



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

% Judgment reserved on: 20.05.2026
Judgment delivered on: 05.06.2026

+ C.O. (COMM.IPD-TM) 107/2025 & I.A. 11431/2025

RENEE COSMETICS PRIVATE LIMITED

.....Petitioner

versus

MS. RUPALI SHARMA & ANR.

.....Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Aditya Gupta and Ms. Aakriti Bansal, Advocates.

For the Respondents : Mr. Rajal Rai Dua, Ms. Divyangana, Mr. Rohan Sharma and Mr. Nishant Chopra, Advocates.
Ms. Arunima Dwivedi, CGSC with Ms. Himanshi Singh and Ms. Monalisha Pradhan, Advocates for R-2.

+ CS(COMM) 888/2025, I.A. 20783/2025 & I.A. 7448/2026

RENEE COSMETICS PRIVATE LIMITED

.....Plaintiff

versus

MS. RUPALI SHARMA & ANR.

.....Defendants

Advocates who appeared in this case:

For the Plaintiff : Mr. Aditya Gupta and Ms. Aakriti Bansal, Advocates.

For the Defendants : Mr. Rajal Rai Dua, Ms. Divyangana, Mr. Rohan Sharma and Mr. Nishant Chopra, Advocates.
Ms. Arunima Dwivedi, CGSC with Ms. Himanshi Singh and Ms. Monalisha Pradhan, Advocates for R-2



CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G M E N T

TUSHAR RAO GEDELA, J.

C.O. (COMM.IPD-TM) 107/2025 & I.A. 11431/2025

1. Present petition has been filed under Sections 47 and 57 of the Trade Marks Act, 1999 (hereinafter referred to as “*the Act*”) seeking removal/cancellation of the entry in Trade Marks Register with respect to the word mark ‘GLASS SKIN’ bearing trademark registration no.4164051 in Class-03 for “*Non-medicated cosmetics and toiletry preparations; Non-medicated dentifrices; Perfumery, essential oils; Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations*”, registered in the name of respondent no.1.

BRIEF BACKGROUND FACTS:

2. The petitioner company namely, Renee Cosmetics Private Limited was incorporated on 18.10.2019, and had adopted and launched its brand “RENEE Cosmetics”. It is stated that the respondent no.1 had filed a Trade Mark Application bearing no.4164051 seeking registration of the mark ‘GLASS SKIN’ in Class-03 on 02.05.2019 on a “proposed to be used basis”.
3. The respondent no.1 was granted a registration certificate bearing no.2825917 in respect of mark ‘GLASS SKIN’ in Class-03 on 02.05.2019. On 28.01.2025, the petitioner filed an application for registration of its mark ‘RENEE GLASS SKIN SPF 50’ in Class-03.
4. On 20.03.2025, the respondent no.1 issued a legal notice to the petitioner alleging infringement of its mark ‘GLASS SKIN’. In response thereto, the



petitioner *vide* the communication dated 07.04.2025 denied all the allegations of infringement of the trademark of respondent no.1, and simultaneously, contested the same by contending that the term ‘GLASS SKIN’ is descriptive, and therefore, non registrable.

5. On 03.10.2025, the petitioner claims to have received a communication from the e-commerce website namely Amazon informing the petitioner of the removal of its listing from the platform on account of infringement of respondent no.1’s registration in the mark ‘GLASS SKIN’.

6. Aggrieved by the above, the present petition for rectification has been filed.

CONTENTIONS OF THE PETITIONER:

7. Appearing for the petitioner, Mr. Aditya Gupta, learned counsel contended that the term ‘GLASS SKIN’ is generic and descriptive of the goods, and therefore, the said term cannot be monopolized by any party, and thus, cannot function as a trademark. He would contend that respondent no.1 is a trademark squatter, and seeks to capitalize on a trend in the cosmetics industry by seeking exclusive right on such non-registrable marks. He would also contend that the registration of the said mark is completely unsustainable in view of provisions of Sections 9(1)(a), 9(1)(b) and Section 30(2)(a) of the Act.

8. He would contend that the term ‘GLASS SKIN’ ordinarily refers to a particular type of look of the skin and originated as a popular trend in the Korean Beauty Industry sometime in the year 2017. He stated that the term ‘GLASS SKIN’ is now common to the entire world. In order to substantiate the worldwide trend, and the usage of the said term as a generic and descriptive word, learned counsel drew attention to documents placed on record of



prominent players in the beauty industry who have used the term as descriptive of the goods sold by them. As an example, he referred to manufacturers like Lakme, Nivea, Garnier, Vaseline, L'oreal, Body Shop, etc., to name a few.

9. He would contend that the manufacturers of the products claim that on use of such products, the skin of the user would appear luminous and clear like glass with a lustrous tone. Thus, according to him, the end result of a usage of a product is clearly descriptive of the nature of the goods, and thus, generic and incapable of registration.

10. Learned counsel also contended that even the respondent no.1 in its own promotional material including its own website and product description admitted to the descriptive meaning of the term 'Glass Skin'. He would contend that the description of the term 'GLASS SKIN' as stated by the respondent no.1 in its blogs and website is a common feature appearing in the articles or blogs, etc., all over the world of most of the manufacturers of similar/identical products.

11. He next contended that the respondent no.1 has not been using the term 'GLASS SKIN' as a source identifier as is clear from a description on its own website for the product. He also stated that, since the respondent no.1 has failed to show substantial sales and promotion of the mark 'GLASS SKIN' in the last many years, there is no proof of the mark having achieved a status of secondary meaning so as to confer upon it the stamp of registrability even if it is a descriptive term. In that context, he relies upon the judgment of the Supreme Court in *Pernod Ricard India Private Limited & Anr. vs. Karanveer Singh Chhabra*, (2025) SCC OnLine SC 1701, and the judgment of the learned Division Bench of this Court in *Marico Limited vs. Agro Tech Foods Limited*, (2010) SCC OnLine Del 3806.



12. Mr. Gupta also stoutly argued that the Trade Mark Application submitted by the respondent no.1 seeking registration of the mark ‘GLASS SKIN’ in Class-03 was on a “proposed to be used basis”. However, the respondent no.1 has not been able to demonstrate or place on record any proof to show genuine commercial use or consumer recognition or even distinctiveness associated with the mark. Despite this, the respondent no.1 seeks monopoly over a descriptive industry term.

13. Learned counsel would contend that the term ‘GLASS SKIN’ is neither a coined word nor a phrase, and consists of two commonly used English words, which on account of their common usage, do not signify the source of any one person’s product. Thus, the registration of the said word mark is contrary to Section 9(1)(a) of the Act.

14. He forcefully contended that the term ‘GLASS SKIN’, which is claimed to have been adopted by the respondent no.1 in the year 2019, is also not *bona fide* for the reason that the said term was already publicly known, and available, not only in Korea, but also in India. In support of such contention, he referred to the Article published on 24.09.2017 in The Hindustan Times placed on record. Similarly, he alluded to many other Articles on ‘GLASS SKIN’ and the beauty trend started in Korea of the year 2017, and the subsequent years to contend that all over the world including Korea, the term ‘GLASS SKIN’ only describes the nature of skin or the condition of skin, which would be achieved by following the certain procedure including by using products manufactured by companies all over the world. Thus, he would forcefully contend that the terms ‘GLASS SKIN’ being descriptive of the goods manufactured or the end result of the use of such goods is merely descriptive, and cannot become registrable.



15. On the interpretation, learned counsel submitted that the term ‘GLASS SKIN’ is descriptive, and not suggestive, and he relied upon McCarthy On Trademarks and Unfair Competition to contend that the author prescribed determination of the distinction between “suggestive” and “descriptive” terms by relying on the manner and extent to which the other sellers in the industries have used for designation of such similar goods and services. He also relied upon para 11.16 of the said book, which describes a descriptive mark as one which conveys the intended purpose, function or use of the goods. He argued that the term ‘GLASS SKIN’ is the result of the function and use of the goods manufactured or atleast of its intended purpose, and therefore, clearly falls within the term “descriptive mark”. Thus, the registration of ‘GLASS SKIN’ in favour of respondent no.1 is erroneous, and ought to be cancelled in a direction for its removal from the Register of Trade Marks be passed.

CONTENTIONS OF THE RESPONDENT NO.1:

16. *Per Contra*, Mr. Rajal Rai Dua, learned counsel appearing for respondent no.1 submitted that while the petitioner was launched in the year 2019, respondent no.1 had already applied for registration of its trademark ‘GLASS SKIN’ in the year 2019 on a “proposed to be used basis”. He would submit that though the application was indeed filed on a “proposed to be used basis”, however, the respondent no.1 has in its possession invoices from the year 2019 onwards, and has continued to use the said mark on the products manufactured by it till date. He submitted that on 10.05.2019, the mark ‘GLASS SKIN’ was registered.

17. Learned counsel submitted that since the launch and registration of the mark ‘GLASS SKIN’ in the year 2019, the respondent no.1 has been



continuously manufacturing and offering for sale the products bearing the mark 'GLASS SKIN', however, the petitioner while having full knowledge of the same did not challenge such registration. He stated that it was only when the petitioner was proposing to register its mark by incorporating the mark 'GLASS SKIN', that the respondent no.1 filed its opposition, and as a knee-jerk reaction, the petitioner has filed the present petition after about six (6) years of the registration of the respondent's mark, *malafidely*.

18. Learned counsel forcefully contended that the only issue which needs consideration by this Court is as to whether the mark 'GLASS SKIN' is "descriptive" or "suggestive". In the opinion of the learned counsel, the mark 'GLASS SKIN' is suggestive, and not descriptive. According to him, the term 'GLASS SKIN' raises a conceptual thought rather than the end result. In other words, according to him, the term 'GLASS SKIN' would require the consumer to apply his mind as to for what purpose the said product is intended to be used, and not what it would achieve *per se*. Thus, all such terms where a consumer is required to apply his mind or imagination would fall within the purview of a mark which is "suggestive" and not "descriptive". Therefore, according to the learned counsel, these marks would be 'distinctive', and not "descriptive", and clearly render them registrable.

19. Applying the aforesaid submission to the product in question, and the trademark 'GLASS SKIN', he would contend that the said term is only "suggestive", and does not fall within the parameters described in para 11.16 of McCarthy Book on Trademarks and Unfair Competition. He would clarify that the mark 'GLASS SKIN' does not describe any ingredient, formulation, method



or essential characteristics, and thus, would be “suggestive”, and inherently ‘distinctive’.

20. Learned counsel would suggest that it would not lie in the mouth of the petitioner to challenge or question the mark ‘GLASS SKIN’ of the respondent no.1 inasmuch as the petitioner itself has applied for registration of the mark “RENEE GLASS SKIN SPF 50”, and thus, cannot contend that the term ‘GLASS SKIN’ is “descriptive”. He would in fact, contend that the mark for which registration is sought by the petitioner itself incorporates and subsumes the registered mark ‘GLASS SKIN’ of the respondent no.1, and thus, the petitioner cannot be permitted to approbate or reprobate.

21. So far as the reliance of the petitioner on Fashion Magazines is concerned, learned counsel would contend that those are articles and opinions of the persons in trade, and are not based on the legal understanding on what a “suggestive” mark would convey. He would contend that once it is demonstrated that the said mark is a “suggestive” term, then it enjoys a protection which is only second to the protection enjoyed by “arbitrary” or “invented” words, and thus, at a much higher degree or pedestal in the hierarchy. Thus, according to him, opinions or articles of persons in the fashion industry would clearly not be a benchmark to decide whether the mark is “suggestive” or “descriptive”.

22. He relies upon the judgment of the Supreme Court in Civil Appeal Nos.6314-15 of 2001 titled *T.V. Venugopal vs. Ushodaya Enterprises Ltd. & Anr.*, decided on 03.03.2011, and the judgments of the Coordinate Bench of this Court in *C.A.(COMM.IPD-TM) 133/2022* titled *Descriptive Health Solutions Private Limited vs. Registrar of Trade Marks*, dated 08.07.2022, and *C.A.(COMM.IPD-TM) 88/2022* titled *Shivani Vig Kapoor and Rushi Tiwari*



Makker vs. Registrar of Trademarks, dated 12.12.2023. He also relies upon the judgments of the U.S. Courts of Appeals in ***Xtreme Lashes, LLC vs. Xtended Beauty, Inc*** bearing No.08-20578 and ***OBX-Stock, Inc vs. Bicast, Inc*** bearing nos.06-1769 and 06-1887.

23. In rejoinder, Mr. Gupta, learned counsel for the petitioner reiterated and reaffirmed the earlier arguments.

ANALYSIS AND CONCLUSIONS:

24. This Court has heard the arguments of Mr. Aditya Gupta, learned counsel for the petitioner, and Mr. Rajal Rai Dua, learned counsel for the respondent, and examined the documents available on record.

25. As the controversy involved in the present case, revolves around the aspect as to whether the mark ‘GLASS SKIN’ registered in favour of respondent no.1 in Class-03 in relation to manufacture of goods falling within Class-03, is “descriptive” or “suggestive”, it would be pertinent to consider the treatises like McCarthy on Trademarks and Unfair Competition, and the relevant law as laid down by various Courts in India.

26. At the outset, it may be noted that in the hierarchy of marks which require highest protection in the descending order, invariably the “arbitrary/invented” marks are at the top, followed by “suggestive” marks, and decreasing in the level of protection at the third stage would be “descriptive” marks, and at the very end with little or no protection would be “generic” marks. In the said context, it would be worthwhile to extract relevant paragraphs from McCarthy’s, which are as under:

“11.16 What is a “descriptive mark”?”



Types of Description. A "descriptive" term is one that directly and immediately conveys some knowledge of the characteristics of a product or service.

A mark is "descriptive" if it is descriptive of:

- the intended purpose, function or use of the goods.
- the size of the goods.
- the provider of the goods or services.
- the class of users of the goods or services. Thus, the term PHILADELPHIA CARD was found to be descriptive of credit card services for cards depicting Philadelphia targeting customers in Philadelphia.
- a desirable characteristics of the goods or services. Thus, the term OATNUT for bread immediately tells that the bread contains oats and nuts. The word ERGONOMIC immediately informs potential buyers of a ceiling fan that the fan is designed to interact efficiently and safely with the user.
- a desirable ingredient in the goods.
- the sound made by an important feature of the goods.
- the nature of the goods or services. Thus, the term E-FASHION immediately and directly says that the Internet service provides information about fashions.
- the end effect upon the user.
- a common serving size or unit of measurement in which the product is sold.

Descriptive of Some of the Goods or Services or Some of Their Aspects. That the term asserted to be non-descriptive may not be descriptive of all of the goods or services with which it is used does not mean that it is not "merely descriptive." A term is "descriptive" if it directly describes any of the goods or services with which it is used. Similarly, a term that describes some, but not all, of the aspects of the goods or services is still "descriptive." To be found "descriptive," a term need only describe a single, significant quality or feature of the goods or services."

Retail Sales Services. A term can be descriptive of retail sales services if it is the generic name of a product sold at that outlet. For example, a mark for restaurant services which comprises the generic name of a food that is the speciality of the house can be merely descriptive of restaurant services, be it in English or in a foreign language. LE CROISSANT SHOP was held descriptive



of restaurant services, since prospective customers would immediately know that croissants could be purchased. Similarly, the word PENCILS was held to be descriptive of “retail stationery and office supply services” because it describes an item that is sold in stationery and office supply stores even though it is not the main item sold in such stores.

Evaluate the Term in Relation to These Goods and Services.

Descriptiveness cannot be determined as an abstraction. The possible descriptiveness of a designation is highly dependent on the goods or services in connection with which the designation is used. A term can be descriptive of one product and nondescriptive of another. As the Trademark Board observed:

§11:69 Tests for determining descriptive- suggestive distinction-Use by competitors, the media and dictionaries

Descriptive Use by the Proponent and Others. A use-ful way to test whether a designation is descriptive or suggestive is to determine the extent to which other sellers have used the designation on similar goods and services. If others are in fact using the term to describe their goods or services, an inference of descriptiveness can be drawn. For example, in finding QUIK-PRINT to be descriptive of copying and printing services, the Trademark Board said that: “[T]he widespread use of the term “QUIK-PRINT” throughout the United States by others.....tends to establish that the term has lost whatever suggestiveness it may have possessed and has taken on and projects a descriptive significance of quick or fast printing services to the general public. Proliferation of use of a term can often lead to a diminution of its ability to identify and distinguish the services or goods of any one user thereof.” Extensive descriptive use indicates that both sellers and buyers view the designation as descriptive:

In determining whether a word or syllable has a descriptive or suggestive significance as applied to merchandise it is proper to take notice of the extent to which it has been used in trademarks by others on such merchandise. If it has been frequently so used, the inference is warranted that it is not purely arbitrary; that it would be likely to be understood by purchasers as identifying or describing the merchandise itself, rather than the source thereof and hence as having little or no trademark significance.”



On the other hand, if both plaintiff and defendant use the same term but in connection with two very different kinds of goods or services, this tends to negate the claim that the term is merely descriptive.

It is also relevant that the proponent of trademark status itself used the term in a descriptive sense. After the designation has been found descriptive, evidence of extensive third party use can prevent a finding of secondary meaning.

Third Party Registrations. *Third-party registrations are probative evidence of the meaning of a word, in the same way that a dictionary can be used. Similarly, third-party registrations of composite marks including an allegedly descriptive term can be used to help prove the descriptive nature of that term. For example, introduction of many third-party registrations for electronic products of marks with a -TRONICS or -TRONIX suffix could be evidence that those third parties and the public consider such a suffix descriptive, such that there would be no likely confusion between DAKTRONICS and TEKTRONIX.*

However, third party mark registrations may in some cases support the argument that a designation is not descriptive. The fact that the U.S.P.T.O. registered a number of marks containing the same designation without requiring proof of secondary meaning is some evidence that the PTO considers the designation not descriptive.

Trade Publications. *Articles from trade publications evidencing use by others of the term in a descriptive manner are competent to prove descriptiveness and are not hearsay because they are not introduced to prove the truth of the statements, but only that they were made.*

Dictionaries. *The Trademark Board will take judicial notice of a dictionary definition to help determine if a term has an accepted descriptive meaning." However, the fact that a certain word does not appear in any dictionary is not determinative if other evidence shows that the word clearly conveys a descriptive meaning.*

But dictionary definitions can help shed light on whether a designation is likely to be perceived as directly descriptive of the goods or services. As the Seventh Circuit remarked: "[T]here is no prohibition on using dictionaries as a piece of the puzzle."



27. So far as the present petition is concerned, the contention of the petitioner was predicated on the meaning ascribed to the “descriptive” marks to the extent of the intended purpose, function or use of the goods and the end effect upon the user leaving the other features as described by McCarthy. The petitioner had contended that the word ‘GLASS SKIN’ clearly is “descriptive”, since it not only describes the intended purpose, the function or the use of the goods, but also the end effect upon the user. This submission was sought to be substantiated and corroborated by placing reliance on various articles in the fashion industry commencing from the year 2017 till date as also by relying upon the manner in which the manufacturers and the trade circles conceive and use the term ‘GLASS SKIN’.

28. Various articles commencing from the articles published in the Hindustan Times on 24.09.2017, have given vivid details of what would constitute and convey by the term ‘GLASS SKIN’. As an example, the description used in the article published in the Hindustan Times had mentioned by reference to Korea that “*Glass Skin is this idea of transparent and translucent skin*”. The article also referred to certain manufacturers who alluded to the trend stating that by “*layering different moisturizing products onto the skin will result in deep sheen synonymous with ‘glass skin’*”.

29. Similarly, the petitioner has also placed on record the website of the respondent no.1 of the year 2019, which itself quotes “*Glass Skin is the most popular Korean beauty technique to get illuminating, flawless and transparent skin like glass*”. The website also demonstrates that the respondent no.1 itself has used the term ‘GLASS SKIN’ alongwith the name of its products in a “descriptive” manner. Similarly, there are other articles of many known



manufacturers like Nykaa, Garnier, Nivea, Lakme, L'Oreal, Mamaearth all of which use the term 'GLASS SKIN' in a "descriptive" manner to indicate to the general public that the usage of the products manufactured would result in a 'skin like glass'. Some of such articles including the website of the petitioner is reproduced hereunder:

Glass skin: Everything you need to know about the Korean beauty trend everyone is talking about

AFP | By [HT Correspondent](#)

Sep 24, 2017 02:19 PM IST

Ever wondered if there was a word to describe clear, smooth, dewy complexion? Well there is: 'glass skin'.



Glass skin is a Korean beauty trend that is popularised by K-pop stars like Suho. (Courtesy: heysuhoshi/Instagram)

Glass skin is the latest Korean beauty goal, according to Refinery29, and it centres on the kind of radiant complexion that cannot be faked. "Glass skin is this idea of transparent and translucent skin" Alicia Yoon, founder of K-beauty store Peach & Lily, told the publication. "It's a sign of youthfulness and it's one of the most strived-for qualities in Korea."



28/04/2025, 11:50

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CRYSTAL CLEAR

This Woman's "Glass Skin" Skin-Care Routine Is Going Viral

BY DEVON ABELMAN

October 23, 2017

SAVE

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The latest **K-beauty trend** has nothing to do with fun products and everything to do with the final result. **Glass skin**, which is the fancy name for clear, luminous, seemingly transparent skin, is taking over social media — and one person's **skin-care routine** for achieving the look is going viral.



Ellie Choi, an aspiring makeup artist from Los Angeles, revealed every single step of her skin-care routine on social media, and her tweets are — weirdly enough — blowing up on Instagram. My Instagram explore page is filled with reposts of her skin-care thread and all of the posts have about 20,000 likes. Why? In the accompanying pictures, her skin looks *literally* poreless and dewy, just like a newborn baby's. Seriously, her complexion is as crystal clear as glass and her skin has that natural glow that is similar to when I wear tons of **liquid, wet-looking highlighter**.

Skin Check

An insider's guide to all things skin care. Are you the friend everyone comes to for serum recs? This is the newsletter for you.

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JUST WHAT IS THE GLASS SKIN TREND AND HOW ACHIEVABLE IS IT?

5 min read

What started out as a mere blip on our beauty radar has now become a buzzword worth of the name. The glass skin trend has not only taken the social media world by storm, but it has also become synonymous with beauty itself, with everyone chasing this near-perfect skin finish – yet, just how do you get it?

The glass skin trend originated in the K-beauty scene, and refers to skin that is smooth and clear, with a luminous sheen that quite literally resembles glass. The level of dewiness unlocked with the glass skin trend is so unmatched, that many people opt to go makeup-free once it has been fully achieved. This might sound like a goal far out of reach, but we're here to give you the low-down on how to get the glossiest, glassiest skin ever.

Which Ingredients to Look Out For

As with any skin goals, it's all about the right ingredients to get the job done. You want to combine active ingredients that work to reduce pigmentation and improve texture, while layering in ones that will hydrate, nourish, and protect your skin to boost that glow.

When seeking out products to help you achieve the glass skin trend, it's important to know which ingredients to keep an eye out for. The benefits of a deep double cleanse to remove any impurities cannot be understated, but the ingredients you use to moisturize your skin after you cleanse are just as important.

Here is a detailed look at ingredients to watch out for and each of their skin-loving benefits:

- o **Vitamin C** – Hydrating, brightening, and full of collagen-boosting properties, vitamin C also help to reduce redness, limits the appearance of dark undereyes, and even prevents wrinkles.
- o **Hyaluronic acid** – This can't-miss skincare ingredient helps your skin hold onto hydration for an overall plump effect. It can help decrease the visibility of fine lines and wrinkles and offers the skin the chance to focus on cell production, leading to a more youthful appearance.
- o **Niacinamide** – Protection against external stressors? Sign us up! Niacinamide, also referred to as vitamin B3, protects the skin by creating a barrier that removes toxins and environmental nasties. This essential ingredient also reduces inflammation which can help those who are acne prone.
- o **Shea butter** – Another moisturizing hero, shea butter boosts skin's moisture levels while also offering soothing benefits. This fantastic butter gives radiance to the skin naturally. Working double-duty, shea butter get an A+ for its glass skin contribution.

Each of these ingredients serves a separate role in creating luminous, glowing, and radiant skin, and can work together cohesively to create that smooth skin finish. Now you know the

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4.7 ★★★★★ 36 Reviews

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CHOOSE OPTIONS



30. The aforesaid analysis and observations are reiterated and reaffirmed in para 11.69 of McCarthy's, which is reproduced in para 25 above, and are not repeated here for the sake of brevity.



31. The tests as envisaged by McCarthy to determine the difference between “descriptive” and “suggestive” marks are fully applicable to the present case when viewed in terms of the aforesaid extracts of the description and usage of the products. It can be discerned from McCarthy that the manner in which the goods and services are described by other stakeholders in the same trade, shall be taken to be a relevant fact to prove descriptiveness.

32. Apart from the fact that other major stakeholders are using the term GLASS SKIN in a descriptive manner, what is essential to consider is that the respondent no.1 itself in its own website has used the said term to describe its qualities, intended purpose and the end result. Thus, on both the accounts i.e. in terms of para 11.16 and para 11.69 of McCarthy’s apart from the manner in which the said term is being used by the stakeholders in the same business or trade that this Court is of the opinion that the mark is “descriptive”.

33. Learned counsel for the respondent no.1 in contradistinction had emphasized that the mark ‘GLASS SKIN’ is “suggestive” and not “descriptive”. His contention was that the mark ‘GLASS SKIN’ raises a conceptual thought rather than disclosing the function or use of the goods or even the end effect upon the user. According to learned counsel, the mark does not describe any ingredient, any formulation, any method or essential characteristic, and as such the mark is and would remain inherently distinctive. He had contended that the mark would evoke an aspirational quality, needing consumer imagination which are recognized hallmarks of a “suggestive” mark.

34. This Court is unable to appreciate the aforesaid argument. This is for the reason that as observed above, the mark ‘GLASS SKIN’ read in conjunction with all the aforesaid articles and the manner in which the other manufacturers



and stakeholders in the fashion industry aligns with the description provided in para 11.16 as also para 11.69 of the McCarthy.

35. Learned counsel for the respondent no.1 had articulated his contentions by referring to what he termed as “Imaginary Test”, to submit that a consumer when confronted with the mark ‘GLASS SKIN’ would have to apply his mind or imagine as to for what purpose the product containing the mark ‘GLASS SKIN’ intended to achieve. Merely by reading the said mark, in the opinion of the learned counsel, the consumer would not be able to conclude the intended purpose or the end result of the product.

36. No doubt that the aforesaid argument appears to be attractive at the first blush, however, is unpersuasive and unmerited. This is for the reason that the products which are manufactured by both the parties and offered for sale fall within Class-03, and are cosmetics relatable to Skin Care, etc. It would be absurd to propound that the term ‘GLASS SKIN’ for a product which is a cosmetic for the purpose of skin care, would not be a “descriptive” term or would convey anything other than the intended purpose or the end result. In such a factual situation, the question of “imagination test” does not arise at all. If a consumer is confronted with the product related to cosmetics, which uses the terms ‘GLASS SKIN’, and also having regard to the fact that it is a worldwide fashion trend, in the opinion of this Court, it would be quite obvious as to what is the intended purpose and end result that the product would achieve. Thus, this contention too, is unmerited.

37. Another relevant aspect which may need consideration of this Court is the fact that nothing has been placed on record by the respondent no.1 to demonstrate or establish that the mark ‘GLASS SKIN’ has achieved secondary



significance so as to enable a “descriptive” word to be registrable. In the lack of such documentary evidence, it is well nigh impossible for this Court to uphold the registration of the mark ‘GLASS SKIN’ in favour of the respondent no.1.

38. Learned counsel had also contended that the petitioner having himself applied for registration of the mark “RENEE GLASS SKIN SPF 50” cannot term the mark ‘GLASS SKIN’ of the respondent no.1 as “descriptive” since it would amount to approbation and reprobation, which is impermissible in law. This contention too cannot be acceded to. This is for the reason that the petitioner, like other stakeholders, is using the term ‘GLASS SKIN’, apparently, not as a ‘distinctive’ mark, but only as a part of the entire word mark “RENEE GLASS SKIN SPF 50”. Though, it is correct that the petitioner too cannot urge that the term ‘GLASS SKIN’ is either arbitrary or a coined word nor can it contend that the said term is “suggestive” either. Thus, the use of the word ‘GLASS SKIN’ alongwith the entire word mark may be permissible without the term “GLASS SKIN” having special protection.

39. Petitioner relied upon Section 9 of the Act, which are absolute grounds for refusal of registration for the relief sought in the present petition. In the opinion of this Court sub-section (1)(b) of Section 9 of the Act proscribes registration of a mark which may serve in trade to designate the kind, quality, quantity, intended purpose, values, geographical origin or the time of production of the goods or rendering of the service or other characteristics of the goods or services. Out of the aforesaid particulars, this case concerns itself with the ‘kind’ and ‘intended purpose’ of the goods manufactured by both the parties.

40. Having regard to the aforesaid analysis, it is crystal clear that not only does the mark ‘GLASS SKIN’ clearly describe the kind of goods, but also the



intended purpose which would be achieved by use of the goods manufactured under the said mark. Thus, the proscription under Section 9(1)(b) of Act is clearly attracted.

41. The present petition was filed under Sections 47 and 57 of the Act. In the opinion of this Court, the rigors provided in Section 47(1) and (2) does not arise in the present case as the respondent no.1 has placed on record certain invoices in relation to the products manufactured and sold under the mark 'GLASS SKIN' for certain years. This leaves the relief sought to be directed under the provisions of Section 57 of the Act, particularly, sub-section (2) of Section 57 of the Act. In the opinion of this Court, the entry made in the Register of Trade Marks of the mark 'GLASS SKIN' of the respondent no.1 is without sufficient cause, and is an entry wrongly remaining on the Register.

42. Since, the aforesaid analysis are purely fact based, and on the basis of the material on record, the ratios laid down by the judgments relied upon by the parties, in the context of legal interpretations may not be required to be gone into, and are therefore, not considered.

43. In view of the above, the petition is allowed and the respondent no.2/Registrar of Trade Marks is directed to cancel the registration of the mark 'GLASS SKIN' granted in favour of respondent no.1 *vide* certificate no.2825917 dated 02.05.2019 under Class-03. The Registrar of Trade Marks is further directed to remove/rectify the registration of the mark 'GLASS SKIN' granted in favour of respondent no.1 *vide* certificate no. 2825917 dated 02.05.2019 under Class-03 from the Register of Trade Marks within four weeks from date of receipt of this Order.

44. No order as to costs.



45. The petition alongwith pending applications, if any, stand disposed of in above terms.

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46. In view of the judgment passed by this Court in C.O.(COMM.IPD-TM) 107/2025 titled "*Renee Cosmetics Private Limited vs. Ms. Rupali Sharma & Anr.*" list the matter before the Joint Registrar on the date already fixed i.e. 13.10.2026.

**TUSHAR RAO GEDELA
(JUDGE)**

JUNE 05, 2026yrj/rl