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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 184/2026**

MANKIND CONSUMER PRODUCTS PRIVATE LIMITED

.....Plaintiff

Through: Mr. Amit Sibal, Senior Advocate with
Mr. Hemant Daswani, Ms. Saumya
Bajpai, Ms. Pranjal Dhankar, Mr.
Saksham Dhingra, Mr. Ankit Handa and
Ms. Smriti Nair, Advocates.

versus

ANONDITA MEDICARE LIMITED & ORS.

.....Defendants

Through: None

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **25.02.2026**

I.A. 5217/2026 (Pre-Institution Mediation)

1. This is an application filed by the plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015 (“CC Act”).
2. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi: (2024) 5 SCC 815*, exemption from the requirement of pre-institution Mediation is granted.
3. The application stands disposed of.

I.A. 5216/2026 (Stay)

4. Present application has been filed on behalf of the plaintiff under Order XXXIX Rules 1 & 2 of the Code of Civil Procedure, 1908 (“CPC”) seeking

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ex-parte ad-interim injunction against the defendants.

5. Plaintiff claims that some time in the year 2001-02, the parent company coined and adopted the mark “MANFORCE” in respect of medicinal and pharmaceutical preparations. It is claimed that the prefix ‘MAN’ for the mark “MANFORCE” has been adopted from the prefix of plaintiff’s trading style and house mark MANKIND. In the year 2006-07, the mark “MANFORCE” was extended to the condoms manufactured by it as well. Plaintiff’s parent company launched a range of condoms under the mark wherein flavoured condoms such as Chocolate, Mango, Pan, Bubble Gum, Strawberry, Banana, Aloe Vera and Vanilla were introduced in the market. Although such flavoured condoms were erstwhile present in the market through varied foreign as well as a few Indian marketers, the plaintiff’s parent company followed its principle of providing qualitative products at affordable prices.

6. The plaintiff’s parent company applied for several registrations and obtained registrations for the mark “MANFORCE”, the earliest being, on 09.01.2006 in Class 10 in respect of condoms. On 26.09.2024, the trademark “MANFORCE” together with the entire goodwill and reputation acquired through nationwide and global sale, promotion, advertisement and digital exploitation of the goods under the said mark etc. was duly assigned by the plaintiff’s parent company by virtue of an internal intra-group commercial arrangement for the transfer of the entire portfolio to the plaintiff for a single consolidated lumpsum consideration. The Deed of Assignment dated 26.09.2024 has been executed between Mankind Pharma Limited and the plaintiff. Thus, the plaintiff is entitled to protect and enforce its rights in respect of the trademark “MANFORCE” wherever required.

7. The sale of condoms under the mark “MANFORCE” in the financial year 2023-24 had a turnover of nearly Rs.311.26 Crores, which is evidenced by



the certificate of the Chartered Accountant. The artistic works forming part of campaigns constitute valuable intellectual property and embody considerable creative, strategic and financial investment. Copy of the IQVIA extracts evidencing plaintiff's position as a market leader with respect to condoms is also filed alongwith the documents. In para 13 of the plaint, the details of several awards and recognitions received over the years by the plaintiff's parent company are provided, which are not reiterated here for the sake of brevity.

8. Plaintiff also claims that it has extensively promoted and advertised its range of products through sustained campaigns by engaging digital influencers and celebrities like Sunny Leone and Radhika Apte. The advertisement and promotions are carried out across social media platforms such as Instagram, Facebook and YouTube which penetrate Tier II and Tier III markets. The details of social media presence alongwith pictorials are listed in para 16 of the plaint. The social media presence of the brand under the trademark "MANFORCE" is detailed in para 18 of the plaint alongwith screenshots and pictorials.

9. Plaintiff also claims that its social media content for the product under the trademark "MANFORCE" is characterized by distinctive visual elements, colour schemes, taglines, campaign themes, layouts, captions, messaging style, enabling maximum consumer engagement. It also claims that the plaintiff's social media content benefits from wide circulation, high engagement, and extensive re-sharing, which further reinforces the exclusivity and recognition of the plaintiff's digital presence.

10. In its quest to reach out to every possible customers plaintiff states that in the year 2021, it engaged the services of two digital media agencies namely Grapes Digital Private Limited and Gaup Media Private Limited to create



social media content for consideration, and the copyright of such original artistic works would completely vest with the plaintiff. Plaintiff claims that between May, 2021 and April, 2025, the said team created several distinctive social media contents for the “MANFORCE” brand which are enlisted with pictorials in para 23 of the plaint alongwith the tag lines which are distinctive and original artistic works of the plaintiff’s who are its copyright owners.

11. Plaintiff claims that on or about 06.01.2026 it came across eight social media contents uploaded by defendant nos.1 and 2 through their Instagram pages i.e. cobra_premium_0, cobra_premium_1, cobra_premiumm and anondita_medicare_ltd. The pictorials of such URLs and social media pages of defendant nos.1 and 2 as also of the Instagram pages are detailed in para 25 of the plaint.

12. Plaintiff claims to be shocked to note that defendant nos.1 and 2 have copied eight original artistic works of the plaintiff for promotion of identical products i.e. barrier contraceptives which is a *malafide* attempt to ride upon the goodwill and reputation of the plaintiff and its parent company. The list of eight infringing social media contents alongwith their URLs are filed in the list of documents and annexed as Document B, as also in para 26 of the plaint. Plaintiff claims that the defendant nos. 1 and 2 have usurped the hard earned goodwill and reputation of the plaintiff and have not only slavishly imitated the plaintiff’s original artistic works and creative expressions but have also done so in relation to identical goods in a manner calculated to ride upon, dilute and misappropriate the digital brand equity built by the plaintiff over several years. Such unauthorised copying according to the plaintiff constitutes copyright infringement under Section 51 of the Copyright Act 1957, as also passing off.

13. Based on the above, plaintiff seeks an *ex-parte ad interim* injunction.

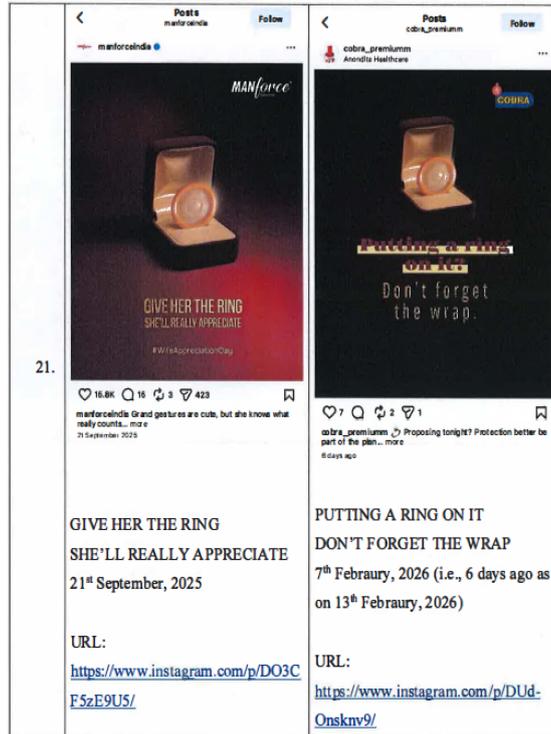
14. Having heard Mr. Sibal, learned senior counsel for the plaintiff, perusing



the pleadings of all the documents on record, it appears that an *ex-parte ad interim* injunction would be in order.

15. A comparison of the original artistic works of the plaintiff posted on Instagram with that of the infringing works of defendant nos.1 and 2 posted on Instagram is reproduced hereunder, which clearly would depict, *prima facie*, infringement of the copyrights of the plaintiff:-

S.No.	Plaintiffs' Artistic Works posted on Instagram	Defendant Nos.1 and 2's infringing Works posted on Instagram
1.	<p>manforceindia</p> <p>A JUICY SURPRISE FOR YOUR SWEETHEART</p> <p>manforceindia Squeeze the day with Manforce Rich-Savoured chocolates... more</p> <p>5 April 2024</p> <p>18.2K 23 600</p> <p>“A JUICY SURPRISE FOR YOUR SWEETHEART” – 5th April, 2024 URL: https://www.instagram.com/p/CSYWL3oyHzb/?igsh=MW9lOGVidHlqbXo4aw==</p>	<p>cobra_premium</p> <p>A JUICY SURPRISE FOR YOUR SWEETHEART</p> <p>cobra_premium Fun with Flavours</p> <p>15 November 2025</p> <p>“A JUICY SURPRISE FOR YOUR SWEETHEART” – 15th November, 2025 URL: https://www.instagram.com/p/DRDZBW3k7EE/?igsh=MW9reG53bTJvajE5bg==</p>
2.	<p>manforceindia</p> <p>TAG SOMEONE WHO IS BEHIND BREAKING THIS CHOCOLATY BED</p> <p>manforceindia Break beds, not hearts with Manforce Chocolate. #ManforceChocolate #Chocolate #Chocolate... more</p> <p>29 January 2024</p> <p>1032 27 218</p> <p>“TAG SOMEONE WHO IS BEHIND BREAKING THIS CHOCOLATY BED” - 29th January, 2024 URL: https://www.instagram.com/p/C2r9AYRpW/?igsh=eGxyazEwdGizemg4</p>	<p>cobra_premium</p> <p>TAG SOMEONE WHO IS BEHIND BREAKING THIS CHOCOLATY BED</p> <p>cobra_premium #FunwithFlavours with only cobra</p> <p>15 November 2025</p> <p>“TAG SOMEONE WHO IS BEHIND BREAKING THIS CHOCOLATY BED” – 15th November, 2025 URL: https://www.instagram.com/p/DRDZGAukwnr/?igsh=MTd0NjUxbDU4ZmFjZg==</p>



16. A mere comparison between the two artistic works provided by the plaintiff clearly evidences the almost complete and identical imitation of the original artistic works and the tagline of the plaintiff. *Prima facie*, the plaintiff appears to have a strong case. As an example, it is seen in the pictorials at page 20 of the plaint (1st image reproduced hereinabove), that not only the colour



scheme is identical, even the words “A JUICY SURPRISE”, “FOR YOUR SWEETHEART” and “#FunWithFlavours” are identically used and placed at the same place in the entire pictorial. That apart, the half-open strawberry in the shape of a heart on the bottom right portion of the pictorial too is identical. Similarly, the other eight pictorials are identical and/ or deceptively similar.

17. Having regard to the plaintiff’s sales figures and its advertisement campaigns, and promotions both *via* electronic media and social media platforms etc., and the fact that the trademark “MANFORCE” has been registered as far back as on 09.01.2006, and continues to be valid till date, balance of convenience is tilted in the favour of the plaintiff. That apart, the plaintiff has asserted in its plaint and also placed on record the documents evidencing the creation of the artistic works by a third party. Having regard to the pictorials and the deceptive similarity and near identical nature of those pictorials, irreparable loss and injury would be caused to the plaintiff, which may not be adequately compensative in monetary terms, in case *ex-parte ad-interim* injunction orders are not passed.

18. Accordingly, the following directions are passed:

- i. Defendant nos.1 and 2, their dealers, distributors, stockiest, agents, associates, employees, servants, and/or assigns are restrained from reproducing, publishing, communicating to the public, or using in any manner whatsoever impugned infringing works marked as Document ‘B’, Document ‘C’ and Document ‘E’ as mentioned in paragraphs 26, 32 and 33 of the plaint and filed with the list of documents, or any other social media contents/advertisements similar to the plaintiff’s original artistic works as Document ‘A’ and Document ‘D’ as mentioned in paragraphs 23 and 33 of the plaint and filed with the list of documents or any substantial part thereof, in relation to the plaintiff’s products.



ii. Defendant nos.1 to 3 are directed to temporarily remove all the contents from all URLs as mentioned in paragraphs 26, 32 and 33 of the plaint posted by the dealers, distributors, stockiest, agents, associates, employees, servants, and/or assigns of the defendant nos.1 and 2 on all social media/e-commerce platforms and across the internet in general, including but not limited to YouTube, Instagram, Facebook, X (formerly known as Twitter), www.amazon.in and www.flipkart.com containing the impugned infringing works marked as Document 'B', Document 'C' and Document 'E' or any other social media contents/advertisement similar to plaintiff's original artistic works marked as Document 'A' and Document 'D' as mentioned in paragraphs 23 and 33 of the plaint and filed with the list of documents or any substantial part thereof, forthwith.

19. Issue notice.

20. Let a reply to this application be filed by the defendants within four weeks from service. Rejoinder, thereto, if any, be filed within two weeks thereafter.

21. Compliance of Order XXXIX Rule 3 of CPC shall be carried out within ten (10) days from date.

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22. Let the plaint be registered as a suit.

23. Upon filing of the process fee, issue summons of the suit to the defendants through all permissible modes.

24. The summons shall state that the Written Statement shall be filed by the defendants within 30 days from the date of the receipt of summons. Alongwith the Written Statement, the defendants shall also file Affidavit of Admission/Denial of the documents of the plaintiff, without which the Written



Statement shall not be taken on record.

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

26. 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.

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

28. List before the Joint Registrar (Judicial) on 15.04.2026 for completion of service and pleadings.

29. List before the Court on 14.07.2026

TUSHAR RAO GEDELA, J

FEBRUARY 25, 2026/anj