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

+ CS(COMM) 219/2026

GPN COMMERCIAL LLC (USA) .....Plaintiff

Through: Mr. I.S. Alagh, Senior Advocate with  
Mr. Raunak Singh, Mr. Kamendra Singh, Ms.  
Anukriti K. and Mr. Anubhav, Advocates.

versus

ASHOK KUMAR JOHN DOE & ANR. ....Defendants

Through:

**CORAM:**  
**HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**

% **11.03.2026**

**I.A. 6036/2026 (u/S 151 CPC)**

1. This application is filed on behalf of the Plaintiff seeking exemption from effecting advance service on the Defendants.
2. For the reasons stated in the application, the same is allowed exempting the Plaintiff from effecting advance service on the Defendants.
3. Application stands disposed of.

**I.A. 6033/2026 (for pre-institution mediation)**

4. This application is filed on behalf of the Plaintiff under Section 12-A of the Commercial Courts Act, 2015 read with Section 151 CPC seeking exemption from Pre-Institution Mediation.
5. Having regard to the facts of the present case wherein urgent relief is prayed for and in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Keerthi*, (2024) 5 SCC 815, as also Division Bench of



this Court in *Chandra Kishore Chaurasia v. RA Perfumery Works Private Ltd., 2022 SCC OnLine Del 3529*, exemption is granted to the Plaintiff from Pre-Institution Mediation.

6. Application is allowed and disposed of.

**I.A. 6034/2026 (u/O II Rule 2 r/w Section 151 CPC)**

7. This application is filed on behalf of the Plaintiff under Order II Rule 2 read with Section 151 CPC seeking leave of the Court to claim further relief(s)/order and directions on account of any other losses or prejudice suffered by the Plaintiffs, which may arise out of the cause of action pleaded in accompanying plaint, at a subsequent stage, if necessary.

8. Issue notice to Defendants through all permissible modes, returnable on 29.04.2026.

**I.A. 6035/2026 (u/S 151 CPC)**

9. This application is filed on behalf of the Plaintiff seeking to place on record additional documents.

10. Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly in accordance with provisions of the Commercial Courts Act, 2015.

11. Application is allowed and disposed of.

**I.A. 6037/2026 (u/S 151 CPC)**

12. This application is filed on behalf of the Plaintiff under Section 151 CPC seeking leave to file redacted documents.

13. For the reasons stated in the application, the same is allowed.

14. Application stands disposed of.

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15. Let plaint be registered as a suit.

16. Upon filing of process fee, issue summons to the Defendants through



all permissible modes, returnable before the learned Joint Registrar on 01.04.2026.

17. Summons shall state that the written statements shall be filed by the Defendants within 30 days from the receipt of summons along with affidavits of admission/denial of the documents filed by the Plaintiff.

18. It will be open to the Plaintiff to file replications within 30 days from the date of receipt of written statements along with affidavit of admission/denial of documents filed by the Defendants.

19. If any of the parties wish to seek inspection of any documents, the same be sought and given the timeline prescribed in Delhi High Court (Original Side) Rules, 2018.

20. Learned Joint Registrar will carry out admission/denial of documents and marking of exhibits.

**I.A. 6032/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)**

21. This application is filed on behalf of the Plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 of CPC for grant of *ex parte* ad interim injunction.

22. Issue notice to the Defendants through all permissible modes, returnable before Court on 29.04.2026.

23. Case of the Plaintiff as set out in the plaint is that Plaintiff is a company incorporated and registered in State of Delaware, United States of America and is affiliated with Ireland-based Glanbia Performance Nutrition Limited ('GPNL'), USA-based Glanbia Performance Nutrition (NA), Inc., Glanbia Performance Nutrition (Manufacturing), Inc. and Glanbia, Inc. as well as Glanbia Performance Nutrition (India) Private Limited (collectively referred to as 'GPN').



24. It is stated that GPN is a leading manufacturer, marketer and distributor of food, performance nutrition and dietary supplement products under various brand names. With deep roots in the sports nutrition industry, GPN is the world's leading producer and marketer of quality consumer performance nutrition products supporting an active lifestyle. GPN owns numerous premium sports nutrition brands including, but not limited to, Isopure. GPN manufactures, distributes, markets and sells a full range of performance nutrition products with total global revenue exceeding billions of USDs. GPN's products are imported and marketed in India by its subsidiary i.e., Glanbia Performance Nutrition (India) Private Limited.

25. It is stated that Plaintiff, through its predecessors-in-title, has been using the ISOPURE Trademark since September, 2014 and Plaintiff's brand is regarded as one of the most highly reputed sports nutrition brands in the world. Full range of dietary supplements sold under ISOPURE are continuously updated and re-formulated through innovation platforms that are unparalleled in the industry. Plaintiff has secured registration of ISOPURE in India in Class 05 covering "*dietary supplements for humans, including vitamins, minerals, food supplements, and sports-related nutritional beverages*" and registration is valid and subsisting. The details of registration are as follows:-

Registration No.	Date of Application	Word / Design	Class(es)
2581503	August 19, 2013	ISOPURE	05 Int.

26. It is stated that ISOPURE has been used by the Plaintiff internationally as well as in India through its predecessors-in-title since September 2014. As a premium nutrition brand, Plaintiff markets and sells numerous globally recognized products with a distinct label and trade dress



in over 80 countries, including but not limited to Australia, Canada, China, European Union and India. Photographs of the products sold under ISOPURE Trademark are as follows:-



27. It is stated that goodwill and reputation of the Plaintiff is evidenced by the large number of countries in which its products are sold under the mark ISOPURE as also numerable independent retail stores, gyms, fitness centres etc. Plaintiff has a dedicated official global website [www.theisopurecompany.com](http://www.theisopurecompany.com) and another website specifically for India being <https://www.optimumnutrition.co.in/pages/isopure> on which the products are sold. Through its distributors, Plaintiff is engaged in marketing and sale of products over a decade and millions of units have been sold in India as follows:-

Year	No. of Units (approx.)
2014	57,000
2015	105,000
2016	43,000
2017	101,000
2018	270,000
2019	123,000
2020	20,164
2021	35,960
2022	41,489
2023	35,637
2024	35,334
2025	5,500



28. It is stated that Plaintiff's products under ISOPURE are also available on third party e-commerce platforms such as Amazon.in, HealthKart.com, Flipkart.com, Hyugalife, in addition to local gyms and retailers. To promote its products, Plaintiff has spent considerable efforts and expenditure and its products have been endorsed by various professional sporting teams and athletes and other celebrities such as Ms. Rashmika Mandanna, award winning actress as well as Mr. Ripudaman Belvi, a social activist, to name a few. In addition, Plaintiff regularly organizes and partners with events and trade shows in India to showcase its products and brand names. A list of few of the famous events and trade shows is as follows:-

Event	Date	Association	Link (if any)
5K Run at Sukhna Lake	November 16, 2025	ISOPURE Fit Club, Social Offline	<a href="https://www.instagram.com/p/DRcGk2DPwd/">www.instagram.com/p/DRcGk2DPwd/</a>
GQ Heroes	November 2025	GQ India	<a href="https://www.instagram.com/p/DREim1jwve/">www.instagram.com/p/DREim1jwve/</a>
Hauz Khas Social, Delhi	September 14, 2025	ISOPURE Fit Club, Social Offline	<a href="https://www.instagram.com/p/DOiDF9Tj6u9/">www.instagram.com/p/DOiDF9Tj6u9/</a>
Hyderabad	July 20, 2025	ISOPURE Fit Club, Social Offline	<a href="https://www.instagram.com/p/DNkuweOREu9/">www.instagram.com/p/DNkuweOREu9/</a>
Groffitter Ploggathon	October 2, 2023	ISOPURE * Growffitter	<a href="https://www.instagram.com/p/Cx5ZxRLNLdE/">www.instagram.com/p/Cx5ZxRLNLdE/</a>
International Health, Sports, Fitness & Wellness Festival (IHFF)	Mumbai, 2017	ISOPURE	Exhibitor
BodyPower India Expo - Mumbai	January 6-8, 2017	ISOPURE	Exhibitor
Men's Health Magazine Ultimate Men's Health Guy Search	2015-2018	ISOPURE & Men's Health	



29. It is stated that Plaintiff's sister company GPNL had filed a suit being CS(COMM) 308/2025 seeking similar reliefs against infringing entities in

relation to products bearing trademark ON, ,  OPTIMUM NUTRITION, , 

**PROTEIN SHAKE**, 'SERIOUS MASS', 'ON OPTIMUM NUTRITION' and vide order dated 07.04.2025, Court granted *ex parte* ad interim injunction and appointed six Local Commissioners, who executed the commissions and several boxes containing counterfeit products were seized and taken into custody along with other infringing material. Subsequent thereto, GPNL received multiple complaints from its customers who had purchased protein supplements from various retail sellers under the *bona fide* belief that the products were genuine and distributed by GPNL. Investigation revealed a widespread network of unauthorized sellers in operation *inter alia* engaged in packaging, sale and distribution of counterfeit products being supplied by unauthorized third parties. One such third party vendor is actively engaged in manufacture, storage and supply of counterfeit packaging material including empty plastic jars, containers, stickers etc. and was found to be one M/s Aakarsh Royals Private Limited, who is Defendant No.2 in the present case, selling counterfeit packaging material to a broader network of unauthorized producers/filling entities/sellers in Delhi, U.P. and Haryana in India and also in Nepal.

30. It is stated that in light of this infringing activity, GPNL filed another application for appointment of a Local Commissioner to visit the premises of Defendant No.2 and seize infringing material, which was allowed on 16.10.2025 and the Local Commissioner found significant quantities of



counterfeit packaging material at Defendant No.2's premises which included three moulds used to manufacture counterfeit lids and scoops. A machine used for printing *inter alia* unique codes and prices on counterfeit jars was also discovered. In addition to counterfeit products bearing ON trademarks, Local Commissioner discovered material bearing GPNL's other registered BSN marks and Plaintiff's ISOPURE mark. GPNL filed applications for amendment and temporary injunction. By order dated 23.12.2025 notice was issued by the Court. Report of the Local Commissioner dated 13.11.2025, revealed counterfeit material/products with ISOPURE trademark lying at the premises of Defendant No.2 and a comparative of the two is as follows:-

<b>Plaintiff's authentic products bearing the ISOPURE Trademark (Registration No.: 2581503)</b>	<b>Defendants' counterfeit packaging material/ products bearing the ISOPURE Trademark (Registration No.: 2581503)</b>	<b>Differences</b>
		a) The counterfeit scoops are translucent in colour, however the Plaintiff's authentic scoops are clear and transparent in colour.
		b) The counterfeit scoops do not have the mould cavity number printed thereon, whereas the Plaintiff's genuine scoops have the mould cavity number embossed on the handle.



		<p>c) The font and design of the text used on the counterfeit scoops do not match the font and design of the text used on the Plaintiff's authentic scoops.</p> <p>d) The counterfeit scoops mention "Made in USA" thereon, whereas the Plaintiff's authentic scoops mention "Made in India".</p> <p>e) The counterfeit scoops mention the website details as "www.hqcinc.com", however the Plaintiff's authentic scoops mention the information pertaining to its approved supplier in India as "www.plasticscoop.net."</p>
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31. Learned counsel for the Plaintiff submits that plaintiff is the registered proprietor of ISOPURE trademark and is entitled to its exclusive use as also to restrain third parties from using the mark. By manufacturing and/or supplying counterfeit packaging material using the mark ISOPURE, Defendants are infringing Plaintiff's trademark which has formidable goodwill and reputation. The fact that Defendants are selling low quality and sub-standard products aggravates the harm caused to the Plaintiff since the public would associate the products with the Plaintiff. This is also leading to dilution of the ISOPURE mark which has earned reputation akin to a well-known trademark. Defendants have intentionally adopted the mark



ISOPURE to deceive the public at large and make unlawful gains for themselves.

32. It is further submitted that the counterfeit products are entirely untested and unregulated and have not undergone the strict quality and safety standards which Plaintiff follows for its products and this poses significant risk to public health. The products are likely to contain unverified ingredients, high caffeine, contaminants or lower grade protein sources, which can have adverse health effects on unsuspecting consumers besides eroding the reputation of the Plaintiff which it has built over the years. Plaintiff has suffered significant financial losses due to counterfeiting operations of the Defendants since they are selling low quality products at cheaper prices and diverting sales from the Plaintiff.

33. Having heard learned counsel for the Plaintiff and upon perusal of the documents, I am of the view that Plaintiff has made out a *prima facie* for grant of *ex parte* ad interim injunction against the Defendants. Balance of convenience lies in favour of the Plaintiff and it is likely to suffer irreparable harm in case the interim injunction, as prayed for, is not granted.

34. Plaintiff is a registered proprietor of the ISOPURE trademark and has earned a formidable reputation and goodwill in the market in respect of the products sold under the said mark. Details of units sold in India have been furnished in the plaint. Comparative of the rival products and the mark used by the Defendants *prima facie* shows that the Defendants are selling counterfeit products, which as rightly argued by learned Senior Counsel for the Plaintiff, is damaging the reputation of the Plaintiff as also harming public interest, especially, due to the nature of the products in question. Being the registered proprietor of the ISOPURE mark, Plaintiff has a right under Section 28 of the 1999 Act to use the mark exclusively and to restrain



third parties from infringing the same. Since the competing marks and the goods are identical, confusion amongst the members of the public and consumers is inevitable and *prima facie* Defendants are infringing the registered mark of the Plaintiff. Learned Senior Counsel is also right in his submission that due to the low-quality products sold by the Defendants, irreparable damage is being caused to the reputation of the Plaintiff and also public health. Counterfeit is a menace which needs to be curbed with strict heads.

35. Accordingly, till the next date of hearing, Defendants, their proprietors, partners, directors, affiliates, franchisees, officers, servants, agents, its group of companies, subsidiaries, representatives and anyone acting for or on their behalf are restrained from reproducing, storing, selling, offering for sale products related to performance nutrition, dietary and nutrition supplements, using the mark ISOPURE, in any manner whatsoever, including through offline stores/websites/webpages and third party websites, so as to amount to passing off their goods as those of the Plaintiff.

36. Plaintiff shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from today.

**JYOTI SINGH, J**

**MARCH 11, 2026/YA**