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

+ **CS(COMM) 545/2026**

**CIPLA HEALTH LIMITED & ANR. ....Plaintiffs**

Through: Ms. Swathi Sukumar, Senior Advocate with Ms. Archana Sahadeva, Mr. Harshit B., Mr. Ritik Raghuvanshi, Ms. Rishika Aggarwal and Ms. Anshu Tulsyan, Advocates.

versus

**MAXX FARMACIA INDIA LLP & ORS. ....Defendants**

Through: None.

**CORAM:  
HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**

% **29.05.2026**

**I.A. 14366/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)**

1. Summons in the suit and notice in the present application were issued to the Defendants on 21.05.2026, returnable for today, looking at the urgency of the interim relief sought.
2. Affidavit of service has been filed on behalf of the Plaintiffs, which is not on record. Copy of the same has been handed over by Ms. Swathi Sukumar, learned Senior Counsel appearing for the Plaintiffs and is taken on record.
3. As per the affidavit of service and the documents appended thereto, including postal vouchers and tracking reports of service through Speed Post and courier show that Defendants have been served. Additionally, Defendants have also been served through electronic mode. There is no appearance on behalf of the Defendants.



4. As set out in the plaint, case of the Plaintiffs is that the trademark MAXIRICH was honestly and *bona fide*ly adopted by Plaintiff No. 2 in 2003 for nutritional supplements and is a fanciful term with no dictionary meaning or correlation to the nutritional supplements and is thus inherently distinctive. Plaintiffs entered into a Business Transfer Agreement by which all rights, title and interest along with goodwill in the mark was transferred to Plaintiff No. 1, who is thus the registered proprietor of MAXIRICH with its variants as follows:-

Sl. No.	Trade Mark	Class	Application Number	Status
1.	MAXIRICH	5	1580818	Registered
2.	MAXIRICH ZINCPLUS	5	5298369	Registered
3.	MAXIRICH KIDS	5	5298371	Registered
4.	MAXIRICH JUNIORS	5	5298098	Registered

5. It is stated that in 2014, Plaintiffs adopted a unique and distinctive trade dress for packaging for Multivitamin Softgel Capsules range of products as follows:-





6. It is stated that the said packaging/layout in its entirety is unique and original with features such as motif consisting of a projectile shaped boundary and unique colour combination of red, maroon and black. From 2020 onwards, Plaintiffs adopted the following trade dress for the multivitamin products:-

Sr. No.	Brand	Product Pack
1.	MAXIRICH Daily Multivitamin Softgel Capsules Carton Capsule Pack	
2.	MAXIRICH Daily Multivitamin Softgel capsules Bottle	



		
3.	<b>MAXIRICH Multivitamin Syrup</b>	
4.	<b>MAXIRICH Iron Tonic</b>	

7. It is stated that Plaintiffs have been continuously using the trademark AZIMAX since its adoption in 2005 by Plaintiff No. 2 *albeit* it is admitted



that Defendant No. 1 has obtained registrations in the impugned marks



and AZOMAXX under applications filed on 'proposed to be used' basis in 2015.

8. Ms. Swathi Sukumar, learned Senior Counsel for the Plaintiffs submits that Defendant No. 1 operates an active website <https://maxxfarmacia.com/> as well as other social media handles on Facebook, Instagram etc., and Defendants No. 2 and 3 also operate and maintain active websites <https://marinelifesciences.in/> and <https://saitechmedicare.in/>, respectively and have *mala fidely* adopted the



trade dress with a clear intention to come as close as possible to the Plaintiffs and this is corroborated by the manufacturing date associated with the said trade dress of Defendants' product, which is accessible at [https://www.youtube.com/watch?v=\\_fETZiS5fhM](https://www.youtube.com/watch?v=_fETZiS5fhM) as follows:-






9. It is urged that in the present case, the test of passing off is completely satisfied. Plaintiffs have earned an enviable reputation and goodwill by sale of products under the trademark MAXIRICH and annual turnover is as follows:-

<b>CIPLA LIMITED</b>	
<b>Financial Year</b>	<b>Sales Figures (INR)</b>
2010-11	2,70,04,465
2011-12	2,90,27,727
2012-13	3,61,38,196
2013-14	4,40,28,866
2014-15	6,18,27,637
2015-16	6,73,95,125
2016-17	7,52,21,650
2017-18	9,38,34,661
2018-19	8,50,23,381
<b>CIPLA HEALTH LIMITED</b>	
2019-20	2,01,76,000
2020-21	15,88,77,000
2021-22	22,31,86,000
2022-23	25,23,66,000
2023-24	27,32,13,000
2024-25	38,48,48,044

10. It is asserted that Plaintiffs have invested substantial sums of money in promotion and advertisement of their product as per figures furnished in the plaint and many Bollywood celebrities such as Mr. Ayushman Khurana

are the brand ambassadors. The impugned mark  is nearly identical to Plaintiffs' mark MAXIRICH and the rival trade dresses are also nearly identical. The rival products are multivitamins, iron tonics, syrups and antibiotics and the trade channels and class of consumers are



common and therefore, confusion among members of the public is inevitable. Learned Senior Counsel relies on the judgment of the Supreme Court in *Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd., (2001) 5 SCC 73*, to submit that in pharma products, more particularly, the antibiotics in this case, the threshold of confusion is different and therefore given the near identity of trademarks and trade dress, consumers are bound to be confused.


11. After hearing learned Senior Counsel for the Plaintiffs, I am of the view that *prima facie* case has been made out for grant of ad interim injunction. Balance of convenience lies in favour of the Plaintiffs and in case the interim relief is not granted, irreparable harm shall be caused to the Plaintiffs. The rival products in the instant case are multivitamin capsules and more particularly, Azithromycin antibiotic tablets. It needs no reiteration that confusion amongst consumers in pharma matters can be extremely detrimental and this would be specially applicable to the antibiotics in question. Defendants have copied nearly identical trade dress in terms of get-up, layout, colour combination, motif consisting of a projectile shaped boundary, silhouette of a jumping man/woman on the pack and the products being identical as also consumer base and trade channels being common, there is every likelihood of confusion. Defendants are attempting to come as close as possible to the Plaintiffs so as to encash on its formidable goodwill and reputation and pass off their goods as those of the Plaintiffs. Needless to state, this is resulting in irreparable damage to the Plaintiffs' reputation and goodwill and more importantly, the confusion arising from near identity of the trade dress with deceptively similar trademark will be extremely detrimental to public interest. Comparative table of the rival products is as



follows:-

PLAINTIFFS' PRODUCT	DEFENDANTS' PRODUCT
MAXIRICH	MAXXRICH
	

12. Accordingly, it is directed that till the next date of hearing, Defendants and all others acting on their behalf shall not sell, offer for sale, market and/or promote or advertise the impugned products i.e., multivitamins, iron tonics, syrups and antibiotics under the impugned trade

dress  and/or any other trade dress deceptively similar

to Plaintiffs' trade dress .



13. Plaintiffs shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from today.
14. Reply, if any, be filed by the Defendants within four weeks from today. Rejoinder, if any, be filed before the next date.
15. List before Court on 07.10.2026.

**JYOTI SINGH, J**

**MAY 29, 2026/RW**