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

+ **CS(COMM) 947/2025**

SUN PHARMACEUTICAL INDUSTRIES LTD.Plaintiff

Through: Mr. Sachin Gupta, Mr. Rohit Pradhan,
Ms. Prashansa Singh, Mr. Adarsh
Agarwal, Ms. Mahima and Mr. Ajay
Kumar, Advocates.

versus

M/S SUN BIOTEC & ANR.

.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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08.09.2025

I.A. 22060/2025(Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

I.A. 22059/2025(Exemption from pre-institution Mediation)

3. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015.
4. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC OnLine SC 1382, exemption from the requirement of pre-institution Mediation is granted.
5. The Application stands disposed of.



I.A. 22062/2025(Exemption from advance service to the Defendants)

6. This is an Application filed by the Plaintiff under Section 151 of the Code of Civil Procedure, 1908 (“CPC”), seeking exemption from advance service to the Defendants.

7. Mr. Sachin Gupta, learned Counsel for the Plaintiff submitted that the service to the Defendants has already been carried out on 06.09.2025. The Affidavit of Service in this regard has been filed *vide* Diary No. 6445698/2025 dated 06.09.2025 and the same is pending before the Registry. Let the same be taken on record.

8. Accordingly, this Application stands disposed of, being infructuous.

I.A. 22061/2025 (for Appointment of Local Commissioner)

9. The present Application has been filed by the Plaintiff under Order XXVI Rule 9 read with Order XXXIX Rule 7 of the CPC, seeking appointment of a Local Commissioner.

10. The learned Counsel for the Plaintiff submitted that service to the Defendants have been carried out on 06.09.2025. Since, the Defendants are aware of the institution of the present Suit, the Plaintiff does not press for the reliefs prayed for in this Application.

11. This Application stands disposed of.

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12. Let the Plaint be registered as a Suit.

13. Issue Summons. Let the Summons be served to the Defendants through all permissible modes upon filing of the Process Fee.

14. The Summons shall state that the Written Statement(s) shall be filed by the Defendants within 30 days from the date of the receipt of Summons. Along with the Written Statement(s), the Defendants shall also file an



Affidavit of Admission / Denial of the documents of the Plaintiff, without which the Written Statement(s) shall not be taken on record.

15. Liberty is granted to the Plaintiff to file Replication(s), if any, within 30 days from the receipt of the Written Statement(s). Along with the Replication(s) filed by the Plaintiff, an Affidavit of Admission / Denial of the documents of Defendants be filed by the Plaintiff, without which the Replication(s) shall not be taken on record.

16. 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.

17. If any of the Parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

18. List before the learned Joint Registrar on 03.11.2025 for completion of service and pleadings.

I.A. 22063/2025(U/O XXXIX Rule 1 & 2 of CPC)

19. Issue Notice. Notice be served through all permissible modes upon filing of the Process Fees.

20. The present Suit has been filed for permanent injunction restraining infringement of the registered Trade Mark, 'ROSUVAS' / 'ROSUVAS F' / 'ROSUVAS D' / 'ROSUVAS CV' / 'ROSUVAS EZ' and 'SUN' / 'SUN PHARMA' / 'SUN PHARMACEUTICALS' and along with other ancillary reliefs.

21. The Plaintiff, Sun Pharmaceutical Industries Ltd., is a Company incorporated in the year 1993 under the Companies Act, 2013 and having its Registered Office at Vadodara, Gujarat.

22. The learned Counsel for the Plaintiff submitted that the Plaintiff and



its group companies, market, manufacture, and trade pharmaceutical and medicinal preparations, drugs, and formulations under its extensive range of well-known and distinctive Trade Marks / Brand Names ‘SUN’ / ‘SUN PHARMA’ / ‘SUN PHARMACEUTICALS’ (“**Sun Trade Marks**”). ‘SUN’ / ‘SUN PHARMA’ has been declared as well-known Trade Marks by this Court *vide* order dated 19.12.2022 in *Sun Pharmaceutical Industries Ltd. v. Vensat Bio & Ors.* in CS (COMM) 459/2022. ‘SUN’ and ‘SUN PHARMA’ has been incorporated in the list of well-known Trade Marks at Sr. No. 147 and 148 of the said list, which is maintained by the Trade Mark Registry.

23. The learned Counsel for the Plaintiff further submitted that the earliest registration for the Mark ‘SUN’ is a label registration for the Mark ‘SUN’ under Registration No. 408870 dated 04.08.1983 in Class 5 claiming use from 01.01.1978, the said Registration is renewed and subsisting and there is no disclaimer. The Plaintiff has 99 registrations for the Sun Trade Marks and 79 registrations for the Mark ‘SUN’ formative marks in India and numerous registrations for the Sun Trade Marks in several countries of the world.

24. The learned Counsel for the Plaintiff submitted that the Sun Trade Marks are exclusively associated with the Plaintiff and have acquired tremendous goodwill and enviable reputation in its favour and have become well-known, which is evident from the sales figures solely for Financial Year 2024-2025, i.e., Rs. 52,04,125/-.

25. The learned Counsel for the Plaintiff further submitted that one of the pharmaceutical preparations sold by the Plaintiff’s predecessor, Ranbaxy Laboratories Ltd. was under the Trade Mark ‘ROSUVAS’ / ‘ROSUVAS’ / ‘ROSUVAS F’ / ‘ROSUVAS D’ / ‘ROSUVAS CV’ / ‘ROSUVAS EZ’ (“**Subject Marks**”). The Subject Marks were adopted by the Plaintiff’s



predecessor in the year 2001 and has been in continuous use since the year 2003. The Subject Marks are a drug which reduces levels of ‘bad’ cholesterol (low-density lipoprotein, or LDL) and triglycerides in the blood, while increasing levels of ‘good’ cholesterol (high-density lipoprotein, or HDL). The said drug contains the molecule Rosuvastatin Calcium, and is a Schedule H drug.

26. The learned Counsel for the Plaintiff submitted that the Subject Marks have been registered in India in Class 5 for medicinal and pharmaceutical preparations. The details of which have been set out in Paragraph No. 24 of the Complaint, is reproduced hereunder:

Trade mark	Reg. No. and Date	Use	Class
ROSUVAS	989525 Dt. 12/02/2001	Proposed to be used	Class 5
ROSUVAS EZ	1763699 Dt. 15/12/2008	Proposed to be used	Class 5
ROSUVAS F	4644936 Dt. 07/09/2020	21/06/2010	Class 5
ROSUVAS D	4644937 Dt. 07/09/2020	29/04/2024	Class 5
ROSUVAS CV	4644946 Dt. 07/09/2020	06/02/2015	Class 5

27. The learned Counsel for the Plaintiff submitted that the result of efficacy of the drug ‘ROSUVAS’ is well-reflected in its sales turnover which is growing steadily every year. The sales turnover of the drug ‘ROSUVAS’ for the Financial Year 2024-2025 has been of Rs. 54,684.29.

28. The learned Counsel for the Plaintiff submitted that the Subject Marks have acquired enviable goodwill and reputation amongst the members of



trade and public at large and has acquired the status of a well-known Mark under Section 2(zb) of the Trade Marks Act, 1999, which entitles itself to be granted statutory protection by the legislature against any form of misappropriation and dilution of distinctiveness irrespective of whatever goods or business they are used for.

29. Defendant No. 1, Sun Biotec, is the marketer of the product under the Mark ‘ROSUVAS’ / ‘ROSUVAS-F’ (“**Impugned Marks**”). Defendant No 2, Koch Organics, is the manufacturer of the products under the Impugned Marks.

30. The learned Counsel for the Plaintiff submitted that in the third week of August 2025 found that the Defendants’ drug under the Impugned Marks selling at M/s A3 Medical, Delhi and the same was purchased under Invoice No. 401 dated 19.08.2025. The drug under the Impugned Marks is available to the consumers in Delhi, which is bound to cause confusion due to the similarity of the competing Marks. The Defendants seems to have recently started using the Impugned Marks as the drug is not listed in any of the leading Medical Journals.

31. The learned Counsel for the Plaintiff further submitted that being in the pharmaceutical business, the Defendants are aware of the Plaintiff’s adoption and use of its Subject Marks and formative Trade Marks.

32. The learned Counsel for the Plaintiff submitted that having seen the success of the Plaintiff’s product in the past two decades, the Defendants have adopted the Impugned Marks in order to deceive the minds of general public, which is evident from the fact that at present, there is no product in the market with an identical or even a similar name for the same / similar formulation.



33. The learned Counsel for the Plaintiff further submits that the Defendant No. 1's Trade Name / Corporate Name 'Sun Biotec' contains the Mark 'SUN', which has been used by the Plaintiff as its Trade Name / Trade Mark since 1978, and which would falsely suggest an association / nexus with the Plaintiff's Sun Trade Marks, where no such relationship exists.

34. Having considered the submissions advanced by the learned Counsel for the Plaintiff, the pleadings and the documents on record, a *prima facie* case has been made out by the Plaintiff for grant of an *ad-interim* injunction. Balance of convenience is in favour of the Plaintiff and against the Defendants. Irreparable injury would be caused to the Plaintiff if the Defendants are allowed to continue the use of the Impugned Mark.

35. This is a case of triple identity where the Mark is identical, the product category is identical and the trade channel as also the consumer base is identical. The Plaintiff being the prior user, adopter and the registered owner of the Subject Marks and Sun Trade Marks is entitled to protection. The identity in the Mark is so close that the two products are indistinguishable. The Impugned Marks adopted and used by the Defendants is visually, phonetically, structurally, and deceptively similar to the Subject Marks and Sun Trade Marks. To an unwary consumer of average intelligence and imperfect recollection, the Marks are likely to appear identical, thereby leading to confusion regarding the source or origin of the products.

36. Accordingly, till the next date of hearing, the Defendants, its directors, assignees in business, its associates, affiliates, franchisees, licensees, distributors, dealers, stockists, retailers and agents are restrained from manufacturing, selling, offering for sale, advertising, directly or



indirectly dealing in medicinal and pharmaceutical preparations under the Impugned Marks ‘ROSUVAS’ / ‘ROSUVAS-F’ and Trade Name / Corporate Name, ‘SUN BIOTEC’ or any other Trade Mark that may be phonetically, visually, structurally and deceptively similar to the Subject Marks, ‘ROSUVAS’ / ‘ROSUVAS F’ / ‘ROSUVAS D’ / ‘ROSUVAS CV’ / ‘ROSUVAS EZ’ and Sun Trade Marks, ‘SUN’ / ‘SUN PHARMA’ / ‘SUN PHARMACEUTICALS’ amounting to infringement of the said Trade Marks.

37. Let the Reply to the present Application be filed within four weeks after service of Notice. Rejoinder thereto, if any, be filed before the next date of hearing.

38. The compliance of Order XXXIX Rule 3 of the CPC be done within two weeks.

39. List before this Court on 14.01.2026.

TEJAS KARIA, J

SEPTEMBER 8, 2025/sms