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

+ **CS(COMM) 461/2026**

**PSTGEMS PRIVATE LIMITED**

.....Plaintiff

Through: Mr. Arpit Kalra, Ms. Anukriti Banerjee, Mr. Vikrant Rana, Ms. Lucy Rana and Ms. Bindra Rana, Advocates.

versus

**M/S BRAHMASTRA PHARMACY & ORS.**

....Defendants

Through: Mr. N.S. Rao, Advocate for D-1, D-2 and D-3.

**CORAM:**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

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**30.04.2026**

**I.A. 12069/2026 (Additional Documents)**

1. 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 Commercial Courts Act, 2015 ('CC Act') seeking leave to place on record additional documents.
2. 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.
3. Accordingly, the application stands disposed of.

**I.A. 12070/2026 (Exemption from serving advance copy of the paper book of the present suit)**

4. This is an application filed on behalf of the plaintiff under Section 151 of CPC seeking exemption from serving an advance copy of the complete set of paper book of the present suit to the defendants.

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5. Since the defendant is represented by a counsel and a copy of the complete set of paper book of the suit has been handed over by the learned counsel for the plaintiff, the application has become infructuous.

6. The application stands disposed of.

**I.A. 12071/2026 (Pre-Institution Mediation)**

7. This is an application filed by the plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the CC Act.

8. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi: (2024) 5 SCC 815*, exemption from the requirement of pre-institution Mediation is granted.

9. The application stands disposed of.

**I.A. 12072/2026 (Exemption)**

10. This is an application filed on behalf of the plaintiff under Section 151 of CPC seeking exemption from filing original/certified documents and also from filing clear/legible copies of the documents at page nos.23-28, 193, 201-203 and 297-303 with less margins.

11. Exemption allowed, subject to just exceptions. However, original/true typed/translated/clear copies of the documents with proper margins be filed within four weeks with an advance copy to the defendants.

12. The application stands disposed of.

**I.A. 12068/2026 (Appointment of Local Commissioner)**

13. The present application has been filed by the plaintiff under Order XXVI Rule 9 read with Order XXXIX Rule 7 of CPC seeking appointment of Local Commissioners.

14. Since Mr. N.S. Rao, learned counsel for the defendants has appeared on the basis of noting the matter in the cause list, the application has been rendered infructuous.



15. The application stands disposed of being infructuous.

**I.A. 12067/2026 (Order XXXIX Rules 1 & 2, CPC)**

16. The present application has been filed on behalf of the plaintiff under Order XXXIX Rules 1 & 2 of CPC, 1908 seeking *ex-parte ad-interim* injunction against the defendants.

17. The plaintiff has filed the present application seeking the following prayers:

*“a) Pass an order of ex-parte ad-interim injunction restraining Defendant No. 1-3 by itself, its partners, agents, servants, representatives, employees and/or anyone claiming under it, directly or indirectly, from in any manner, infringing the Plaintiff’s registered*

*trademarks “STAND UP,*



*by selling/advertising/offering for sale products under the impugned*



*mark/label STAND UP/ mark(s)/Label/Trade Dress that is identical/deceptively similar to the Plaintiff’s concerned registered Trade Marks in relation to products identical and/or similar to that of the Plaintiff, until the pendency of the concerned Suit;*

*b) Pass an order for ex-parte ad-interim injunction restraining Defendant No. 1, 2 and 3 by themselves and their partners, agents, servants, representatives, employees and/or anyone claiming under it, directly or indirectly, from in any manner, infringing the Plaintiff’s*

*copyright in the original artistic work in the logos “*



*and by using the impugned logo/label /*



*or any other identical/deceptively similar logo, which amounts to infringement of Plaintiff’s copyrights in their original artwork until the pendency of the concerned Suit;*

*c) Pass an order for ex-parte ad-interim injunction restraining Defendant No. 1, 2 and 3 by partners, agents, servants, representatives, employees*



and/or anyone claiming under it, directly or indirectly from in any manner, passing off or enable others to pass off their goods and business as that of the Plaintiff's, by using the impugned mark **STAND UP** or the



label or any other trademark/label/trade dress which is visually, phonetically, conceptually, similar/identical with that

of the Plaintiff's marks "**STAND UP**" until the pendency of the concerned Suit;



d) Pass an order for necessary direction directing the Defendant No. 1, 2 and 3 to remove/delete the listing for the impugned good as available on the URL : <https://brahmastrapharmacy.com/product/stand-up-ayurvedic-capsules-for-vitality-stamina-desire-30-capsules/> as well as all online references of the impugned goods bearing the mark '**STAND UP**' and the



label or any other mark which is deceptively similar to the Plaintiff's mark i.e., **STAND UP**/



from its website [www.brahmastrapharmacy.com](http://www.brahmastrapharmacy.com) and/or any other website that the Defendant may have and from any social media account(s), and paid or unpaid business listing(s) until the pendency of the concerned Suit;

e) Pass an order for necessary directions against Defendant No. 1, 2 and 3 for disclosing all the details pertaining to the manufacturer 'M.H. Jaipur', who are involved in the manufacturing of the goods bearing the impugned marks of the Plaintiff as per the information available on the Impugned Goods of the Defendant;

f) Pass an order for necessary directions against the Defendant No. 5, 6 and 8 to suspend all order fulfillment and/or shipping services being provided by it to Defendant No. 1, for shipping of goods, bearing



impugned mark '**STAND UP**' and the label or any other mark which is deceptively similar to the Plaintiff's mark i.e.,



**STAND UP** and disclose by way of an



*affidavit the complete user account details, including any names, addresses, phone numbers, email addresses as well as bank account details and/or any other payment details and control of the complete records of all shipments initiated by Defendant Nos. 1 2 and 3, including, the dates of each booking and dispatch; shipment/consignment details; tracking numbers; and invoices and/or documents reflecting the value of such consignments associated with and/or related to Defendant No.1, 2 and 3, wherein such impugned mark is used.*

*g) Pass an order for necessary directions against Defendant No. 7 to permanently disable any payment account used by the Defendant No. 1 to sell infringing goods bearing impugned mark 'STAND UP' and the*



*Impugned label and disclose the KYC details as well as bank account details and/or any other payment details associated with Defendant Nos. 1-3 until the pendency of the concerned Suit.*

*h) Pass an order for necessary directions against Defendant No. 1-3 to permanently remove the listing <https://amzn.to/4aUtdYt> , as well as any other online listing which is associated with the unauthorizedly selling fake/counterfeit STAND UP products bearing the impugned mark*



*'STAND UP' and the Impugned label , and complete user account details, including any names, addresses, phone numbers, email addresses, KYC details, bank account details and/or any other payment details associated with and/or related to Defendant No.1, wherein such impugned mark is used until the pendency of the concerned Suit.*


*i) Pass the above directions and injunction ex-parte;*


*j) Pass any other order that this Hon'ble Court may deem fit and proper in the interest of justice."*

18. Plaintiff claims that its Company, i.e, PSTGems Private Limited, is a health tech company and is engaged in the business of providing online health consultancy services and offers for sale nutraceutical/pharmaceutic products for various health concerns.

19. Plaintiff claims that its company was incorporated on 31.05.2022, and as of January 2026, the plaintiff Company is valued at over USD 169.82



Million (over Rs.1500 crores). The Plaintiff company further provides goods and services in the field of medicinal and Ayurvedic preparations under its trademark ‘PSTGEMS/ POSITIVE GEMS’, ‘BRAMPIUM’, and their formative variants.

20. Plaintiff claims that in April 2024, it has coined and adopted the trademark ‘BRAMPIUM’ and conceived the logos , for a new range of nutraceutical/pharmaceutical products with respect to sexual health and wellness. The registration details of ‘BRAMPIUM’ and other trademarks of the plaintiff have been tabularized in para 21 of the plaint.

21. Plaintiff claims that as per the plaint, the mark ‘BRAMPIUM’ is neither a dictionary word nor a generic term but is an original and unique creation of the plaintiff.

22. Plaintiff claims that it also has a copyright in the original artistic work

in its subsisting logos , ,  and , created by one of the directors of the plaintiff. The said artwork has been used by the plaintiff since April 2024 and is registered and protected in India as per the provisions of the Copyright Act, 1957 as mentioned in para 22 of the plaint.

23. Plaintiff further claims that its company in its due course of business has also conceived and adopted the trademarks BRAMPIUM- ST AND UP, BRAMPIUM- LAST AND BLAST, and BRAMPIUM- LADY DESIRE, and their formative variants in word and logo form.

24. Plaintiff claims that its “BRAMPIUM” products including “STAND

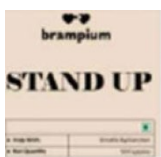


UP/ are sold through the plaintiffs official interactive website <https://brampium.com/>, which is accessible to Indian and global customers. From October 2024 to date, the website has attracted over one (1) crore visitors, resulting in 3,00,000 orders being successfully placed and delivered.

25. Plaintiff further claims that its trademark 'BRAMPIMUM' is widely promoted through its official social media pages Facebook and Instagram, with millions of annual views and substantial followership.

26. Plaintiff's net revenue owing to its sale is enumerated in para 28 of the plaint disclosing the net revenue in the year 2022-23 at Rs.3,46,71,280/- which reached net revenue of Rs.41,44,40,035/- in April 2025 – February, 2026. The plaintiff has spent substantial amounts on advertisement and promotion of its products has been detailed in para 28. In the year 2022-23 the expenses were approximately Rs.2,60,40,300/- while in the year 2025 it reached Rs.12,56,45,429/-.

27. Plaintiff claims that sometime in October, 2025, during a routine diligence check, came across an interactive website that was operating from the domain name *brahmastrapharmacy.com* as well through a physical outlet located in New Delhi, wherein under URL: <https://brahmastrapharmacy.com/product/stand-up-ayurvediccapsules-for-vitality-stamina-desire-30-capsules/>, the defendant No. 1 is advertising, offering for sale and selling a sexual wellness nutraceutical titled as "STAND UP" which is identical to the plaintiff's registered trademark "STAND UP", and in a deceptively similar label as that of the Plaintiff's trade dress/





28. The comparison chart of plaintiff's product and defendant's product as enumerated in para 40 of the plaint are extracted hereunder:-

STANDUP PLAINTIFF'S PRODUCT	STANDUP DEFENDANT'S PRODUCT
	
	
	
	

29. Plaintiff claims that the packaging/label of defendant no.1's product is deceptively similar to the plaintiff's, wherein instead of writing the plaintiff's mark "BRAMPIUM", the defendant has mentioned its own brand name



“BPRK PHARMA”, but also infringes the plaintiff’s registered trademark

“STAND UP///” as well as infringing the plaintiff’s copyright in the artistic work for “”.

30. Plaintiff claims that defendant no.1, sent an official to the physical outlet of defendant no.1, where they have discovered that dozens of the infringing products are being sold therein, one of which was purchased by the plaintiff. The images of the infringing products purchased by the plaintiff are enlisted in para 42 of the plaint.

31. Plaintiff further claims that the infringing products are also being marketed and sold by defendant No. 2 i.e., Astrabrahma Buzz Idea Private Limited, through a third-party e-commerce website of *www.amazon.in*, wherein the listing of the said product is available from the URL: *https://amzn.to/4aUtdYt*. Defendant no.1 is working in collusion with defendant nos.2 and 3 and marketing and selling counterfeit “STANDUP” products identical to that of the plaintiff.

32. Plaintiff claims that it has received several enquiries from its long-standing consumers, enquiring whether the products being sold by defendant no.1 is associated with the plaintiff, as the listing bears the registered mark of the plaintiff “STAND UP”. The details of the consumers and the interaction has been enumerated in para 50 of the plaint.

33. From the above, the plaintiff claims that it is *ex-facie* evident that the defendant is flagrantly infringing the registered trademarks which are solely and exclusively associated with the plaintiff. Plaintiff claims that the placement, adoption of and the manner in which it is represented by the defendants, it is evident that the defendants have attempted to dilute the



registered trademark of the plaintiff and is attempting to capitalize upon the distinctiveness and the exclusivity of the plaintiff's established goodwill and reputation in the said mark

34. Issue notice.

35. Notice is accepted by Mr. N.S. Rao, learned counsel appearing on behalf of all the defendants, on advance notice. The contention of the learned counsel for the defendants, at this stage is that the product which is sold by both the parties is entirely different, as the product of the defendants is an Ayurvedic proprietary medicine while the product sold by the plaintiff is a Schedule H drug.

36. Furthermore, he states that the mark 'STAND UP' is a common and generic word which has no distinctiveness attached thereto and hence, the plaintiff cannot assert any right over the words 'STAND UP'. He states that in any case the registration in the name of the plaintiff is likely to be rejected on the ground of non distinctiveness and the mark being generic and descriptive. He further states that, according to the defendants, the mark 'STAND UP' is being used by various entities much prior in time to that of the plaintiff. He states that since the mark is being used by a number of entities, the plaintiff cannot have any exclusivity over the said mark.

37. That apart, he also states that the distinction between both the products is quite clear. In that, so far as the product of the defendants' are concerned, the name of the defendants i.e. BPRK Pharma is prominently placed on the label of its product while in the context of the plaintiff its mark 'BRAMPIUM' is placed prominently on the packaging. He states that the retail stores for both the products are different and hence, the question of confusion could not arise at all.

38. He seeks some time to file an appropriate reply along with documents in order to substantiate his case.



39. This Court has heard the arguments of learned counsel for the defendants as also learned counsel for the plaintiff.

40. At the outset, in order to ascertain as to whether there is any possibility or likelihood of confusion, this Court has examined the products of the plaintiff as also the product of the defendants which have been handed over in Court.

41. The visual examination of both the rival labels clearly indicates that the mark 'STAND UP', which is registered in the name of the plaintiff, is identically placed by the defendants on its label in the centre with identical font, style and colour. Even the table noting parameters i.e. 'Health with' and 'net quantity' with 'desire' and 'vitality' and the units contained in the bottle capsule available on the product of the plaintiff is also written identically on the product of the defendants. The manner in which the boxes have been created to indicate the aforesaid parameters are also identical. In fact, the boxes are identically placed in both the labels under the mark 'STAND UP'. The colour of the bottle is also identical, as both are in dark brown transparent plastic bottles except for the fact that the cap of the plaintiff's product is white in colour and that of the defendants is black in colour. Other elements of the label are almost identical too.

42. The only distinction and that too upon a close scrutiny, is in respect of the composition of the products inside the packaging. However, that by itself may not be sufficient, at this stage, to conclude or *prima facie* come to the conclusion that the marks STAND UP or the labels are not deceptively similar.

43. Even otherwise, the depiction of two small hearts, which is placed by the plaintiff as also the defendants, is quite similar and would tend to and is likely to confuse the ordinary consumer into believing that the products of the defendants may be that of the plaintiff.



44. That apart, the Coordinate Bench by its order dated 25.09.2025 in CS(COMM) 1021/2025 titled “**XX vs YY and Ors.**” had an occasion to examine the very same product of the plaintiff with those of another defendant wherein, the same mark, which is the subject matter of the present plaint, was being infringed. In that, the mark ‘STAND UP’ with the boxes underneath the said mark and the two hearts were also being infringed by the defendants therein. After having examined the entire issue, the Coordinate Bench was of the *prima facie* opinion that the defendants in that suit were infringing the mark of the plaintiff and thus were enjoined.

45. At this stage, this Court is of the considered opinion that the label of the defendants containing the mark ‘STAND UP’ with the two hearts in that stylized manner cannot be permitted to be continued. It appears that permitting further usage of the said mark would create confusion in the mind of general public as to the product purchased of the defendant is that of the plaintiff or associated with it.

46. Accordingly, the defendants are restrained from using the impugned label with the mark ‘STAND UP’ alongwith all other elements and essential features noted above in the label in the same manner as is being used by the plaintiff.

47. Additionally, the defendants are directed to remove the listings for the impugned goods containing the infringing marks/label from the website <https://brahmastrapharmacy.com/product/stand-up-ayurvedic-capsules-for-vitality-stamina-desire-30-capsules/>.

48. It is made clear that the said order is only to subsist till the application is disposed of finally.

49. The defendants may file their reply within four weeks.

50. Rejoinder thereto, be filed within four weeks thereafter.

51. List for consideration of I.A. 12067/2026 on 03.09.2026.



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52. Let the plaint be registered as a suit.
53. Issue summons.
54. Mr. N.S. Rao, learned counsel for the defendants accepts summons and waives issuance of the formal summons to the defendants.
55. The Written Statement shall be filed by the defendants within 30 days from date. Alongwith the Written Statement, the defendants shall also file an affidavit of admission/denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.
56. Liberty is granted to the plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the plaintiff, an affidavit of admission/denial of the documents of defendants be filed by the plaintiff, without which the Replication shall not be taken on record.
57. 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.
58. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.
59. List before the Joint Registrar (Judicial) on 04.08.2026 for completion of service and pleadings.
60. List before the Court on 03.09.2026.

**TUSHAR RAO GEDELA, J**

**APRIL 30, 2026/rl**