

LEXPORT NEWSLETTER

MAY 2026 | WEEK 3

Dear Readers,

This weekly newsletter offers you a concise analysis of important developments, notable judgments, and noteworthy regulatory amendments and developments in the corporate and financial sectors.

This newsletter will cover updates inter alia from **Banking Laws & FEMA, Corporate Laws, Securities Laws and Capital Markets, Competition Laws, Indirect Taxes, Customs and Foreign Trade, Intellectual Property Laws, and Arbitration Laws.**

Acknowledging the significance of these updates and the need to stay informed, this newsletter provides a concise overview of the various changes brought in by our proactive regulatory authorities and the courts.

Feedback and suggestions will be much appreciated. Please feel free to write to us at mail@lexport.in.

Regards,
Team Lexport



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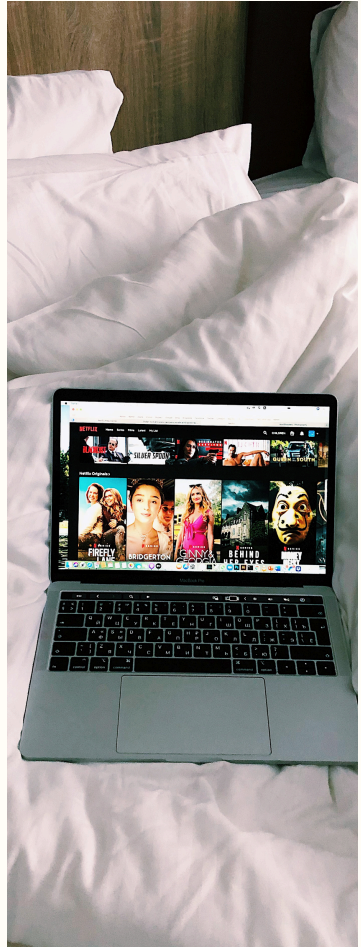
Intellectual Property Rights

Hon'ble Delhi High Court Blocks Rogue Streaming Websites Hosting Hollywood Films

The Hon'ble Delhi High Court granted an ex-parte ad-interim injunction in favour of a Hollywood production company against several rogue streaming websites, including Playimdb.com, for unauthorised dissemination of copyrighted cinematograph films. The plaintiff alleged that the defendant websites were illegally hosting, streaming, and making available its copyrighted content without licence or permission. Observing a prima facie case of copyright infringement, the Hon'ble Court held that the rogue websites were structured primarily to facilitate piracy and unlawful access to protected works. Accordingly, the Hon'ble Court restrained the defendants from hosting, reproducing, streaming, communicating, or distributing the plaintiff's copyrighted films in any manner. The Hon'ble Court further directed domain name registrars to suspend the impugned domain names and ordered internet service providers and government authorities to block access to the infringing websites. The injunction was extended to all mirror, redirect, and alphanumeric variants of the rogue domains to prevent continued infringement through alternate platforms. [Universal City Studios Productions vs Playimdb.Com & Ors (CS(COMM) 492/2026)]



Ananya Singh



Intellectual Property Rights

Hon'ble Delhi High Court Restrains Use of "GLOBAL CITYWALK" Mark

The Hon'ble Delhi High Court granted an ex-parte interim injunction in favour of Select Citywalk Retail Pvt. Ltd. against the defendants' use of the mark "GLOBAL CITYWALK". The plaintiffs, proprietors of the registered marks "CITYWALK" and "SELECT CITYWALK", contended that the defendants had adopted a deceptively similar mark for a commercial real estate project. The Hon'ble Court observed that the defendants had wholly incorporated the dominant feature "CITYWALK" into their mark, making the rival marks visually, phonetically, and conceptually similar. Recognising the plaintiffs' extensive goodwill and reputation acquired since 2004 in relation to retail and commercial real estate services, the Hon'ble Court held that consumer confusion was likely. The Hon'ble Court further noted that both parties operated in the same field of business, increasing the possibility of deception. Accordingly, the defendants were restrained from using "GLOBAL CITYWALK", "CITYWALK", or any deceptively similar mark in relation to their business, domain names, advertisements, or online platforms. [Select Citywalk Retail Private Limited vs Garg Realtech Private Limited & Anr (CS(COMM) 493/2026)]

Trademark Similarity Can Mislead Markets



The ruling recognised that similar branding in the same commercial real estate sector could create deception and unfair association.

Case Title: Select Citywalk Retail Private Limited vs Garg Realtech Private Limited & Anr (CS(COMM) 493/2026)

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Intellectual Property Rights

Delhi High Court Protects Orient Electric's 'AEON' Fan Design

The Hon'ble Delhi High Court granted an interim injunction in favour of Orient Electric in a design infringement suit concerning its registered 'AEON' ceiling fan series. Orient alleged that Crompton's 'GRACE' series slavishly imitated the shape, configuration, and aesthetic features of its registered design. Rejecting Crompton's defence that the design lacked novelty, the Hon'ble Court held that novelty must be assessed against a single prior art and not through mosaicing multiple prior designs. Upon visual comparison, the Hon'ble Court found striking similarities in the blade profile, curved fluidic lines, and overall appearance of the rival products. It observed that minor differences in peripheral features could not defeat infringement where the essential visual features stood replicated. The Hon'ble Court further noted that the defendant had not specifically denied similarity between the rival designs. Accordingly, Crompton was restrained from manufacturing, marketing, selling, or using the impugned 'GRACE' series or any deceptively similar fan design. The Hon'ble Court also directed the defendant to maintain and disclose sales and financial records concerning the infringing products. [M/S. Orient Electric Limited vs Crompton Greaves Consumer Electricals (CS(COMM) 331/2026)]

Copying Overall Appearance Can Trigger Injunctions



The Delhi High Court restrained manufacture and sale of the impugned fan series after finding replication of essential visual features.

CASE TITLE: M/S. Orient Electric Limited vs Crompton Greaves Consumer Electricals (CS(COMM) 331/2026)

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Intellectual Property Rights

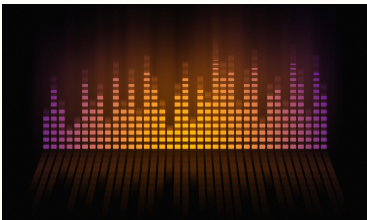
Delhi High Court Refuses to Restrain OTT Release of Dhurandhar: The Revenge in “Tirchi Topiwale” Copyright Dispute

The Delhi High Court refused to restrain the OTT release of Dhurandhar: The Revenge in a copyright dispute concerning the iconic Tridev song “Tirchi Topiwale.” Trimurti Films alleged that the defendants had unlawfully used both the original song and a remixed version titled “Rang De Lal (Oye Oye)” in the film without obtaining authorization from the producer of Tridev. The plaintiff argued that its 1988 agreement with Super Cassettes only granted limited record exploitation rights and did not permit incorporation of the song into new cinematograph films. However, the Court found that the plaintiff had failed to make complete disclosures while seeking equitable relief. The defendants pointed to earlier use of Tridev songs in films such as Azhar and K.G.F: Chapter 1, including remixed versions, where no effective legal action had been pursued by the plaintiff. The Court also noted inconsistencies in the plaintiff’s explanation regarding its knowledge of these exploitations and prior litigation history. While refusing interim injunctive relief, Justice Tushar Rao Gedela directed Super Cassettes Industries to deposit ₹50 lakh before the Court, observing that the company was commercially exploiting the remixed song on digital music platforms and may ultimately be liable to pay royalties to the plaintiff depending on the interpretation of the 1988 agreement.

Trimurti Films Pvt Ltd v B62 Studios Pvt Ltd & Ors., CS(COMM) 378/2026



Anushka Tripathi



Music Rights Can Extend Beyond Generations



Delhi High Court refused to stay the OTT release of Dhurandhar-2 in a dispute over the use of the iconic Tridev song “Tirchi Topiwale.” Justice Tushar Rao Gedela held that Trimurti Films had not made complete disclosures while seeking equitable relief, particularly in light of prior unchallenged uses of Tridev songs in films such as Azhar and K.G.F: Chapter 1. While declining to restrain the release, the Court directed Super Cassettes to deposit ₹50 lakh, observing that liability for royalties would ultimately depend on the interpretation of the 1988 agreement governing exploitation rights in the song.

Case Title: Trimurti Films Pvt Ltd v B62 Studios Pvt Ltd & Ors., CS(COMM) 378/2026



Intellectual Property Rights

Delhi High Court Protects Shashi Tharoor's Personality Rights Against AI Deepfakes, Orders Takedowns and Disclosure of User Details

The Delhi High Court granted interim relief to Congress MP Shashi Tharoor in a suit against AI generated deepfake videos falsely portraying him making politically sensitive statements praising Pakistan's diplomatic strategy. The Court noted that the fabricated videos used sophisticated AI tools to mimic Tharoor's face, voice, vocabulary and signature oratorical style, causing serious harm to his reputation and public standing during the Kerala Assembly election campaign period. Justice Mini Pushkarna recognised that personality and publicity rights are protectable under Articles 19 and 21 of the Constitution and held that Tharoor enjoys exclusive control over the commercial and public exploitation of his persona. The Court restrained unknown persons from creating or disseminating synthetic media, deepfakes, voice cloned audio or morphed videos using any facet of his identity through AI or machine learning technologies. The Court also directed X and Meta to block identified URLs, continue disabling infringing Instagram links, and disclose subscriber information, IP details, phone numbers and email addresses of the creators and uploaders of the impugned content within three weeks.

Shashi Tharoor v Ashok Kumar & Ors., CS(OS) 414/2026 (Delhi High Court)



Anushka Tripathi



Personality Rights Extend To AI Misuse



The Delhi High Court in the context of Personality Rights suit filed on behalf of Mr Shashi Tharoor against AI Deepfakes restrained dissemination of AI-generated deepfakes and recognised constitutional protection over public persona and identity.

Cause Title: Shashi Tharoor v Ashok Kumar & Ors., CS(OS) 414/2026 (Delhi High Court)



Litigation

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Interpreting India
for commerce

Quick Bites

Business Freedom Needs Legal Justification



Karnataka High Court stayed the FSSAI and AYUSH restrictions on usage of Ashwagandha leaf in nutraceuticals for the petitioners, noting a prima facie challenge to the government advisory and the potential adverse impact on business operations.

CASE TITLE: Sami-Sabinsa Group Ltd. Vs. Union of India & Ors., W.P No. 14990/2026

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Sami-Sabinsa Group Ltd. Vs. Union of India & Ors., W.P No. 14990/2026

The Karnataka High Court stayed the operation of the FSSAI advisory and AYUSH Ministry directive prohibiting the use of Ashwagandha leaves and leaf extracts in health supplements and nutraceuticals, insofar as the petitioner-companies were concerned. The companies contended that they had been using both roots and leaves of Ashwagandha for nearly 30 years and that the impugned advisory unlawfully restricted their business without any amendment to the 2016 Health Supplements and Nutraceuticals Regulations, under which Ashwagandha is already recognized as a permitted botanical ingredient. It was further argued that the advisory violated Article 19(1)(g) of the Constitution, imposed disproportionate restrictions on trade, and lacked scientific basis regarding alleged health concerns associated with Ashwagandha leaves. Taking note of the potential severe business impact and the prima facie challenge to the interpretation adopted by FSSAI and the Ministry of AYUSH, the Court granted interim protection and directed the respondents to file their objections before the next hearing.



Shyam Kishor Maurya

Ajay Singh Vs. The State of Madhya Pradesh and Others, 2026:MPHC-JBP:32771

The Madhya Pradesh High Court directed the State to pay Rs.10 lakh compensation to a businessman who was wrongfully detained for 57 days after airport security equipment falsely identified packets of branded Aamchur and Garam Masala as heroin and MDEA (Methylene Dioxym N-Ethylamphetamine). The Court observed that due to the State's lack of adequate forensic facilities and delay in chemical examination, the petitioner suffered illegal incarceration, thereby violating his fundamental right to life and personal liberty. While noting that the airport authorities and CISF acted on reasonable suspicion based on the ETD machine's indicative results, the Court held that the final forensic report, which found no contraband substance, should prevail over preliminary machine detection. Emphasizing the State's vicarious liability for infringement of constitutional rights by public officials, the Court awarded compensation as a public law remedy while granting liberty to the petitioner to pursue further civil or criminal remedies.



Shyam Kishor Maurya



Litigation



Quick Bites

Digital Assets Can Be Inherited



The Gujarat Civil Court held that digital data stored in cloud accounts may constitute inheritable property capable of administration under succession law.

CASE TITLE: Smt. Sadhna Shaishav Shah & Anr. v/s NIL, C.M.A. No. 17/2026, Gandhinagar Civil Court

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Gujarat Court Recognises iCloud Data As Inheritable Digital Asset Under Indian Succession Act

A Civil Court in Gandhinagar has held that data stored in a deceased person's Apple iCloud account forms part of the deceased's estate under the Indian Succession Act. The petition was filed by the deceased's wife and daughter seeking access to the digital assets through Letters of Administration.

The Court observed that the broad legal definitions of "property" and "movable property" are wide enough to include digital data. It further held that the right to privacy does not survive after death and cannot prevent lawful heirs from administering the deceased's digital estate.

Sur Shah & Anr. v. Apple India Pvt. Ltd. & Ors., C.M.A. No. 17 of 2026, decided by the Court of the 3rd Additional Senior Civil Judge, Gandhinagar.



Anirban Roy



Litigation



Kannan Vs. M/s Adisiva Enterprises and Anr., 2026: KER: 33347

The Kerala High Court held that the competence of a power of attorney holder to institute a complaint under Section 138 of the Negotiable Instruments Act cannot be challenged for the first time at the revision stage, particularly when no such objection was raised before the trial court or appellate court. Relying upon Section 465 Cr.P.C., the Court observed that a conviction cannot be reversed unless failure of justice is demonstrated, and the Court must consider whether the objection was raised at an earlier stage. The Court noted that the complainant himself had appeared and deposed before the trial court regarding the transaction, and the accused had never challenged the cognizance order before commencement of trial. Consequently, the Court upheld the concurrent findings of conviction while modifying the sentence from six months' imprisonment to imprisonment till the rising of the Court, without interfering with the compensation awarded.



Shyam Kishor Maurya

Hari Ram Vs. Chunni Devi, 2026:RJ-JD:23044

The Rajasthan High Court held that a valid adoption under the Hindu Adoptions and Maintenance Act, 1956 cannot be established merely through an adoption deed, as the mandatory ceremony of actual giving and taking of the child is the essence of a lawful adoption. The Court observed that the deed in question did not mention performance of the essential customs and rituals, and there was no evidence showing that the appellant was ever treated, maintained, educated, or brought up as the adopted son by the respondent. Instead, the appellant continued to remain under the care and custody of his biological parents, thereby rendering the alleged adoption invalid and unenforceable in law.



Shyam Kishor Maurya



Corporate



CDSKO Clarifies That Cosmetic Products Cannot Be Used Through Injections or for Treatment Purposes

The Central Drugs Standard Control Organisation (CDSKO) has clarified that cosmetic products cannot be used through injections or for treatment purposes. Under the Cosmetics Rules, 2020, cosmetics are intended only to be rubbed, poured, sprinkled, sprayed, or otherwise applied externally to the human body for cleansing or beautifying purposes.

The regulator stated that injectable preparations do not fall within the definition of cosmetics, and no cosmetic product is permitted to be administered through injections by consumers, professionals, or aesthetic clinics. The CDSKO further warned that use of prohibited ingredients, misleading claims, treatment-based usage, and injectable application of cosmetics may attract violations under the Drugs and Cosmetics Act and Rules.

Public Notice issued by DCGI/CDSKO regarding use of cosmetic products through injections and treatment procedures.



Anirban Roy



Quick Bites

Cosmetics Have Legal Limits



The notice clarifies that injectable preparations fall outside the legal definition of cosmetics under the governing law.

CDSKO Public Notice dated 18 May 2026 issued by the Drugs Controller General (India) regarding injectable use of cosmetic products

Corporate

Hirani Developers v. Nehru Nagar Samruddhi CHS Ltd.

The Supreme Court of India held that where a subsequent agreement expressly incorporates all terms and conditions of an earlier agreement containing an arbitration clause, such incorporation is sufficient to bind the parties to arbitration, even if the later agreement does not specifically mention the arbitration clause or separately express an intention to arbitrate. The dispute arose from redevelopment agreements executed between Hirani Developers and members of a housing society. While the original Development Agreement contained an arbitration clause, the later Permanent Alternate Accommodation Agreements merely stated that all terms and clauses of the Development Agreement would form part of and bind the parties. When disputes arose, the Bombay High Court refused to appoint an arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996, holding that there was no specific reference to arbitration. Setting aside this decision, the Supreme Court ruled that the incorporation was comprehensive and unequivocal, amounting to incorporation "body and soul" of the earlier agreement, including the arbitration clause, thereby constituting a valid arbitration agreement under Section 7(5) of the Act.



Rishav Sagar



Quick Bites

Linked Contracts Can Share Arbitration Clauses



The Supreme Court of India clarified that a broad and comprehensive incorporation of contractual terms may also extend to dispute resolution mechanisms, including arbitration clauses, even without an express standalone reference. A mere stipulation in the subsequent agreement that all clauses of the earlier agreement shall continue to apply and bind the parties is sufficient.

Case Title: Hirani Developers Pvt. Ltd. v. Nehru Nagar Samruddhi Co-operative Housing Society Ltd. & Ors., 2026 INSC

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The Indian Legislature had initially scheduled the phased implementation of the four consolidated Labour Codes from 21 November 2025. To complete the legislative framework, the Government of India notified the detailed Rules on 8 May 2026, a step that operationalizes the Codes across the country. These Codes covering wages, industrial relations, occupational safety and health, and social security supersede and harmonize provisions that were previously spread across 29 central labour statutes. The notification of Rules furnishes administrative and procedural clarity on key matters such as minimum wage determination, payment mechanisms, dispute resolution procedures, registration and functioning of trade unions, employers' and employees' contribution to social security schemes, and standards for working hours and conditions. Employers and compliance teams must now align contracts, payroll systems, workplace policies, and statutory filings with the new regulatory regime, including timelines for registrations, returns and contribution remittances. The Rules also outline inspection protocols, penalties for non compliance, and transitional provisions to ease the shift from legacy laws. By consolidating diverse workplace regulations into four Codes with implementing Rules, the Government aims to simplify compliance, promote uniformity, and strengthen social protection, while signalling a substantive regulatory shift that businesses and labour representatives should address.



Rishav Sagar

India Enters The New Labour Code Era



The notified Rules complete the compliance framework governing wages, industrial relations, workplace safety, and social security across India.

Notification of Rules Operationalising India's Four Labour Codes (2026)



About Us

Lexport is a full-service Indian law firm offering consulting, litigation and representation services to a range of clients.

The core competencies of our firm's practice *inter alia* are Trade Laws (Customs, GST & Foreign Trade Policy), Corporate and Commercial Laws and Intellectual Property Rights.

The firm also provides Transaction, Regulatory and Compliance Services. Our detailed profile can be seen at our website www.lexport.in.

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