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

+ **CS(COMM) 739/2026**

**M/S NAVA HEALTHCARE PVT LTD**

.....Plaintiff

Through: Mr. Jaspreet S. Kapur, Ms. Shweta  
and Mr. Danyal, Advocates.

versus

**M/S ANTEX PHARMA PVT LTD AND ANR**

.....Defendants

Through:

**CORAM:**

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

**ORDER**

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**24.07.2026**

**I.A. 18196/2026 (Exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**I.A. 18193/2026 (u/O XI Rule 1 (4) r/w Section 151 CPC)**

3. This application is filed on behalf of the Plaintiff seeking to place on record additional documents within 30 days.
4. Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly in accordance with provisions of the Commercial Courts Act, 2015.

5. Application is allowed and disposed of.

**I.A. 18194/2026 (for pre-institution mediation)**

6. This application is filed on behalf of the Plaintiff under Section 151 CPC read with Section 12A of the Commercial Courts Act, 2015 seeking exemption from Pre-Institution Mediation.



7. Having regard to the facts of the present case wherein urgent relief is prayed for and in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Keerthi*, (2024) 5 SCC 815, as also Division Bench of this Court in *Chandra Kishore Chaurasia v. RA Perfumery Works Private Ltd.*, 2022 SCC OnLine Del 3529, exemption is granted to the Plaintiff from Pre-Institution Mediation.

8. Application is allowed and disposed of.

**I.A. 18195/2026 (u/S 151 CPC)**

9. This application is filed on behalf of the Plaintiff seeking exemption from effecting advance service on the Defendants.

10. For the reasons stated in the application, the same is allowed exempting the Plaintiff from effecting advance service on the Defendants.

11. Application stands disposed of.

**CS(COMM) 739/2026**

12. Let plaint be registered as a suit.

13. Issue summons to the Defendants through all permissible modes, returnable before the learned Joint Registrar on 27.08.2026.

14. Summons shall state that the written statements shall be filed by the Defendants within 30 days from the date of receipt of summons along with affidavits of admission/denial of the documents filed by the Plaintiff.

15. It will be open to the Plaintiff to file replications within 30 days from receipt of the written statements along with affidavits of admission/denial of documents filed by the Defendants.

16. If any of the parties wish to seek inspection of any documents, the same be sought and given within the timeline prescribed in Delhi High Court (Original Side) Rules, 2018.



17. Learned Joint Registrar shall carry out admission/denial of documents and marking of exhibits.

**I.A. 18192/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)**

18. This application is filed on behalf of the Plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 of CPC for grant of *ex parte* ad interim injunction.

19. Issue notice to the Defendants through all permissible modes, returnable before Court on 03.12.2026.

20. Case of the Plaintiff as set out in the plaint is that Plaintiff company was incorporated in 2006 and since then is engaged in the business of marketing and sale of pharmaceutical products with focus on innovation, integrity and excellence and is stated to be a trusted innovator in the pharmaceutical industry, providing high-quality Generic and Over-the-Counter (OTC) medicines and specialized products in the field of gastroenterology and neurology. Plaintiff has grown into one of India's top pharmaceutical companies with a team of more than 250 trained sales professionals over 100 distributors and more than 20,000 stockists across India and in collaboration with WHO-certified and WHO-GMP-approved facilities Plaintiff ensures that every product meets international standards for safety, efficacy and consistency. Plaintiff purchased the domain name [www.navahealthcare.com](http://www.navahealthcare.com) on 09.08.2019 and since then has been marketing its products on the said website. Plaintiff markets around 185 products under different brand names.

21. It is stated that Plaintiff coined and adopted the trademark HAIRFUL



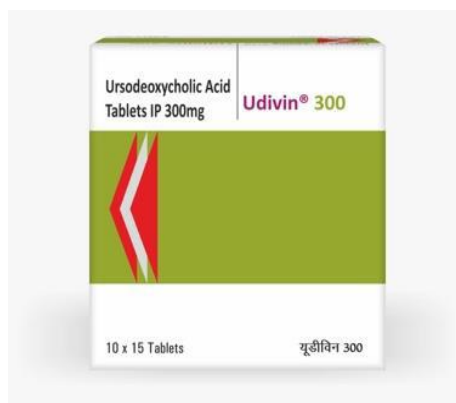
and the label in 2014 and started using the same in respect of



medicinal and pharmaceutical preparations. The label mark was granted registration on 30.08.2023 with the restriction '*mark shall be used as substantially represented and with no right over any of the words exclusively*'. Rectification petition filed by one Mr. Prabhat Kushwah is pending against the said registration.

22. It is stated that Plaintiff coined and adopted the trademark UDIVIN as also adopted a unique and distinctive trade dress and has been using the same since 2012 in respect of medicinal and pharmaceutical preparations.

The mark **UDIVIN** was registered on 06.02.2015 with user claim from 01.08.2012. Plaintiff adopted a distinct and unique trade dress/ packaging/layout/colour scheme for its products under the mark **UDIVIN** with a green and white combination and the distinct three arrows mark in the artistic work of which, Plaintiff has copyright registration. The trade dress/packaging is as follows:-



23. It is stated that the mark PANTOPRAZ I.V. and the unique trade dress/packaging were adopted by the Plaintiff in 2008 for injections used for treating acid related ailments of the stomach and intestine such as acid reflux, peptic ulcers and Zollinger-Ellison syndrome containing the molecule PANTOPRAZOLE. The trade dress has a unique artistic work with a green



and white colour scheme and incorporates the three arrows mark and is as follows:-

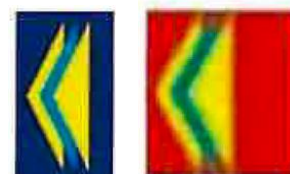


24. It is stated that Plaintiff got a device of three arrows created by Mr. Pramod Kumar and obtained copyright registration under No.A-143295/2022 dated 24.08.2022, which is valid and subsisting and grants exclusive rights to the Plaintiff under Section 14 of the Copyright Act, 1957. The device of three arrows is as follows:-



25. It is stated that in the month of December, 2024, Plaintiff came to know that Defendant No.1 in collaboration with Defendant No.2 and a third-

party had blatantly adopted deceptively similar devices





and for its CIZINE, IBUFLAM-P and RUSSOFF-DX products and accordingly, cease-and-desist notice dated 09.12.2024 was issued. For some time, internet search showed that Defendant No. 1 had removed the online postings and advertisements and no product was also found in the market, hence Plaintiff did not initiate any action. Moreover, parties were in touch and written communications were being exchanged. However, in the third week of June, 2026, Plaintiff noticed that Defendants were marketing and selling their products with virtually identical/deceptively similar trademarks/trade dresses/packages, which are subject matter of this suit and passing off their goods as those of the Plaintiff.

26. It is stated that Plaintiff has continuously, openly and extensively used



the label and the goodwill and reputation of the Plaintiff associated with the said mark is evident from the sales turnover as follows:-

| YEAR      | SALES TURNOVER (in Rs.) |
|-----------|-------------------------|
| 2014 - 15 | 21,60,075               |
| 2015 - 16 | 33,68,765               |
| 2016 - 17 | 47,47,286               |
| 2017 - 18 | 70,64,297               |
| 2018 - 19 | 75,97,226               |
| 2019 - 20 | 72,87,591               |
| 2020 - 21 | 1,99,17,336             |
| 2021 - 22 | 1,99,62,089             |
| 2022 - 23 | 44,66,440               |
| 2023 - 24 | 10,39,081               |
| 2024 - 25 | 3,59,06,455             |
| 2025 - 26 | 6,02,00,512             |



27. It is stated that the goods of the Plaintiff sold under the mark **UDIVIN** and related trade dress/packaging have earned extensive goodwill and reputation for the Plaintiff in India owing to their continuous and uninterrupted use for the past 14 years and for ready reference, the sales turnover is as follows:-

| YEAR    | SALES TURNOVER (in Rs.) |
|---------|-------------------------|
| 2017-18 | 15,22,115               |
| 2018-19 | 40,51,815               |
| 2019-20 | 71,22,272               |
| 2020-21 | 89,18,225               |
| 2021-22 | 1,12,02,922             |
| 2022-23 | 1,70,06,899             |
| 2023-24 | 3,75,82,021             |
| 2024-25 | 3,37,87,404             |
| 2025-26 | 4,81,00,423             |

28. It is stated that since 2008, Plaintiff has adopted the trade dress/ packaging for selling its product under the mark PANTOPRAZ I.V. and the trade dress and the mark are exclusively associated with the Plaintiff in the minds of public and the goodwill generated is reflected from the sales figures as follows:-

| YEAR      | SALES TURNOVER (in Rs.) |
|-----------|-------------------------|
| 2008 - 09 | 1,16,000                |
| 2009 - 10 | 13,54,440               |
| 2010-11   | 18,48,547               |
| 2011-12   | 13,53,900               |
| 2012-13   | 24,38,410               |
| 2013-14   | 41,95,150               |
| 2014 - 15 | 42,95,683               |
| 2015 - 16 | 29,17,991               |
| 2016 - 17 | 30,73,385               |
| 2017 - 18 | 27,83,109               |
| 2018 - 19 | 49,26,751               |
| 2019 - 20 | 44,95,851               |
| 2020 - 21 | 81,70,845               |
| 2021 - 22 | 85,32,302               |
| 2022 - 23 | 16,49,479               |
| 2023 - 24 | 99,47,418               |
| 2024 - 25 | 1,34,78,107             |
| 2025 - 26 | 67,88,491               |



29. Learned counsel for the Plaintiff submits that Plaintiff is the registered



proprietor of the label mark in Class 05 with user dating back to 15.01.2014. Defendants have adopted in the course of trade

deceptively similar label mark and trade dress/packaging for identical goods and the trade channels and consumer base being common, there is every likelihood of confusion amongst the public. Plaintiff

**UDIVIN**



is also the registered proprietor of trademark in Class 05 with user claim from 01.08.2012 and Defendants have adopted and are using deceptively similar trademark 'UDIS' with a trade dress, which has a deceptively similar colour scheme of white and green in relation to identical goods and thus confusion amongst members of public is inevitable. Defendants are thus infringing the registered marks of the Plaintiff. Plaintiff has garnered immense goodwill and reputation in the market, which is evident from the sales turnover in respect of its HAIRFUL (label) and **UDIVIN** (device) marks and the public associates these marks with the plaintiff alone, in respect of goods for which they are registered. Defendants have not only adopted deceptively similar marks but also deceptively similar trade dresses/ packaging/layout/getup/colour scheme for identical goods to encash on the immense goodwill and reputation of the Plaintiff and misrepresent to the public that their goods have a connection or affiliation



with the Plaintiff. This is causing irreparable harm and injury to the Plaintiff and amounts to passing off since all three ingredients of tort of passing off are met.

30. It is urged that Plaintiff has copyright registration for the artistic work in the three arrows mark, which is part of the trade dress **UDIVIN** and Defendants have strained every nerve to copy the arrow design for their



packaging/trade dress as also the backdrop colour green and the colour scheme to sail close to the Plaintiff and pass off their identical product. Mr. Kapur emphasizes that the rival goods in the instant case are pharmaceutical products where even a slight confusion can be detrimental to public interest. Defendants are misrepresenting to the members of public that their goods have some association with the Plaintiff or a commercial nexus and this is causing irreparable harm to its reputation.

31. Having heard learned counsel for Plaintiff and upon perusal of the documents as well as the rival marks and trade dresses/packaging, I am of the view that Plaintiff has made out a *prima facie* case for grant of *ex parte* ad interim injunction against the Defendants. Balance of convenience lies in favour of Plaintiff and it is likely to suffer irreparable harm in case the interim injunction, as prayed for, is not granted.

32. As averred in the plaint, Plaintiff is the prior user, adopter of the trade mark **HAIRFUL** and registered proprietor of the label mark



with user claim dating back to 2014. Plaintiff coined and adopted the trademark **UDIVIN** as also adopted a unique and distinctive trade dress and has been using the same since 2012 in respect of medicinal and pharmaceutical preparations. The mark **UDIVIN** was registered on 06.02.2015 with user claim from 01.08.2012. Plaintiff also adopted a distinct and unique trade dress/packaging/layout/colour scheme for its products under the said mark. In 2008, Plaintiff adopted the mark



PANTOPRAZ I.V. and its unique trade dress/packaging and since 2008, has been using the same continuously and uninterruptedly for the injections, which are used to treat various stomach and intestine related ailments. Plaintiff owns copyright registration for the artistic work



vide registration No. A-143295/2022 dated 24.08.2022.

33. As asserted in the plaint and rightly articulated by Mr. Kapur, Defendants have adopted deceptively similar trademarks and trade dresses for identical/similar goods. Plaintiff has registrations in HAIRFUL (label) mark as also UDIVIN (device) mark and thus has statutory right to their exclusive use as also to restrain third parties from using them, without

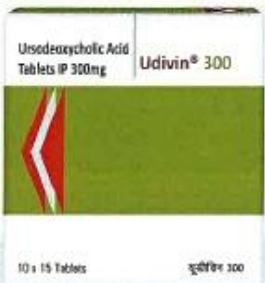
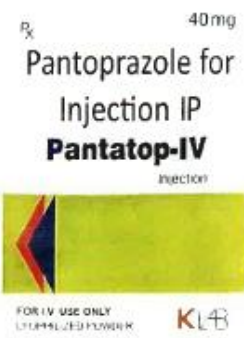


authorisation from the Plaintiff. Defendants are using label mark FULLHAIR, which is visually and phonetically deceptively similar to HAIRFUL label mark of the plaintiff for identical goods. Defendants have also adopted the mark UDIS, which is deceptively similar to Plaintiff's registered mark UDIVIN and trade channels and consumers being common, there is every likelihood of confusion amongst members of public and trade. *Prima facie*, Defendants are infringing the registered trademarks of the Plaintiff.

34. The table extracted below will demonstrate that Defendants have adopted colours and colour combinations of Plaintiff's trade dresses as also the unique three arrows artistic work of the Plaintiff, in which it has copyright registration. The intent of copying deceptively similar trademarks as also trade dresses is only to encash on Plaintiff's goodwill and reputation and misrepresent a commercial association and pass off the goods. It cannot be overlooked that in the instant case, the rival goods are pharmaceutical preparations and even slightest confusion may be detrimental to public interest. In ***Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd., (2001) 5 SCC 73***, the Supreme Court held that public interest would support lesser degree of proof showing confusion similarity in case of trademark in respect of medicinal product as against other non-medicinal products. Drugs are poisons, not sweets. Confusion between medicinal products may, therefore, be life threatening, not merely inconvenient. Noting the frailty of human nature and pressures on doctors, there should be as many clear indicators as possible to distinguish two medicinal products from each other. In a nutshell, the Supreme Court held that the threshold of measuring confusion must be different in pharmaceutical products as



compared to other products. Comparative table is extracted hereunder for ready reference:-

| PLAINTIFF                                                                           | DEFENDANT                                                                             |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
|    |     |
|   |     |
|  |  |
|  |  |

33. Accordingly, till the next date of hearing, Defendants and all others acting on their behalf are restrained from manufacturing, selling, offering for sale, advertising or promoting the impugned products under the impugned



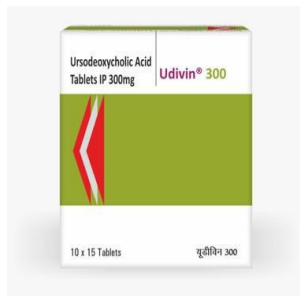
FULLHAIR label mark , trademark UDIS/trade dress



, trade dress and/or devices and/or any other trademark/trade dress/packaging deceptively similar to Plaintiff's



label mark , trademark UDIVIN/trade dress



, trade dress and/or using the three arrows



artistic work in any manner whatsoever, amounting to infringement of trademarks and copyright and/or passing off.

34. Plaintiff shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from today.

**JYOTI SINGH, J**

**JULY 24, 2026/YA**