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

+ **CS(COMM) 310/2025**

**SUN PHARMACEUTICAL INDUSTRIES LTD & ANR.**

.....Plaintiffs

Through: Mr. Rohit Pradhan, Mr. Sachin Gupta, Ms. Prashansa Singh and Mr. Ajay, Advocates.

versus

**JANRICSAN PHARMA P LTD & ORS.**

.....Defendants

Through: Ms. Komal Arora, Advocate  
(Through VC) for D-1.

**CORAM:**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**ORDER**

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**17.07.2025**

**I.A. 9034/2025** (*For exemption from advance service to defendants*)

1. The plaintiffs, *vide* the present application under *Section 151* of the CPC, seek exemption from effecting advance service upon the defendants.
2. Learned counsel for the plaintiffs submits that considering the position involved, there is a likelihood that the apprehensions of the plaintiffs will become a reality in case advance service is affected and therefore, an exemption from effecting advance service is necessary.
3. Ms. Komal Arora, Advocate has appeared on behalf of the defendant no.1 through Video Conference on advance service.
4. In view of the aforesaid, the plaintiffs are exempted from effecting advance service upon the defendant nos.2, 3 and 4.
5. Accordingly, the present application is allowed and disposed of.

**I.A. 9033/2025** (*For exemption*)

6. Exemption allowed, subject to all just exceptions.

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7. The application stands disposed of.

**I.A. 9035/2025** (*For appointment of Local Commissioner*)

8. The plaintiffs, *vide* the present application, seek appointment of a Local Commissioner to visit the premises of the defendant no.4.

9. Learned counsel for the plaintiffs submits that he does not wish to press the present application at this stage and seeks leave to withdraw the same.

10. Accordingly, the present application is dismissed as withdrawn.

**I.A. 9037/2025** (*For interrogatories, discovery and production of documents*)

11. The plaintiffs, *vide* the present application, seek directions to the defendants to answer on oath the interrogatories contained in Form No.2 under Appendix C of the Code of Civil Procedure, 1908 (**CPC**), details whereof are attached to the present application as well as to produce all the documents as sought for in the interrogatories and to file an affidavit in evidence.

12. Issue notice.

13. Ms. Komal Arora, learned counsel for the defendant no.1 appearing through video conferencing, accepts notice. She seeks, and is granted, a period of *four weeks* for filing reply. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

14. Upon filing of the process fee, issue notice of the application to the remaining defendant nos.2 to 4 through all permissible modes returnable before the Court on 26.11.2025.

15. Reply(s) be filed within a period of *four weeks*. Rejoinder(s) thereto, if any, be filed within a period of *two weeks* thereafter.



16. Renotify on 26.11.2025.

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17. The plaintiffs, *vide* the present plaint, seek grant of a permanent injunction restraining the defendants from infringement of trademark/ trade name, passing off, unfair competition, rendition of accounts of profits and delivery up.

18. Although *vide* order dated 17.04.2025, this Court had referred the parties to explore the possibility of an amicable settlement before the Delhi High Court Mediation and Conciliation Centre (**DHCMCC**) however, the pre-mediation report from the Delhi High Court Legal Service Committee states that pre-mediation is a non-starter.

19. Let the plaint be registered as a suit.

20. Issue summons.

21. Ms. Komal Arora, learned counsel for the defendant no.1 appearing through video conferencing, accepts summons.

22. Written statement be filed by the defendant no.1 within a period of *thirty days*. Written statement be filed by the defendant no.1 along with affidavit of admission/ denial of documents of the plaintiffs, without which the written statement shall not be taken on record.

23. Upon filing of the process fee, issue summons of the suit to the defendant nos.2 to 4 through all permissible modes returnable before the learned Joint Registrar on 30.10.2025.

24. The summons shall state that the written statement(s) be filed by the defendant nos.2 to 4 within a period of *thirty days* from the date of the receipt of the summons. Written statement(s) be filed by the remaining defendant nos.2 to 4 along with affidavit(s) of admission/ denial of



documents of the plaintiffs, without which the written statement(s) shall not be taken on record.

25. Replication(s) thereto, if any, be filed by the plaintiffs within a period of *fifteen days* from the date of receipt of written statement(s). The said replication, if any, shall be accompanied by with affidavit of admission/ denial of documents filed by the defendants, without which the replication(s) shall not be taken on record within the aforesaid period of fifteen days.

26. If any of the parties wish to seek inspection of any document(s), the same shall be sought and given within the requisite timelines.

27. List before the learned Joint Registrar for marking exhibits of documents on 30.10.2025. It is made clear that if any party unjustifiably denies any document(s), then it would be liable to be burdened with costs.

**I.A. 9036/2025-Stay**

28. The plaintiffs, *vide* the present application under *Order XXXIX Rules 1 & 2* of the CPC, seek grant of an injunction for infringement of its trademark/ trade name, against the defendants.

29. As per plaint, the plaintiff no.1, namely *Sun Pharmaceutical Industries Ltd.*, is a company incorporated in the year 1993, under the Companies Act, 2013. The plaintiff no.2, *Sun Pharma Laboratories Ltd.* is a wholly owned subsidiary of the plaintiff no.1. The plaintiffs and its group companies market, manufacture, trade pharmaceutical and medicinal preparations, drugs and formulations in more than 100 countries across the globe under its trade marks 'SUN'/ 'SUN PHARMA'/ 'SUN PHARMACEUTICALS'. The plaintiffs offer a comprehensive product portfolio across various therapeutic segments, including neuropsychiatry,



cardiology, diabetes, gastroenterology, pain/ analgesics, gynaecology, ophthalmology, urology, dermatology, respiratory, anti-infectives and other segments.

30. The plaintiffs have been using the mark 'SUN' continuously, openly, and extensively since the year 1978. In fact, for carrying on with its business activities under the house marks 'SUN'/ 'SUN PHARMA'/ 'SUN PHARMACEUTICALS', the plaintiffs have, upon application, been granted registration for the said trademarks and its variants in India under Class(es) 1, 3, 5, 7 to 15, 17 and 19 to 45, the earliest registration dated 04.08.1983. The plaintiffs have also obtained registration of various formative marks of 'SUN', details of which are enumerated in paragraph 17 of the plaint.

31. The plaintiffs are also the registered proprietor of the trademark 'REVITAL' and REVITAL formative marks and have, upon application, been granted registration for the said trademarks and its variants in India under Class(es) 5, 29, 30, 31 and 41, the earliest registration dated 26.12.1985. The plaintiffs are also the registered proprietor for the trademark 'DAZOLIC' coined by it in the year 1997 and have, upon application, been granted registration for the said trademark in India under Class 5 on 07.07.1997. Further, the plaintiffs are also the registered proprietor for the trademark 'DUOZ' (a combination drug containing Levosalbutamol (1.25mg) + Ipratropium (500mcg), which is used for the treatment of chronic obstructive pulmonary disorder) and have, upon application, been granted registration for the said trademarks and its variants in India under Class 5, the earliest registration dated 17.06.2013.

32. The plaintiffs have been continuously and uninterruptedly using its



trademarks ‘SUN’/ ‘SUN PHARMA’/ ‘SUN PHARMACEUTICAL’, ‘REVITAL’, ‘DAZOLIC’ and ‘DUOZ’ till date and have also been making significant investments *qua* advertising of their products under the said trademarks and generated considerable revenue. In fact, the plaintiffs’ trademarks ‘SUN’/ ‘SUN PHARMA’/ ‘SUN PHARMACEUTICAL’ ‘REVITAL’, ‘DAZOLIC’ and ‘DUOZ’ alongwith their formative marks have acquired formidable goodwill, reputation and distinctiveness *vis-a-vis* such goods.

33. It was in the second week of November, 2024 that the plaintiffs became aware of the defendant no.1’s trademark application for the mark ‘BERIVITAL TAB’ under application no.6379064, dated 08.04.2024, claiming user since 23.03.2021. Upon a further search, the plaintiffs discovered that the defendant no.1, namely *Janricsan Pharma P. Ltd.* is the proprietor of impugned mark ‘BERIVITAL’ and is engaged in the marketing of the product bearing the impugned mark ‘BERIVITAL’.

34. The defendant no.2, namely *Zoic Pharmaceuticals* is a sole proprietorship firm engaged in the manufacture of products under the impugned mark ‘BERIVITAL’ for the defendant no.1 herein, and marketing of its products under the impugned mark ‘DOZE-30’.

35. The defendant no.3, namely *Zoic Pharmaceuticals Ltd.* is a company engaged in the business of offering for sale/ selling and marketing of products under the impugned mark ‘DOZE-30’ through their website ‘<https://www.zoicpharmaceuticals.com>’.

36. The defendant no.4, namely *Zoic Biotech P. Ltd.* is a company engaged in the business of offering for sale/ selling and marketing of products under the impugned mark ‘BEZOLIC’ on IndiaMart website and



the impugned mark 'DOZE-30' through their own website <https://www.zoicbiotech.com/>.

37. Since the defendants are continuing with the usage of the aforesaid impugned marks, the plaintiffs have instituted the captioned suit against the defendants wherein the present application has been filed.

38. Although Ms. Komal Arora enters appearance on behalf of the defendant no.1, however, she has not addressed any arguments.

39. This Court has heard the submissions advanced by the learned counsel for the plaintiffs and gone through the pleadings as also perused the documents on record.

40. Based on what is before this Court, given hereinbelow is a comparative table of the trademarks of plaintiffs and the impugned marks of the defendants:-

<b><u>Plaintiffs' Trademarks</u></b>	<b><u>Defendants' Marks</u></b>
<b><u>REVITAL</u></b>	<b><u>BERIVITAL</u></b>
<b><u>DAZOLIC</u></b>	<b><u>BEZOLIC</u></b>
<b>DUOZ</b>	<b>DOZE-30</b>

41. A *prima facie* comparison of the marks 'REVITAL' and 'BERIVITAL' reveals that all that the defendants have done is to add a *prefix* 'BE' to the plaintiffs' trademark as also replaced the alphabet 'E' with 'I' to come up with the impugned mark 'BERIVITAL'. Similarly, a comparison of the impugned mark 'DAZOLIC' with 'BEZOLIC' of the plaintiffs reveals that all that the defendants have done is to remove the first two alphabets i.e. 'DA' from the plaintiffs' trademark and replace it with the alphabets 'BE' of the plaintiffs, but has retained the remaining



alphabets as it is. Like the two impugned marks above, a comparison of the impugned mark 'DUOZ' with 'DOZE-30' of the plaintiffs also reveals that the defendants have tried to create a similar sounding mark by jumbling up the alphabets of the plaintiffs' trademark.

42. Therefore, from the aforesaid comparison of each of the aforesaid three impugned marks with those of the plaintiffs, it is borne out that the defendants have tried to come as close as possible to the plaintiffs' trademark by making cosmetic, in fact, miniscule changes, however, they are not only visually, phonetically but also structurally similar to those of the plaintiffs' trademarks. Such cosmetic changes are insignificant as they can barely be of any relevance or can be taken note of as the products sold under the impugned marks are likely to be perceived as yet another variant emanating from the plaintiffs and to be falsely associated with the trademarks of the plaintiffs.

43. In view thereof, there can hardly be any doubt in the minds of the general public as also the customers, that the impugned marks 'BERIVITAL', 'BEZOLIC' and 'DOZE-30' of the defendants are deceptively similar to that of the trademarks 'REVITAL', 'DAZOLIC' and 'DUOZ' of the plaintiffs respectively, especially, whence viewed from the lens of an average man with imperfect recollection from the general public or someone belonging to the trade. There exists a high degree of resemblance *inter se* the competing marks which might lead the commoners starting to believe that there exists some semblance of a relation/ connection *inter se* the plaintiffs and the defendants, when actually there is none.





44. Furthermore, since the marks involved are for products falling under the pharmaceutical category as also since the plaintiffs and the defendants are operating in the same line of business and are dealing in the same trade channels, with an identical customer base, and lastly very much existing within the presence of the same market therefore, there is more than one chance of causing confusion amongst not only the members of the trade but also the members of the general public.

45. In such a scenario, any likelihood of confusion between the products of the plaintiffs and those of the defendants ought to be avoided, more so, in view of the settled position of law that while dealing with pharmaceutical preparations, this Court owes a higher duty to take greater degree of care and caution, and to apply a more stringent test to avoid any possibility/ likelihood of confusion between different medicinal products amongst the general public. The due diligence and circumspection is necessary herein as any deceptive similarity and confusion between trademarks for products involving pharmaceutical preparations could have dangerous implications and cause detriment to the public at large.

46. In view of the above, there exists a *prima facie* case in favour of the plaintiffs and with *balance of convenience* tilting in their favour and they will incur *irreparable loss and injury* if an *ad interim* injunction is not granted in their favour.

47. Accordingly, in view of the aforesaid, as also keeping in mind the existing position of law, till the next date of hearing, the defendants, their directors, their proprietor, their assignee in business, their officers, employees, dealers, associates, affiliates, licensees, franchisee, distributors, servants, dealers, stockists, retailers, super-stockists, e-



commerce and warehouse aggregators, wholesalers, custodians, agents, chemists and all persons claiming through and/ or under them or acting on their behalf are restrained from manufacturing, stocking, selling, offering for sale, advertising, distributing, marketing, exhibiting for sale, trading in or otherwise directly or indirectly dealing in medicinal preparations or similar or like or allied goods under the impugned marks 'BERIVITAL', 'BEZOLIC' and 'DOZE-30', or any other extensions and/ or any other trademarks as may be identical with and/ or deceptively similar to the plaintiffs' registered trademarks 'REVITAL', 'DAZOLIC' and 'DUOZ', thereby amounting to infringement.

48. Issue notice.

49. Ms. Komal Arora, learned counsel for the defendant no.1 appearing through video conferencing, accepts notice. She seeks, and is granted, a period of *four weeks* for filing reply. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

50. Upon filing of the process fee, issue notice of the application to the remaining defendant nos.2 to 4 through all permissible modes returnable before the Court on 26.11.2025.

51. Reply(s) be filed within a period of *four weeks*. Rejoinder(s) thereto, if any, be filed within a period of *two weeks* thereafter.

52. The provisions of Order XXXIX Rule 3 of CPC be complied forthwith.

53. List before the Court on 26.11.2025.

**SAURABH BANERJEE, J**

**JULY 17, 2025/NA**

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