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

+ **CS(COMM) 595/2026**

**SAFEX CHEMICALS INDIA LIMITED** .....Plaintiff

Through: Mr. Vaibhav Vutts, Ms. Aamna Hasan,  
Ms. Anupriya Shyam, Mr. Aarya  
Deshmukh and Ms. Vaibavi SG,  
Advocates.

versus

**SAFEX SEED INDIA LLP & ANR.** ....Defendants

Through:

**CORAM:**  
**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

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**26.05.2026**

**I.A. 15062/2026 (Additional Documents)**

1. The present application has been filed on behalf of the plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') as applicable to commercial suits under the Commercial Courts Act, 2015 (hereinafter referred to as 'CC Act') seeking leave to place on record additional documents.

2. The plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.

3. Accordingly, the application stands disposed of.

**I.A. 15061/2026 (Pre-Institution Mediation)**

4. This is an application filed by the plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the CC Act.

5. 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.

6. The application stands disposed of.

**I.A. 15063/2026 (Exemption)**

7. This is an application filed on behalf of the plaintiff under Section 151 of CPC seeking exemption from filing clearer copies of the dim/illegible documents at pages 48, 17, 1042, 1043, 919 and 920.

8. Exemption allowed, subject to just exceptions. However, clearer copies of the dim/illegible documents with proper margins be filed within four weeks with an advance copy to the defendants.

9. The application stands disposed of.

**I.A. 15064/2026 (For urgent listing)**

10. This is an application filed on behalf of the plaintiff under Section 151 of CPC seeking urgent listing.

11. Since the matter is already listed today, the application has been rendered infructuous.

12. The application stands disposed of being infructuous.

**I.A. 15060/2026 (Order XXXIX Rules 1 & 2, CPC)**

13. Present application has been filed on behalf of the plaintiff under Order XXXIX Rules 1 & 2 of CPC, 1908 seeking *ex-parte ad-interim* injunction against the defendants.

14. The plaintiff claims to have adopted and used the trademark and trade name “SAFEX” in relation to agro chemical products in the year 1991. The plaintiff claims that between the years 1992 and 2005, it established two manufacturing facilities. The domain name safexchemicals.com was registered in the year 2008. *Vide* the trademark application no.2200036, the plaintiff applied for registration for the label “SAFEX” in Class 5 on




05.09.2011 claiming user since 01.08.2011. The plaintiff claims that it also obtained Copyright registration bearing no. A-102859/2013 for the artistic work in the logo/label “SAFEX”.

15. The plaintiff claims to be a leading agrochemical multinational company having operations in India and abroad engaged in manufacturing, processing, packaging and marketing of products like herbicides, weedicides, fungicides, insecticides, plant growth regulators and plant micro nutrients falling in Class 5.


16. Plaintiff claims to be carrying out its business through an extensive network of 15,000 distributors and dealers in India across 18 States. Plaintiff has conceived and adopted the trademark and trade name “SAFEX” in relation to agrochemical goods and services and adopted a distinctive label/



, since then the plaintiff has used the said trade name, trademark and the label continuously and uninterruptedly. The registrations under the “SAFEX” trademark in Classes 1 and 5 are extracted hereunder:

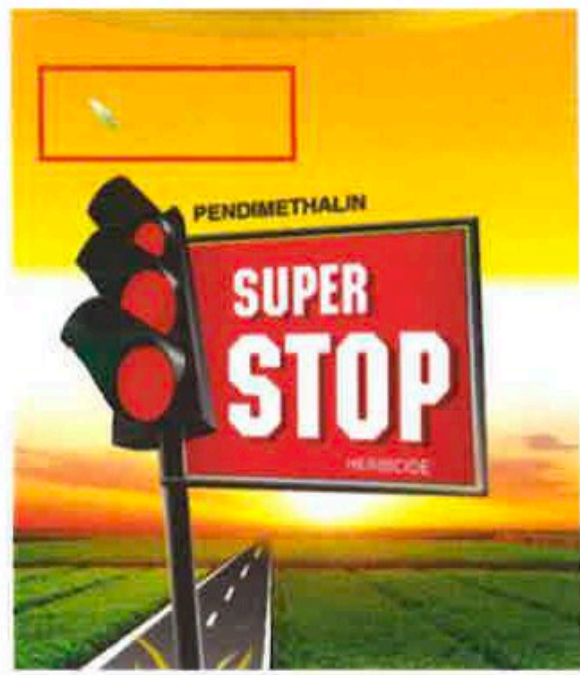
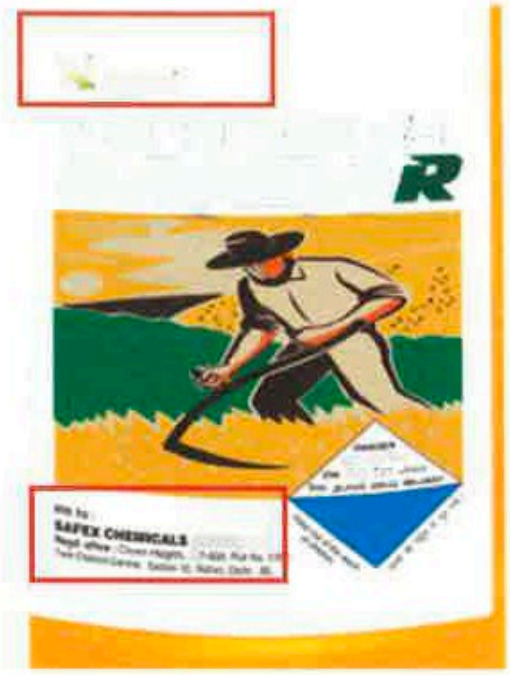
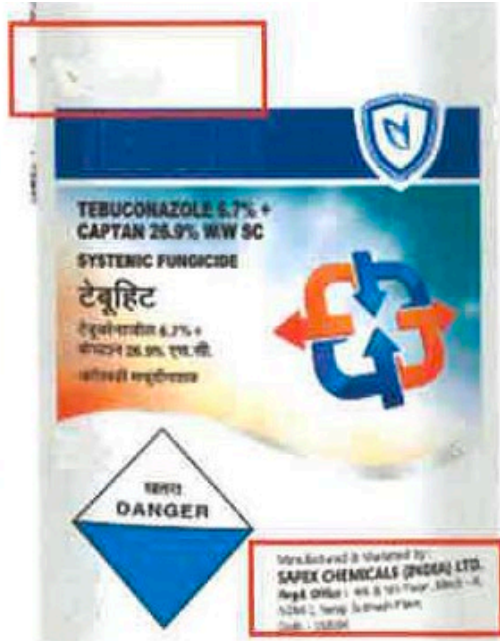
S.No.	Trademark	Trade Mark No.	Date of Filing	User Detail	Class	Status
1.		2200036	05/09/2011	01/08/2011	5	Registered
2.	SAFEXYL	5711472	06/12/2022	04/04/2013	5	Registered
3.	SAFEX GOLD	5722199	15/12/2022	17/06/2014	5	Registered



4.	Safex Missile	5792392	03/02/2023	30/06/2016	5	Pending
5.	Safex Super DAP	6177114	06/11/2023	Proposed to be used	5	Registered
6.	Safex AVACARB	6182748	10/11/2023	Proposed to be used	5	Registered
7.		5170676	12/10/2021	01/08/2011	1	Registered
8.	SAFEX GOLD	5722200	15/12/2022	17/06/2014	1	Registered
9.	Safex Super DAP	6177113	06/11/2023	Proposed to be used	1	Registered

17. The plaintiff claims to have a substantial sales turnover from FY 1992-1993 at Rs 9.68 Lakhs/- to Rs 85313.20 Lakhs/- in the FY 2024-2025 The plaintiff also claims to have widely advertised and promoted its products under the trademark “SAFEX” and the expenses incurred on such promotions are documented in the invoices attached to the pleadings.

18. The plaintiff claims to have used the mark “SAFEX” not only as its trademark but also its trade name. In order to substantiate the said fact, the plaintiff has placed on record the pictorial representations which are extracted hereunder:



19. The plaintiff states that the domain name safexchemicals.com is being used by the plaintiff since the year 2008 and also incorporates not only the trademark but the trade name of the plaintiff too. It is claimed that the said website hosts details of activities, goods, services and presence of the plaintiff which is accessible across the country and consumers can place enquiries for




the products manufactured by it. The plaintiff claims that it also advertises and promotes its goods on various social media platforms like Instagram, Facebook, LinkedIn and You Tube.

20. The plaintiff claims to have widely advertised, marketed and promoted the trademark “SAFEX” through electronic and print media such as newspapers, magazines and internet. Plaintiff claims to have spent large sums of money on advertisements and promotions. The plaintiff also claims that advertisements of its trademark and trade name are also conducted through billboards, hoardings, pamphlets, brochures and over the internet.

21. The plaintiff claims that its goods are in high demand on account of strict controls resulting in high quality products. The plaintiff claims to be a market leader and also lays emphasis on research and development and innovation.

22. The plaintiff states that it has been vigilant about its right in the intellectual property including the trademark, trade name and copyrights. In order to support the said contention, the plaintiff relies upon an order of the District Court dated 16.11.2023 in CS (COMM) 513/2023.

23. Based on the above narrative, the plaintiff claims to have garnered substantial goodwill and immense reputation not only in the trade name and

trademark “SAFEX” but also the label/logo . Plaintiff also claims its proprietary rights in the trade name and trademark “SAFEX” on the grounds of (i) it is inventive and unique, (ii) a unique manner of representation, (iii) prior adoption and use of the mark, (iv) prior registration of the mark “SAFEX”, (v) numerous trademark applications and registrations, (vi) extensive sales of goods and services, (vii) extensive promotion and advertisement, (viii) large amount of money invested in research and



development, (ix) successful legal actions taken against third parties.

24. The plaintiff also claims that its trademark and trade name “SAFEX” have acquired distinctiveness and the public at large and members of trade identified and associated the plaintiff’s goods under the “SAFEX” trademark exclusively of the plaintiff and no one else.

25. Plaintiff claims that the defendant also is engaged in the business of agricultural products, particularly manufacturing, marketing, trading, offering for sale fodder seeds. The defendant no.1 is alleged to providing similar goods and services under an identical trademark “SAFEX”/ “SAFEX SEED”/




. The products manufactured by defendant no.1 are claimed to be marketed and sold by defendant no.2.

26. Plaintiff claims that the impugned mark of the defendant is a clear and blatant infringement of its registered trademark and trade name “SAFEX”.



Plaintiff also states that the logo/label of the defendant

no.1 is a slavish imitation of the plaintiff's logo/label . Plaintiff also states that the trade name of the defendant no.1, “SAFEX SEED INDIA LTD. LLP” incorporates and subsumes the registered trademark “SAFEX” of the plaintiff.

27. Upon searching into the activities of the defendants, plaintiffs claims to have also discovered the Instagram page of the defendant no.1, wherein not



only the logo but also the trade name of the plaintiff is clearly being infringed by the defendants.

28. Plaintiff claims that the defendant no.1 has dishonestly adopted the identical trademark and deceptively similar trade name in identical goods and services being provided only to free right upon the hard earned goodwill and reputation of the plaintiff's trademark "SAFEX". According to the plaintiff, there is no reasonable cause or justification to adopt the impugned mark by the defendant no.1. As per the plaintiff, the consumers being farmers and agriculturists for both the parties, such unlawful adoption will clearly result in confusion and deception in the minds of the general public. Plaintiff claims that the aforesaid acts are likely to mislead its consumers.

29. In view of the above, the plaintiff seeks *ex-parte ad-interim* injunction against the defendants.

30. This Court has heard the arguments of Mr. Vutts, learned counsel for the plaintiff and examined the records of the case.

31. In order to assess and ascertain the similarity/deceptive similarity between the trade name and trademarks of both the parties, it would be relevant to reproduce hereunder a table of comparison:

<i>Trade mark/Trade name of the Plaintiff</i>	<i>Trade mark/ Trade name of the Defendant No.1</i>
<p style="text-align: center;"><b>SAFEX</b></p>  <p style="text-align: center;"><b>SAFEX CHEMICALS (INDIA) LIMITED</b></p>	<p style="text-align: center;"><b>SAFEX</b></p>  <p style="text-align: center;"><b>SAFEX SEED INDIA LLP</b></p>

32. From a simple and plain perusal of both the marks, it is apparent that between the trademark of the plaintiff "SAFEX" and that of the defendant



no.1 “SAFEX”/ “SAFEX SEED”, there is no distinction at all. The inclusion of the word “SEED” by itself is not distinctive and rather is descriptive of the goods and the services being provided by the defendant no.1. As such, the suffix “SEED” shall not distinguish the mark of the defendant no.1 from that of the plaintiff. That apart, so far as the trade name is concerned, it is apparent that the words “SAFEX” and ‘India’ is common to both the trade names interspersed by the words “Chemicals” and “Limited” which has been replaced by the word “SEED” and “LLP” by the defendant no.1. Such interspersed words may not carry any value to the ultimate consumer, who would be a purchaser of the products merely by the memory which would recall, at the first instance, the word “SAFEX”.

33. It is also relevant to note that the logo of the plaintiff and defendant no.1 are also deceptively similar if not identical. While the plaintiff uses the pictography of two leaves before its mark “SAFEX”, the defendant no.1 uses two leaves of two different colours at the end of the mark “SAFEX”. The defendant also uses the words “SEED INDIA LLP” as a subscript in small font. However, what is prominent clearly is the word “SAFEX”. It is also relevant to note that both the marks appear to be in Dark Blue colour or Black colour and written in a stylised manner.

34. While appreciating the aforesaid, it has to be borne in mind and evidently so, that the ultimate consumer for the products manufactured by both the parties are farmers and agriculturists who may simply go by the reputation of the brand “SAFEX” rather than inquire into as to whose products are they ultimately purchasing.

35. The aforesaid shall also be clearer by appreciating the photographs of the defendant no.2’s products, which has been placed on record by the plaintiff in para 38 of the plaint. The words “SAFEX” in Hindi on the packaging/trade dress of the defendants’ product alongwith the words



“SAFEX SEEDS” on the rear side of the packaging may project to the ultimate consumer as if the product is manufactured by the plaintiff. Moreover, the third photograph also displays the trade name of the defendant no.1 i.e. “SAFEX SEEDS” which too incorporates and subsumes the trademark “SAFEX” of the plaintiff.

36. The Instagram page of the defendant no.1 also prominently displays the logo and the mark “SAFEX” which is identical or deceptively similar to that of the plaintiff.

37. The sales turnover placed on record by the plaintiff and supported by promotional material like invoices of having engaged entities for carrying out promotions as also the screenshots of social media platform whereby the plaintiff has widely advertised and sought to popularise its products under the trademark “SAFEX”, cumulatively, *prima facie* establish substantial goodwill and immense reputation garnered over last many years by the plaintiff in respect of goods manufactured by it under the trademark and logo “SAFEX”/



38. The plaintiff has also been vigilant to protect its trademark and trade name by filing lawsuits in the District Courts at Delhi against similar alleged infringers and has obtained favourable interim orders, which demonstrates its commitment to protect its trademark, logo and trade name.


39. The plaintiff has been able to *prima facie* establish a strong case in its favour and against the defendant. The balance of convenience is tilted in favour of the plaintiffs. The plaintiff shall suffer irreparable loss and injury which may not be adequately compensated in monetary terms in case *ex-parte ad-interim* injunction is not granted to the plaintiff.

40. Therefore, the following directions are passed:



A. Defendants, their partners or proprietors, officers, servants, agents, their assigns in business, dealers and others associated with it are restrained from using, marketing, offering for sale, selling, licensing, advertising, directly or indirectly dealing in any identical goods and services online

or offline of the plaintiff's SAFEX/  trademarks or any other mark, name, logo, monogram or label that is or may be identical with

or deceptively similar to the plaintiff's trademark SAFEX/  either as a trademark, trading name, domain name etc. or a part thereof or as a part of the packaging, artwork, get up, layout, design ;

B. Defendants, their partners or proprietors, officers, servants, agents, their assigns in business, dealers and others associated with it are restrained from copying, reproducing, adopting and/or using the plaintiffs artistic device or logo or any other artistic work, product packaging of the plaintiffs products which imitates the plaintiffs artistic device/logo in entirety or part there off, as a part of the packaging, art work, get up, layout and/or design.

41. Issue notice.

42. 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.

43. Compliance of Order XXXIX Rule 3 of CPC shall be done within ten days from date.

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44. Let the plaint be registered as a suit.

45. Upon filing of the process fee, issue summons of the suit to the

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defendants through all permissible modes.

46. 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.

47. 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.

48. 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.

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

50. List before the Joint Registrar (Judicial) on 14.08.2026 for completion of service and pleadings.

51. List before the Court on 18.11.2026.

**TUSHAR RAO GEDELA, J**

**MAY 26, 2026/anj**