

LEXPORT NEWSLETTER

MARCH 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

Delhi High Court Allows Sale of Refurbished Hard Drives, Rejects Infringement and “Reverse Passing Off” Claims

The Delhi High Court dismissed appeals filed by Western Digital and Seagate against refurbishers dealing in “end of life” hard disk drives, holding that refurbishment and resale of such products does not amount to trademark infringement or passing off. The dispute arose from the practice of importing used HDDs, erasing original branding, refurbishing them, and selling them under new marks. The Division Bench clarified that infringement must first be established under Section 29 of the Trade Marks Act, and Sections 30(3) and 30(4) only operate as limits on such rights. Where refurbished products no longer bear the original trademark, no infringement arises. The Court also held that “reverse passing off” is not a recognised cause of action in Indian trademark law. Importantly, the Court emphasised that lawful acquisition and resale of goods falls within the principle of international exhaustion. Mere refurbishment or improvement of functionality does not amount to “impairment” unless it negatively affects the product or the proprietor’s goodwill. Upholding the Single Judge’s approach, the Court permitted sale of refurbished HDDs subject to clear disclosures to consumers regarding origin, refurbishment and absence of original warranty.

Western Digital Technologies Inc. & Anr. v Geonix International Pvt. Ltd. & Ors., FAO(OS)(COMM) 146/2024 & connected matters (Delhi High Court, 2026)

Resale & Refurbishment Protected Under Law



The Delhi High Court upheld that resale of lawfully acquired goods, including refurbished products, is protected under the principle of international exhaustion, provided there is no trademark misuse and proper disclosure is made.

CASE TITLE: Western Digital Technologies Inc. & Anr. v Geonix International Pvt. Ltd. & Ors., FAO(OS)(COMM) 146/2024 & connected matters (Delhi High Court, 2026)



Anushka Tripathi



Intellectual Property Rights

Calcutta High Court Opens Door for GUI Design Protection, Sets Aside Rejection Orders

The Calcutta High Court set aside multiple orders of the Designs Office refusing registration of graphical user interfaces and held that GUIs are not per se excluded from protection under the Designs Act. The Court rejected the Controller's narrow view that GUIs cannot qualify as a "design" or "article" merely because they are intangible, visible only when a device is switched on, or not sold separately. Justice Ravi Krishan Kapur clarified that the Designs Act must be interpreted in light of technological advancements and that GUIs, comprising visual elements such as layout, icons, colour schemes and composition, can satisfy the requirement of being judged solely by the eye. The Court held that there is no statutory requirement of permanence or physical embodiment and that application of a GUI through digital processes qualifies as an industrial process. Rejecting concerns of dual protection with copyright law, the Court held that GUIs may be protected as designs when applied to an article for industrial use. All impugned orders were set aside and the applications were remanded for fresh consideration.

NEC Corporation v Controller of Patents and Designs & Ors., IPDAID/21/2024 & connected matters (Calcutta High Court, 2026)

GUI Designs Now Eligible for Protection



The Calcutta High Court held that Graphical User Interfaces (GUIs) can qualify as "designs" under the Designs Act. Even without physical form, digital interfaces that are visually appealing and industrially applied can be protected.

Case Title: NEC Corporation v Controller of Patents and Designs & Ors., IPDAID/21/2024 & connected matters (Calcutta High Court, 2026)



Anushka Tripathi




Litigation

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Quick Bites

No Entry Without Registration



The Bombay High Court held that import of cosmetics without registration under the Cosmetics Rules, 2020 is illegal at the entry stage itself. Warehousing or re-export cannot bypass mandatory regulatory compliance.

Case Title: *Glamstone Cosmetics Pvt. Ltd. Vs. Union of India & Ors., 2026: BHC-AS: 11564-DB*

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Glamstone Cosmetics Pvt. Ltd. Vs. Union of India & Ors., 2026: BHC-AS: 11564-DB

The Bombay High Court held that import of cosmetics without registration under the Cosmetics Rules, 2020 is illegal at the very stage of entry into India, irrespective of whether the goods are meant for warehousing or re-export, and such imports fall within “prohibited goods” under the Customs Act. Rejecting the petitioner’s reliance on the warehousing scheme, the Court ruled that regulatory compliance cannot be bypassed merely because goods are intended for re-export, as this would permit unlawful entry of restricted products into Indian territory. Emphasising strict enforcement in public interest, the Court upheld the DRI’s seizure and dismissed the writ petition.



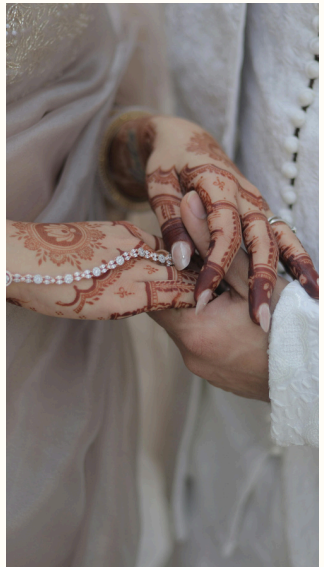
Shyam Kishor Maurya

Turlapati Peddabai Vs. The State of Andhra Pradesh & Ors., APHC010077332026

The Andhra Pradesh High Court held that a habeas corpus petition is not maintainable where a major woman has voluntarily married and chosen to live with her husband, as such a situation does not amount to illegal detention. The Court relied on the woman’s categorical statement that she left her parental home of her own free will, married Respondent No. 7, and wished to continue residing with him. While noting the parents’ allegations regarding prior conduct when she was a minor, the Court clarified that such grievances must be pursued through appropriate legal remedies and cannot sustain a habeas corpus plea, leading to dismissal of the petition.



Shyam Kishor Maurya



Litigation



X Vs. Y, 2026: KHC: 13088*

The Karnataka High Court quashed criminal proceedings for bigamy under Section 494 IPC, holding that mere cohabitation or an “illicit relationship” does not amount to a valid second marriage unless such marriage is specifically pleaded and proved. The Court found that the complaint lacked essential averments regarding the time, place, and fact of marriage, rendering the trial court’s cognisance legally unsustainable. It further ruled that only the spouse contracting the alleged second marriage can be prosecuted under Section 494 IPC, and neither the alleged partner nor the children can be roped in through abetment, leading to quashing of proceedings.



Shyam Kishor Maurya

Banks Must Follow Customer Instructions, Supreme Court Holds Bank Liable for Wrongful Transfer to Third Party

The Supreme Court held that banks must strictly adhere to customer instructions and cannot unilaterally divert funds. It upheld Canara Bank’s liability for wrongly transferring USD 100,000 to a vessel owner instead of Goltens, as directed by Archeon Industries. The Court ruled that the bank should have either complied or sought clarification, not acted independently. It also affirmed that Archeon’s “corporate guarantee” constituted a valid and enforceable guarantee under the Indian Contract Act, making it liable to the creditor. However, Archeon was entitled to recover the amount from the bank due to its admitted error and failure to rectify it.

Canara Bank Overseas Branch v. Archeon Industries Pvt Ltd, CIVIL APPEAL NO. 13861 of 2024



Ananya Jain


Bank Liable for Wrongful Transfer



The Supreme Court held that banks must strictly follow customer instructions and cannot act independently. Any wrongful transfer due to deviation makes the bank liable to compensate the customer.

Case Title: Canara Bank Overseas Branch v. Archeon Industries Pvt Ltd, CIVIL APPEAL NO. 13861 of 2024

Litigation



Quick Bites

No "Mini Trial" at Summoning Stage

1. Suspicion

2. Reasonable Satisfaction ✓
(Section 319 Stage)

3. Proof Beyond Reasonable Doubt
(Trial Stage)

The Supreme Court clarified that at the Section 319 CrPC stage, courts only require reasonable satisfaction from the evidence, not proof beyond reasonable doubt. Detailed evaluation must be left to the trial.

Case Title: MOHAMMAD KALEEM Versus STATE OF UTTAR PRADESH & ORS. (with connected appeal), SLP (Cr.L) No 11085 of 2023

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No "Mini Trial" at Summoning Stage Under Section 319 CrPC

The Supreme Court held that courts cannot conduct a "mini trial" while deciding applications under Section 319 CrPC for summoning additional accused. It clarified that proof beyond reasonable doubt is not required at this stage; instead, evidence must be reliable and reasonably persuasive. Setting aside the Allahabad High Court's decision, the Court ruled that inconsistencies in witness testimony should be examined during trial, not at the summoning stage. It emphasised a three-tier standard of proof and directed that the proposed accused be summoned, as the cumulative evidence sufficiently indicated their involvement.

MOHAMMAD KALEEM Versus STATE OF UTTAR PRADESH & ORS. (with connected appeal), SLP (Cr.L) No 11085 of 2023



Ananya Jain

Supreme Court Urges Law on Paternity Leave, Calls It Key to Equality

The Supreme Court urged the Union Government to enact a law recognising paternity leave as a social security benefit, stressing that its duration should meet the needs of both parents and the child. The Court also struck down the restriction limiting maternity leave for adoptive mothers to children below three months, granting 12 weeks leave regardless of age. It emphasised that parenting is a shared responsibility and highlighted that absence of paternity leave reinforces gender stereotypes, limits fathers' involvement, and impacts child development, making such a provision essential for equality and child welfare.

Hamsaanandini Nanduri v. Union of India, W.P.(C) No. 960/2021



Ananya Jain



Quick Bites

Paternity Leave Essential for Equality



The Supreme Court emphasised that parenting is a shared responsibility and urged recognition of paternity leave as a social security right, promoting gender equality and child welfare.

Case Title: Hamsaanandini Nanduri v. Union of India, W.P.(C) No. 960/2021

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Quick Bites

Exclusive Does Not Mean Exclusion

Graduate Candidates

- 29% Quota (SSLC + Experience)
- 11% Quota (Graduates)

The 11% graduate quota operates as an additional avenue of consideration and does not restrict eligibility under the broader quota.

CASE TITLE: Shiny C.J. & Ors. Versus Shalini Sreenivasan & Ors. Etc. (with connected case), Special Leave Petition (C) Nos.29192-29195 of 2024

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Graduates Eligible for 29% Anganwadi Quota

The Supreme Court held that Anganwadi Workers with graduate degrees are eligible to compete for the 29% quota meant for workers with SSLC qualification and experience, and are not restricted only to the separate 11% quota for graduates. Setting aside the Kerala High Court's ruling, the Court clarified that the additional 11% quota is merely an exclusive channel for graduates and does not exclude them from the broader quota. It emphasised that higher qualification cannot be a ground for disqualification unless expressly stated, and directed appointment of eligible candidates from the merit list without retrospective benefits.

Shiny C.J. & Ors. Versus Shalini Sreenivasan & Ors. Etc. (with connected case), Special Leave Petition (C) Nos.29192-29195 of 2024



Ananya Jain



Corporate

FSSAI Amends Licensing and Registration Framework for Food Businesses

The Food Safety and Standards Authority of India (FSSAI) has notified the Food Safety and Standards (Licensing and Registration of Food Businesses) Amendment Regulations, 2026, introducing key changes to streamline registration processes and strengthen regulatory oversight. The amendment revises the existing **Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011.

A key change is the expanded definition of “Petty Food Business Operator”, now covering small retailers, street vendors, hawkers, food truck operators, and cottage food businesses, thereby bringing more informal food operators within the regulatory framework.

The amendment also enables instant issuance of registration certificates for eligible applicants, subject to prescribed conditions. Additionally, vendors already registered under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 will be deemed registered under the food safety law, subject to compliance with hygiene and safety requirements.

Further, the amendment introduces revised provisions on license validity, where registrations and licenses remain valid unless suspended, cancelled, or surrendered. Non-payment of fees or failure to file returns may result in deemed suspension.

The updated framework also provides for risk-based inspections and food safety audits, allowing regulatory oversight to be aligned with the nature and scale of food businesses. Overall, the changes aim to improve ease of compliance while strengthening food safety standards.



Quick Bites

Faster Registration, Stronger Oversight



Instant registration and risk-based inspections streamline compliance and enhance regulatory efficiency for food businesses.

Food Safety and Standards (Licensing and Registration of Food Businesses) Amendment Regulations, 2026

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Siddharth Dewalwar



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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