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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1281/2025**
ONESTO LABS PRIVATE LIMITEDPlaintiff
Through: Ms. Kripa Pandit & Mr. Christopher
Thomas, Advocates.
Versus
MANISHABEN BHAVESHBHAI
NARIGARA & ORS.Defendants
Through: Mr. Manas Raghuvanshi & Ms. Srishti
Dhoundiyal, Advocates for D-2.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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02.12.2025

I.A. No.30035/2025 (Exemption from pre-institution Mediation)

1. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015 (“CC Act”)
2. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC OnLine SC 1382, exemption from the requirement of pre-institution Mediation is granted.
3. The Application stands disposed of.

IA No.30037/2025

4. For the reasons stated in the Application, the same is allowed.
5. The Application stands disposed of.

I.A. No.30038/2025 (Extension of time to file Court Fees)

6. The present Application has been filed by the Plaintiff under Section 149 read with Section 151 of the Code of Civil Procedure, 1908 (“CPC”),



seeking exemption from payment of Court Fees at the time of the filing of the Suit.

7. Considering the submissions made in the present Application, time of one week is granted to deposit the Court Fees.

8. The Application stands disposed of.

CS(COMM) 1281/2025

9. Let the Plaint be registered as a Suit.

10. Issue Summons. The learned Counsel for Defendant No. 2 accepts Summons. Let the Summons be served to the remaining Defendant(s) through all permissible modes upon filing of the Process Fee.

11. The Summons shall state that the Written Statement(s) shall be filed by the Defendant(s) within 30 days from the date of the receipt of Summons. Along with the Written Statement(s), the Defendant(s) shall also file an Affidavit of Admission / Denial of the documents of the Plaintiff, without which the Written Statement(s) shall not be taken on record.

12. Liberty is granted to the Plaintiff to file Replication(s), if any, within 30 days from the receipt of the Written Statement(s). Along with the Replication(s) filed by the Plaintiff, an Affidavit of Admission / Denial of the documents of Defendant(s) be filed by the Plaintiff, without which the Replication(s) shall not be taken on record.

13. In case any Party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

14. If any of the Parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

15. List before the learned Joint Registrar on 27.01.2026 for completion of



service and pleadings.

IA No.30036/2025 (O-XI R-1(4) of the Code of Civil Procedure, 1908)

16. The present Application has been filed on behalf of the Plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (“CPC”) as applicable to Commercial Suits under the CC Act seeking leave to place on record additional documents.

17. The Plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.

18. Accordingly, the Application stands disposed of.

IA No.30034//2025 (u/O XXXIX R-1&2 CPC)

19. Issue Notice. The learned Counsel for Defendant No.2 accepts Notice. Let Notice be served to remaining Defendants through all permissible modes upon filing of the Process Fees.

20. The present Suit has been filed for permanent injunction and damages for passing off, infringement of copyright and unfair competition, dilution of goodwill, rendition of accounts of profits and damages.

21. The learned Counsel for the Plaintiff made the following submissions:

21.1. The Plaintiff incorporated on 18.10.2018 is engaged in the business of development, manufacture, and sale of premium personal care products. The Plaintiff is the registered proprietor of the Mark ‘Bare Anatomy’. The Plaintiff’s Mark ‘Bare Anatomy’ by virtue of extensive use, consistent quality, and wide consumer acceptance, has acquired reputation and goodwill amongst consumers, members of the trade, and the public at large. The Plaintiff has, since inception, made continuous, open, and uninterrupted commercial



use of the Mark ‘Bare Anatomy’, investing substantial resources in product innovation, research, marketing, and distribution. As a result, the Mark ‘Bare Anatomy’ has come to be exclusively and uniquely associated with the Plaintiff, and has attained the stature of a well-known trade mark within the meaning of Section 2(1)(zg) of the Trade Marks Act, 1999. The Plaintiff’s products are promoted through digital media, particularly on Instagram and other social media platforms. The Plaintiff has also established an online presence and brand visibility by engaging consumers through regular posts, reels, advertisements, and interactive campaigns, thereby reaching a wide and diverse audience.

- 21.2. The Plaintiff’s complete range of Hair Care products bearing the Mark ‘Bare Anatomy’ is manufactured and sold exclusively by the Plaintiff across India in its unique and distinctive trade dress / label / packaging / get-up (“**Subject Trade Dress**”). A depiction of the Plaintiff’s products in the Subject Trade Dress (“**Plaintiff’s Products**”) is as below:

Subject Trade Dress	Plaintiff’s Products
	<i>Plaintiff’s Bare Anatomy - Anti Dandruff Shampoo with Salicylic Acid & Biotin</i>



	<i>Plaintiff's Bare Anatomy - Anti Hair Fall Shampoo with Peptides & Adenosine</i>
	<i>Plaintiff's Bare Anatomy - Advanced Hair Growth Serum</i>

21.3. By virtue of sustained commercial use, marketing campaigns, and the quality of the Plaintiff's Products, the Subject Trade Dress has come to be exclusively and uniquely associated with the Plaintiff in the minds of the purchasing public and the trade. The Subject Trade Dress constitute an original artistic work within the meaning of Section 2(c) of the Copyright Act, 1957. The Plaintiff is the sole and rightful proprietor of the Subject Trade Dress and is vested with the exclusive statutory as well as common law rights to use the same in respect of the Plaintiff's Products, including but not limited to shampoos, hair masks, and serums. Any adoption or use of a deceptively similar trade dress, label, packaging, or artistic elements by any unauthorized third party, without the Plaintiff's express



consent, would inevitably cause confusion, deception, and misrepresentation amongst the consuming public. Such unauthorized use amounts to infringement of the Plaintiff's statutory rights under the Trade Marks Act, 1999, the Copyright Act, 1957 as well as passing off under common law.

- 21.4. The Plaintiff's Products are widely sold across leading e-commerce platforms such as Amazon, Flipkart and others. The availability of the Plaintiff's products on such platforms ensures pan-India accessibility, enabling consumers from diverse regions to conveniently purchase the Plaintiff's Products online.
- 21.5. As per the Plaintiff's knowledge, Defendant No. 1 appears to be an entity that is engaged in the business of selling and supplying / retailing, skincare / beauty / personal care products including hair care products such as shampoos and hair serums and that Defendant No. 1 does not carry out its business through its own domain / website, however promotes, advertises and sells through only third-party websites.
- 21.6. In or around the first week of November 2025, during a routine online survey, the Plaintiff first came across Hair Care products being sold under the Mark 'FOXTEEL' on various online and e-commerce platforms, wherein the Plaintiff found that Defendant No. 1 was manufacturing and selling Hair Care products in a trade dress / packaging / get up that is confusingly and deceptively similar / almost identical to the Subject Trade Dress ("**Impugned Trade Dress**"). Defendant No. 1 was found to be engaged in the manufacture and sale of Hair Care products under the Mark



‘FOXTEEL’, including shampoos and hair serums in the Impugned Trade Dress (“**Impugned Products**”). The chart below highlights the overlapping features of the Subject Trade Dress and the Impugned Trade Dress.

Subject Trade Dress	Impugned Trade Dress
ANTI- DANDRUFF SHAMPOO	
	
• Identical Bottle Shape and Design: Moss green bottle of identical size, shape, and material. Identical colour combination and shading in the packaging.	
	
• Identical Placement of branding: On both bottles, the expression “ANTI-DANDRUFF SHAMPOO” appears in white, block capital letters, printed over a rectangular dark green label placed horizontally in the top frontal portion of the bottle. Identical placement of the brand name at the top left corner of the label.	



• Use of identical literature: Both bottles prominently state: “Up to 100% Dandruff Reduction”. Further, proprietary claim of “Formulated with Bare Flake Reduction Technology” has been copied by substituting ‘Bare Flake’ with ‘Foxteel’. • Efficacy Ingredients Presented in an identical Manner: Both labels carry the line: “with the efficacy of Salicylic Acid Biotin” appearing in the same order, and placement on the lower half of the bottle. Further both bottles prominently state that the product is for “All hair types”.	
ANTI- HAIR FALL SHAMPOO	



Identical Bottle: Lilac colour bottle of identical size, shape, and material. Identical colour combination and shading in the packaging.	
	
Identical Bottle: Lilac colour bottle of identical size, shape, and material. Identical colour combination and shading in the packaging. Identical Placement of Product Name: On both bottles, the expression “ANTI-HAIR FALL SHAMPOO” appears in white, block capital letters, printed over a rectangular dark lilac label placed horizontally in the top frontal portion of the bottle. Identical placement of the brand name at the top left corner of the label.	
	
Use of identical literature: Both bottles prominently state: “Provides 5X Hair Fall Control”. Efficacy Ingredients Presented in the Same Manner: Both labels carry the line: “with the efficacy of Peptides Adenosine” appearing in the same order, and placement on the lower half of the bottle. Further both bottles prominently state that the product is for All Hair Types.	
ADVANCED HAIR GROWTH SERUM	



	
• Identical Bottle and Dropper Design: Both products are sold in amber-coloured glass bottles with a black dropper cap. • Identical Outer Carton Layout: Both products use a white carton featuring an enlarged photograph of the bottle placed on the right-hand side.	
	
• Identical placement of product name: Use of identical expression “ADVANCED HAIR GROWTH SERUM” appears in block capital letters on the front panel of both the carton and bottle, in the same position. Use of the word EXPERT at the bottom of the label with identical font. • Identical Ingredient Listing: The listing of active ingredients - “3% Redensyl” “4% Anagain” “3% Baicapil” “1% Capilia Longa” has been reproduced identically on the impugned product, including the same order, percentage values, vertical bulleting style, and placement on the front-facing panel of the label.	



- 21.7. The deliberate imitation of the Plaintiff's Products by Defendant No. 1 is not coincidental or casual but forms part of a calculated and continuous pattern of deceptive conduct intended to pass off the Impugned Products as those of the Plaintiff.
- 21.8. The Plaintiff's investigation also revealed, that there are several suspicious listings of the Impugned Products on various e-commerce platforms such as Amazon and Jiomart. In order for the Impugned Products to be confused and / or to pass off as the Plaintiff's Products, Defendant No. 1 has purposefully ensured that the Impugned products are promoted and advertised along with the Plaintiff's Products. The promotion of the Impugned products indicates that the same are 'Sponsored' thereby demonstrating that Defendant No. 1 has knowingly and deliberately caused the Impugned Products to appear side by side with the Plaintiff's Products, with the intent to mislead and confuse consumers and derive undue advantage from the already existing goodwill and reputation in the Plaintiff's Products. The screenshots from Defendant No. 2's Platform demonstrating the *mala fide* conduct of Defendant No. 1 are reproduced below:

https://www.amazon.in/s?k=bare+anatomy+anti+hairfall+shampoo&crid=ZJE05C2XXHQ8&srefix=bare+anatomy+anti+hairfall+shampoo%2Cap s%2C276&ref=nb_sb_ss_mvt-t11-ranker_1_34



21.9. The Plaintiff, thereafter, also dispatched a Legal Notice dated 03.11.2025 (“**Legal Notice**”) to Defendant No. 1, outlining the Plaintiff’s statutory and proprietary rights in the Plaintiff’s Product ‘Bare Anatomy – Anti Hair Fall Shampoo’, and informing Defendant No. 1 that its illegal activities amount to passing off and infringement of the copyright vesting in the Subject Trade Dress. The Legal Notice further recorded that the dishonest and unauthorized use of the Impugned Trade Dress is bound to cause confusion and deception in the minds of consumers and the general public. In an effort to resolve the matter amicably, the Plaintiff granted Defendant No. 1 three (3) days to cease and desist from using, in any manner whatsoever, the Impugned Trade Dress for the Impugned Product ‘Foxtel Anti Hair Fall Shampoo’. Defendant No. 1 was also directed to immediately take down the infringing listings and all related content displaying the Impugned Trade Dress from all social media platforms /e-commerce listings and offline channels. However, despite receipt of the Legal Notice by Defendant No. 1, the listings of the Impugned Products continue to remain active and have not been taken down by Defendant No. 1 and Defendant No. 1 continues to actively advertise and sell the Impugned Products through the platform operated by Defendant No. 2 and Defendant No. 3, thereby causing continued loss and damage to the Plaintiff.

21.10. Defendant No. 1 was aware of the Plaintiff’s market presence and with clear *mala fide* intent, adopted the Impugned Trade Dress that is deceptively and confusingly similar to the Subject trade Dress and



is acting with dishonest intent and in furtherance of its *mala fide* commercial objectives, has adopted and is offering for sale the Impugned Products. By deliberately reproducing the features of the Subject Trade Dress while omitting the Plaintiff's Mark 'BARE ANATOMY', Defendant No. 1 seeks to create a false association with the Plaintiff's Products. Such conduct is a deliberate attempt to misappropriate the Plaintiff's goodwill and constitutes a case of passing off.

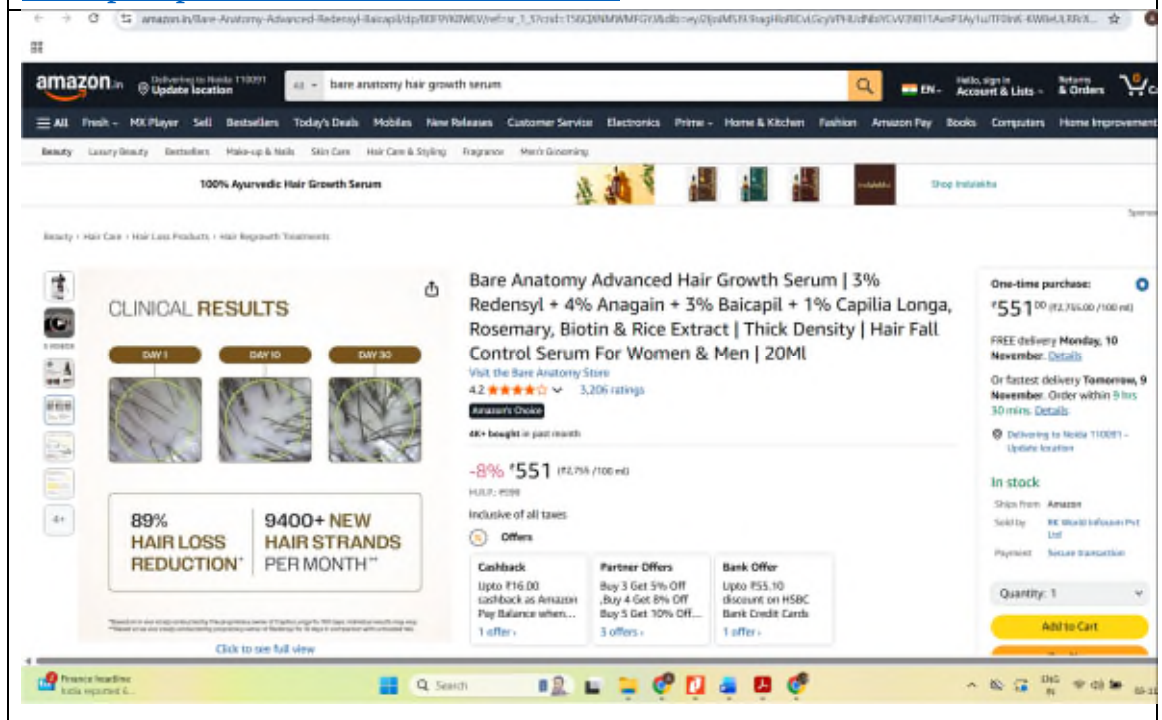
- 21.11. As a prior adopter and continuous user of the Subject trade Dress, the Plaintiff enjoys exclusive rights in the Subject trade Dress, which forms an essential part of the Plaintiff's brand identity. Defendant No. 1's unauthorized and *mala fide* reproduction of the artistic elements existing in the Subject trade Dress in the form of Impugned Trade Dress constitutes misappropriation of the Plaintiff's goodwill and a dilution of the distinctive identity that the Plaintiff's Products have come to enjoy in the relevant trade and among the purchasing public.
- 21.12. The alleged misconduct of Defendant No. 1 is not limited to copying the Subject Trade Dress but Defendant No. 1 has also mimicked the manner in which the Plaintiff advertises the Plaintiff's Products on online marketplaces. In its listing on the platform operated by Defendant No. 2, Defendant No. 1 has replicated the comparative visuals that depict improvement in product quality and efficacy. These visuals are an identical reproduction of those used in the Plaintiff's Products' Amazon listings, clearly evidencing that Defendant No. 1 has copied the comparative visual representation



from the Plaintiff's Products' Amazon listing, with the intention of misleading consumers into believing an association or endorsement. Such deliberate imitation is done to further confuse the general public from making a distinction between the Impugned products and the Plaintiff's Products. The screenshots evidencing the same are reproduced below:

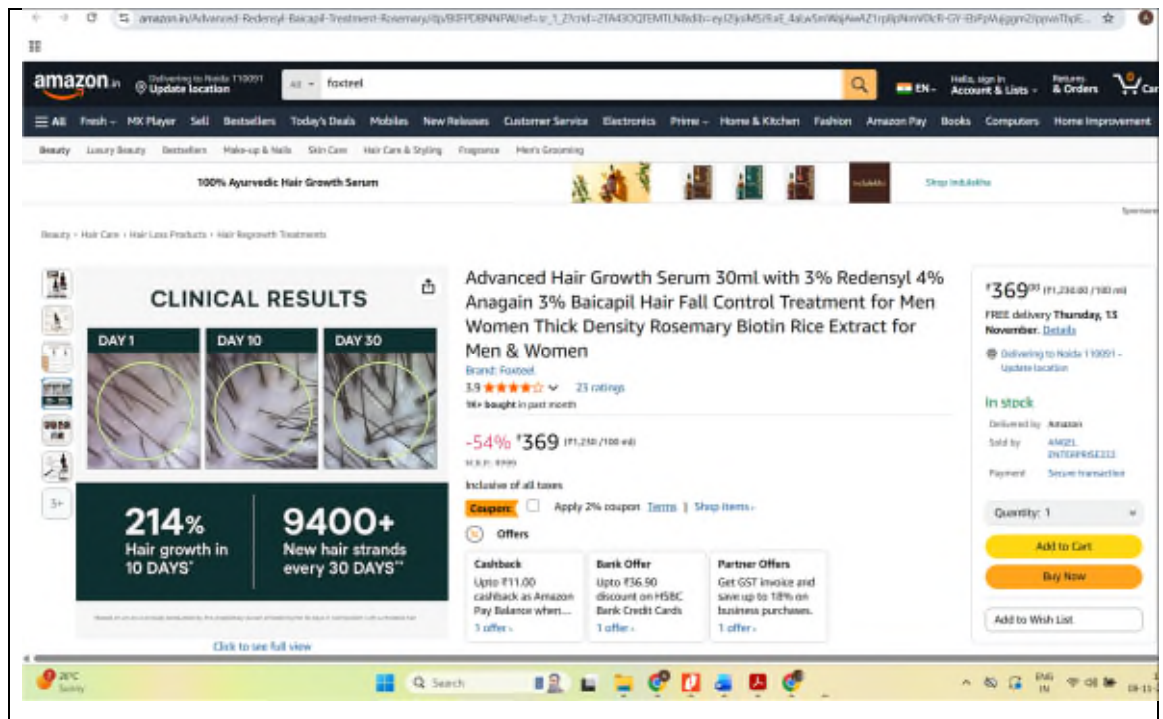
Plaintiff – Bare Anatomy Advanced Hair Growth Serum on www. Amazon.com

[https://www.amazon.in/Bare-Anatomy-Advanced-Redensyl-Baicapil/dp/B0F9YK8WLX/ref=sr_1_5?](https://www.amazon.in/Bare-Anatomy-Advanced-Redensyl-Baicapil/dp/B0F9YK8WLX/ref=sr_1_5?crid=156QNMWMPGY3&dcry=QjpaMURBagpfaBGMGyYTHU8P8YCW3R81TAmpFJay1uTtFvK4W84JLR3...)



Defendant No. 1's – Foxtel Advanced Hair Growth Serum on www. Amazon.com

[https://www.amazon.in/Advanced-Redensyl-Baicapil-Treatment-Rosemary/dp/B0FPDBNNFW/ref=sr_1_2?](https://www.amazon.in/Advanced-Redensyl-Baicapil-Treatment-Rosemary/dp/B0FPDBNNFW/ref=sr_1_2?crid=156QNMWMPGY3&dcry=QjpaMURBagpfaBGMGyYTHU8P8YCW3R81TAmpFJay1uTtFvK4W84JLR3...)



21.13. The sale and advertisement of the Impugned Products by the Defendant No. 1 is causing the Plaintiff grave and irreparable harm and injury with respect to reputational harm, customer confusion, and market dilution. The Impugned Products, being of visibly substandard quality, is likely to tarnish the perception of the Plaintiff's Products in the market. Such loss to the Plaintiff's business reputation and consumer goodwill is intangible, continuing, and not capable of being compensated by monetary relief alone.

21.14. Defendant No. 1's alleged actions are intended to mislead consumers, particularly in the online retail environment where purchasing decisions are made based primarily on visual cues. The Impugned Products, are offered on major e-commerce platforms where consumers are shown only product images, pricing, and brief



descriptions. In such circumstances, the likelihood of confusion is significantly heightened particularly for consumers relying on visual memory or seeking to repurchase a known product based on packaging identity.

21.15. The actions of Defendant No. 1, apart from constituting passing off and infringement of the Plaintiff's copyright in the Subject Trade Dress amount to deliberate and systematic acts of unfair competition, dishonest commercial misappropriation, and unethical business conduct. The Plaintiff, through substantial investment, consistent use, and a reputation for quality, has cultivated a distinct visual identity and brand image in the personal care segment. By intentionally adopting the Impugned Trade Dress and visual appearance that slavishly imitates the Plaintiff's Products, Defendant No. 1 seeks to exploit the Plaintiff's market reputation, mislead consumers, and unjustly benefit from the Plaintiff's goodwill.

21.16. Unless Defendant No. 1 is restrained by an order of injunction from continuing the sale, advertisement, and distribution of the Impugned Products, the Plaintiff will continue to suffer irreparable harm and prejudice. The balance of convenience lies in favour of the Plaintiff, and no hardship shall be caused to Defendant No. 1 by being restrained from continuing an activity which is manifestly unlawful and intended solely to exploit the goodwill of the Plaintiff through dishonest imitation.

22. The learned Counsel for Defendant No. 2, on instructions, submitted that Defendant No. 2 has already removed the four listings of the Impugned



Products as identified in the present Application from the e-commerce platform of Defendant No. 2. In view thereof, the learned Counsel for the Plaintiff submitted that, insofar as Defendant No. 2 is concerned, no further directions are required at this stage.

23. This is a case of triple identity where the Impugned Trade Dress is identical, the product category is identical and the trade channel as also the consumer base is identical. To an unwary consumer of average intelligence and imperfect recollection, the overall appearance, get-up, label, colour scheme, bottle shape, layout, and artistic features of the Impugned Trade Dress are likely to appear identical to the Subject Trade Dress, thereby creating a likelihood of confusion and leading consumers to believe that the Impugned Products originate from, or are associated with the Plaintiff.

24. The material placed on record indicates that the Plaintiff is the prior adopter and continuous user of the Mark 'Bare Anatomy' and the Subject Trade Dress, and has, over time, acquired considerable goodwill and reputation in the relevant market. The Plaintiff's presence on e-commerce platforms, coupled with advertising, social media promotions, and consumer engagement, supports the Plaintiff's claim that the Subject Trade Dress has come to be exclusively associated with the Plaintiff and enjoys distinctiveness in the relevant market.

25. The Impugned Trade Dress reproduces the essential, prominent and distinctive features of the Subject Trade Dress. The near-identical replication of bottle shape, colour palette, ingredient layout, efficacy claims, placement of product name, as well as the copying of the Plaintiff's comparative visuals from the listings of the Plaintiff's products on e-commerce platforms, establish that the Defendant No. 1 was aware of the Plaintiff's prior rights and



have *mala fide* replicated the Subject Trade Dress with the intention to misappropriate the Plaintiff's goodwill.

26. Having considered the material placed on record and the submissions made by the learned Counsel for the Plaintiff, a *prima facie* case is made out in favour of the Plaintiff. The deliberate adoption of the Impugned Trade Dress and the overall visual presentation of the Impugned Products as appearing on the e-commerce platforms, being deceptively similar or almost identical to the Plaintiff's Products, is likely to cause confusion, deception, and misrepresentation in the minds of the purchasing public. The balance of convenience lies in favour of the Plaintiff, as the continued manufacture, advertisement, and sale of the Impugned Products is likely to dilute the distinctiveness of the Subject Trade Dress, divert consumers, tarnish the Plaintiff's reputation, and cause erosion of the Plaintiff's goodwill. The Plaintiff is likely to suffer irreparable injury, if an *ex-parte ad-interim* injunction is not granted.

27. Accordingly, till the next date of hearing, it is directed that:

- (i) Defendant No. 1, its directors, assignees in business, its associates, affiliates, franchisees, licensees, distributors, dealers, stockists, retailers and agents are restrained from manufacturing, selling, offering for sale, marketing, exporting, importing, labelling, packaging, re-filling, dealing in the Impugned Products bearing the Impugned Trade



Dress, ‘ , ‘ , and ‘ , or any other Trade Dress that may be visually, structurally and deceptively



similar / identical to the Subject Trade Dress, ‘ ,



‘ , and ‘ ,



(ii) Defendant No. 3, upon receiving Notice and a copy of this Order from the Plaintiff, shall, within 24 hours, take the necessary steps to take down / remove the following listings of the Impugned Products from its Platform:

- i. <https://www.jiomart.com/p/groceries/foxteel-anti-hair-fall-shampoo-5x-hair-fall-control-growth-contains-biotin-adenosine-peptides-rosemary-rice-water-hyaluronic-acid-for-all-hair-types-for-women-men-250ml-green-2/612604521>
- ii. <https://www.jiomart.com/p/groceries/foxteel-advanced-hair-growth-serum-30ml-with-3-redensyl-4-anagain-3-baicapil-hair-fall-control-treatment-for-men-women-thick-density-rosemary-biotin-rice-extract-for-men-women/612604522>
- iii. https://www.jiomart.com/p/groceries/foxteel-anti-hair-fall-shampoo-5x-hair-fall-control-growth-contains-biotin-adenosine-peptides-rosemary-rice-water-hyaluronic-acid-for-all-hair-types-for-women-men-250ml-green-2-topical_hair_regrowth_treatment/612604894
- iv. <https://www.jiomart.com/p/groceries/foxteel-anti-hair-fall-shampoo-5x-hair-fall-control-growth-contains-biotin-adenosine-peptides-rosemary-rice-water-hyaluronic-acid-for-all-hair-types-for-women-men-250ml-green-1-shampoo/612604671>



- v. <https://www.jiomart.com/p/groceries/foxteel-anti-hair-fall-shampoo-5x-hair-fall-control-growth-contains-biotin-adenosine-peptides-rosemary-rice-water-hyaluronic-acid-for-all-hair-types-for-women-men-250ml-green-1/612604505>
- vi. <https://www.jiomart.com/p/groceries/foxteel-anti-hair-fall-shampoo-5x-hair-fall-control-growth-contains-biotin-adenosine-peptides-rosemary-rice-water-hyaluronic-acid-for-all-hair-types-for-unisex-250ml-blue-1-shampoo/612604532>
- vii. <https://www.jiomart.com/p/groceries/foxteel-anti-hair-fall-shampoo-5x-hair-fall-control-growth-contains-biotin-adenosine-peptides-rosemary-rice-water-hyaluronic-acid-for-all-hair-types-for-unisex-250ml-blue-1/612604656>
- viii. <https://www.jiomart.com/p/groceries/foxteel-advanced-hair-growth-serum-30ml-with-3-redensyl-4-anagain-3-baicapil-hair-fall-control-treatment-for-men-women-thick-density-rosemary-biotin-rice-extract-for-men-women-topical hair regrowth treatment/612604896>
- ix. <https://www.jiomart.com/p/groceries/foxteel-anti-hair-fall-shampoo-5x-hair-fall-control-growth-contains-biotin-adenosine-peptides-rosemary-rice-water-hyaluronic-acid-for-all-hair-types-for-women-men-250ml-blue-2/612604523>



- x. https://www.jiomart.com/p/groceries/foxteel-anti-hair-fall-shampoo-5x-hair-fall-control-growth-contains-biotin-adenosine-peptides-rosemary-rice-water-hyaluronic-acid-for-all-hair-types-for-women-men-250ml-blue-2-topical_hair_regrowth_treatment/612604897

28. Let the Reply to the present Application be filed within four weeks after service of Notice. Rejoinder thereto, if any, be filed before the next date of hearing.

29. The compliance of Order XXXIX Rule 3 of the CPC be done within two weeks.

30. List before this Court on 23.03.2026.

TEJAS KARIA, J

DECEMBER 2, 2025

‘gsr’