantham Gum, Allantoin, Carbomer, Stearic Acid Tacopheryl Acetate, Glycerin, Preservative & Perfume.</p> <p>Lactic Peel (2g x 1N) Aqua, Butylene Glycol, Glycerin, Sodium Lactate, Sodium PCA, Panthenol, Polysorbate 20 Hydroxyethicellulose, Hyaluronic Acid, Bisabolol, DMDM-Hydantoin.</p> <p>Purifying Tonic (2g x 1N) Aqua, Hydrocellulose, Aloe vera Juice, Cucumber Extract, Sodium Lactate, Glycerin Propendeol, Sodium PCA, Treahlose, Arbutin, Allantoin, DMDM-Hydantoin, Disodium EDTA, Imid Urea, Perfume.</p> <p>Arbutin Serum (2g x 1N) Sodium PCA, Propanediol, Arbutin</p> <p>Dermomelan Cream (5g x 1N) Aqua, Hyaluronic Acid, Tacopheryl Acetate, Light Liquid Paraffin, Butyrospermum Parkii (Shea Butter) Ceteryl Alcohol, Glyceryl Stearate, Caprylic/Capric Triglyceride, Trehlose, Ethyl Ascorbic Acid, Carbomer, Triethanol Amine, Prunus Amygdalus Dulcis (Sweet Almond) Oil, Phenoxy Ethanol Perfume, Cucumis Sativus (Cucumber) Fruit Extract, Aloe Barbadensis Leaf Extract, Citrus Aurantium Dulcis (Orange) Peel Extract.</p> <p>Arbutin Powder Mask (20g x 1N)</p>
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	<p>Ingredients: Sodium Alginate, Zea Mays Corn Starch, Hydrolyzed Collagen, calcium Sulphate, Disodium Phosphate, Menthol, Perfume.</p> <p>Whitening Cream SPF-30 2gx1N]</p> <p>Ingredients: Aqua, Octyl Methoxycinnamate, Glyceryl Stearate (and) Peg-100 Stearate, Methylene Bis-Benzotriazolyl Tetramethylbutylphenol, Benzophenone-3, Propylene Glycol, Stearyl Alcohol, Zinc Oxide, Glycerine, Dimethicone Crosspolymer, Pisum Sativum (Pea) Extract, Perfume.</p>	<p>Zea Mays Corn Starch, Magnesium Sulphate, Algin, Active Aurum, Kaolin.</p> <p>Whitening Cream Spf-30 (2g x 1N)</p> <p>Aqua, Glyceryl Stearate, PEG 100, Stearate, Stearyl Dimethicone, Dimethyl Siloxane, Benzophenon, Zinc Oxide, Glycerine, Propylene Glycol, Triethanol Amine, Cyclopentasiloxane & Dimethicone Crosspoymer, Sucrose Dilaurate Pisum Sativum (Pea) Extract, Phenoxyethanol, Octyl Methoxycinnamate, Methylene Bis-Benzotriazolyl Tetramethylbutylphenol, Magnesium Aluminium Silicane.</p>
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22. The Plaintiff in its affidavit dated 28.10.2025 has stated that this infringing product of Defendant No. 1 is still available in the market.

22.1. Upon a comparison of these products, it is apparent that the ‘ingredients’ and ‘steps to use’ as provided on the Plaintiff’s product has been substantially copied by the Defendant No. 1.

22.2. With respect to this product the Defendant No. 1 has similarly submitted that the ‘steps to use’ mentioned in its product is a standard industry practice followed by other players and the word ‘DERMOMELAN’ is merely a laudatory word and has sought to contend that the word ‘DERMOMELAN’ is a product descriptor.

22.3. Defendant No. 1 has filed two (2) pictures of third -party products in its written statement to aver that the ‘steps to use’ are standard industry practice however on a perusal of the images as annexed in the written statement, this Court finds that the said assertion in the written statement is not substantiated with the samples provided. Upon a bare perusal of the said



pictures pasted in the written statement, nothing can be made out as the 'ingredients' and 'steps to use' is not vivid or clear enough to substantiate. No documents have been filed with the written statement with respect to the said third-party products and therefore this plea has not been substantiated.

DERMOMELAN

23. With respect to the trademark 'DERMOMELAN', Defendant No. 1 has placed on record a single instance of a third-party manufacturer using the said mark for its product. The Defendant No. 1 has averred that the said mark is also a product descriptor and has referred to a product Dermamelan treatment cream by a brand named Mesoestetic. This is the solitary instance given by the Defendant No. 1 for this product in its written statement.

23.1. The Plaintiff in its replication has not disputed the use of mark 'DERMAMELAN' in the third-party product Dermamelan treatment cream by the brand Mesoestetic.

23.2. A cursory search of the internet shows that the third-party product 'DERMAMELAN' is a foreign product and it is unclear that whether this product is sold by the third-party in India. In the considered opinion of this Court, the single instance of another foreign brand named Mesoestetic using the mark 'DERMAMELAN' for its treatment cream would not justify the Defendant No. 1's adoption of the Plaintiff's registered mark 'DERMOMELAN'. There is no evidence to substantiate the Defendant's plea that this word is common to trade or a mere product descriptor.

23.3. The Defendant No. 1's action of using the mark 'DERMOMELAN' in the ingredients, in fact, it appears to the Court as evidence that the Defendant No. 1 while slavishly copying the Plaintiff's packaging has included this word in its 'steps to use'. The Plaintiff is the registered



proprietor of the mark 'DERMOMELAN'. Therefore, Defendant No. 1 is refrained from using this mark in any manner whatsoever.

SHINE & GLOW

24. The Plaintiff has also sought an injunction against the Defendant No. 1 from the use of the word 'SHINE & GLOW' for which it holds TM registration no. 2219460. The injunction sought is against the use of the word 'SHINE & GLOW' by the Defendant No. 1 in its product 'PROADS SHINE & GLOWING SKIN FACIAL KIT'.

24.1. This Court however is of the opinion that Defendant No. 1's mark



'PROADS SHINE & GLOWING SKIN FACIAL KIT' is distinct from the Plaintiff's mark 'SHINE & GLOW'. The use of the words 'SHINE & GLOWING' in Defendant No. 1's product name by itself is descriptive in nature and does not infringe upon the Plaintiff's trademark 'SHINE & GLOW'.

25. However, in view of the observations made hereinabove, this Court is prima facie of the opinion that Defendant No. 1 has substantially copied the 'ingredients' and 'steps to use' printed on the Plaintiff's corresponding product and has therefore infringed upon the copyright of the Plaintiff in its literary work and therefore the Defendant No. 1 is restrained from using the literary work on the Plaintiff's corresponding product.



26. To conclude, in view the above findings, the prayer for grant of interim injunction is hereby granted in favour of Plaintiff and against the Defendant No. 1 its partners, servants, agents, their assigns, or any other persons/entities that are related or affiliated to the Defendant No. 1, individually or collectively, as the case may be, and all others, acting for and on behalf of the Defendant No. 1 are restrained from:

(a) copying, reproducing, adopting and/or using the Plaintiff's manner of layout on its packaging, description of the 'ingredients' and 'steps to use' in the products 'O3+ SHINE & GLOW FACIAL KIT'; 'O3+ BRIDAL FACIAL KIT VITAMIN C GLOWING SKIN' and 'O3+ BRIDAL FACIAL KIT RADIANT AND GLOWING SKIN; in any other manner whatsoever so as to infringe upon the plaintiff's copyright.

(b) directly or indirectly dealing in any products/packaging/label bearing the mark 'DERMOMELAN' and/or from using any other mark that may be deceptively similar to the Plaintiff's trademark 'DERMOMELAN'.

27. Accordingly, the captioned application stands disposed of.

CS(COMM)633/2022

28. List before the learned Joint Registrar (J) on **11.02.2026**.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 21, 2025/hp/IB