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

\# **CNR No. DLHC010537082026**

\+ CS(COMM) 1207/2026

FINECURE PHARMACEUTICALS LIMITED .....Plaintiff

Through: Ms. Swathi Sukumar, Sr. Adv. with Mr. Nirupam Lodha, Mr. Asim Chaturvedi, Mr. Shashwat Rakshit & Ms. Nidhi Pathak, Advs.

versus

MR NILESH JAIN & ORS. .....Defendants

Through: None.

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

O R D E R

% 05.11.2026

IA No.30824/2026 (for exemption)

1. Exemption is allowed, subject to all just exception.

2. The Application stands disposed of.

IA No. 30823/2026 (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 ("**CC Act**").

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.

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IA No. 30825/2026 (Extension of time to file Court Fees)

6. The present Application has been filed by the Plaintiff under Section 149 read with Section 151 of the Code of Civil Procedure, 1908 ("**CPC**"), seeking exemption from payment of Court Fees at the time of the filing of the Suit.

7. Considering the submissions made in the present Application, time of two weeks is granted to deposit the Court Fees.

8. The Application stands disposed of.

IA No. 30821/2026 (U/O II Rule 2 of the CPC)

9. This is an Application filed on behalf of the Plaintiff under Order II Rule 2 read with Section 151 of the CPC seeking leave for adding and asserting further claims, adding further products of the Defendants, enhancing and adding claims, reliefs and damages, amending or adding new Parties to the list of Defendants.

10. Issue Notice, returnable on 03.03.2027.

11. Let the Reply to the present Application be filed within four weeks from date. Rejoinder thereto, if any, be filed before the next date of hearing.

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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.

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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 25.01.2027 for completion of service and pleadings.

IA No.30822/2026 (Additional Documents)

19. The present Application has been filed on behalf of the Plaintiff under Order XI Rule 1(4) of the CPC as applicable to Commercial Suits under the CC Act seeking leave to place on record additional documents.

20. 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.

21. Accordingly, the Application stands disposed of.

IA No.30820/2026 (U/O XXXIX Rule 1 & 2 of CPC)

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

23. The present Suit has been filed for seeking permanent injunction restraining the Defendants from reproducing, publishing, communicating to the public or otherwise infringing the Plaintiff's copyrighted works, including

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the contents and artistic material comprised in the Plaintiff's website hosted at www.finecurepharma.com ("**Plaintiff's Website**").

24. Learned Counsel for the Plaintiff has made the following submissions:

24.1. The Plaintiff, *Finecure Pharmaceuticals Limited*, is a pharmaceutical and nutraceutical manufacturing company, which has been engaged in the business of medicinal and pharmaceutical preparations since 1996 under the brand name 'FINECURE'.

24.2. The Plaintiff has, over the years, grown into a global pharmaceutical and nutraceutical manufacturer, engaged in the manufacture and sale of several over-the-counter (OTC) products. The Plaintiff offers a broad spectrum of more than 250 formulations across various therapeutic categories, including anti-infectives and antibiotics, cardiovascular and metabolic care, gastrointestinal and hepatic care, respiratory and anti-allergic care, orthopaedics and analgesics, neurology and axonal regeneration, and nutritional supplements. These formulations are sold under various brand names, including but not limited to FINEMOX, FINETRIAX, BPGARD, CAROSU, RABIFINE, PEPCARE, MYNERVE and MENUVIT.

24.3. The Plaintiff has a presence in more than 20 international markets and has established a substantial business in the pharmaceutical and nutraceutical sectors.

24.4. The Plaintiff is the owner of copyright registration bearing Registration No. A/79409/2007 in original artistic work

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and original literary works comprised in Plaintiff's Website, including the text contents, product descriptions, articles, photographs, images, graphics, layout, colour scheme, arrangement and overall design ("**Plaintiff's Copyrighted Works**").

24.5. The Plaintiff's Website was registered on 07.06.2005 and has since been continuously maintained, updated and developed by the Plaintiff, along with the Plaintiff's Copyrighted Works, to reflect its products, services and corporate information, involving significant investment of time, skill, labour and resources.

24.6. The Plaintiff's Website was created by Tristate Technology LLP ("**Agenc**y") on the specific instructions of, and under the direction and control of, the Plaintiff. By way of a letter dated 07.09.2026, the Agency assigned, transferred and conveyed to the Plaintiff, absolutely and in perpetuity, all right, title and interest, including copyright, in the Plaintiff's Copyrighted Works.

24.7. Further, the individual artwork of the Plaintiff's products and the other original elements appearing on Plaintiff's Website were created by its employees in the course of their employment. The Plaintiff's Website also carries a copyright notice at the footer of each webpage stating "© *Finecure Pharmaceuticals Limited. All rights reserved*".

24.8. Defendant No. 1, is the domain name registrant of the website hosted at www.cubitlifesciences.com ("**Impugned Website**"). Defendant No. 2, *M/s Cubit Lifesciences LLP*, is a limited liability partnership engaged in the pharmaceutical business, having its

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registered address at Gujarat and Defendant Nos. 3 to 7 are the designated partners of Defendant No. 2, responsible for the conduct of Defendant No. 2 business.

24.9. In the fourth week of October 2026, the Plaintiff came across the Impugned Website and discovered that the Defendants had substantially reproduced, adapted and communicated the Plaintiff's Copyrighted Works, without its authorisation and immediately caused a screen recording of the Impugned Website to be made on 27.10.2026, the hash value of which has been recorded and verified.

24.10. Upon further checks the WHOIS records and ICANN lookup revealed that the Impugned Website was registered on 13.08.2026 by Defendant No. 1.It was further submitted that Defendant No. 1 appears to be associated with *M/s CRAnTI Technologies Pvt. Ltd.*, an IT and web development agency.

24.11. The Defendant Nos. 2 to 7 were also aware of the Plaintiff and its business since 2014. Defendant No. 3, had entered into an agreement dated 17.04.2014 with the Plaintiff for third-party manufacturing of pharmaceutical preparations. Under the said agreement, the Plaintiff manufactured pharmaceutical preparations in accordance with Defendant No. 3's specifications, which Defendant No. 3 branded and marketed as its own until 2018. The Defendants were, therefore, familiar with the Plaintiff's business and products and deliberately targeted the Plaintiff.

24.12. The *mala fide* nature of the Defendants' conduct is further evident from the internal inconsistencies appearing on the Impugned

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Website.The Defendants have reproduced substantial portions of the Plaintiff's Copyrighted Works on the Impugned Website, including its corporate content, text, tagline, product packaging and artwork, photographs, and website content and design. The specific instances of such reproduction, are as follows:

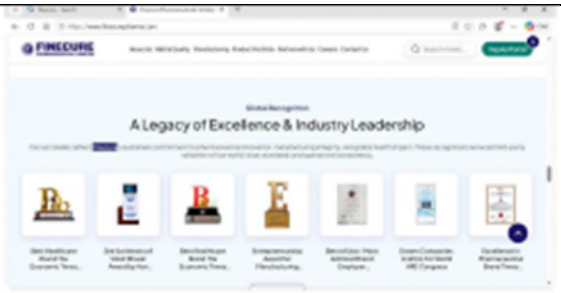
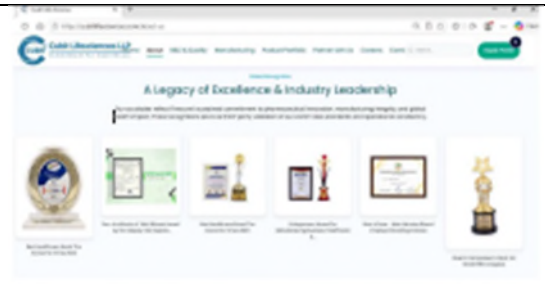
a. The Impugned Website reproduces the Plaintiff's corporate identity and particulars, including its CIN, registered office address, year of incorporation and DUNS® registration status.
b. The Impugned Website contains repeated references to the Plaintiff.
c. The Defendants have adopted the Plaintiff's tagline "Making Lives Healthier" as their own "mission" and "foundational mandate".
d. The Impugned Website displayed the Plaintiff's product packaging and artwork for FINEMOX, FINETRIAX, BPGARD, CAROSU, MYNERVE, RABIFINE, PEPCARE and MENUVIT, which were subsequently removed.
e. The Impugned Website displays photographs of the Plaintiff's product packs bearing Plaintiff's Copyrighted Work**s**.
f. The Defendants have reproduced substantially verbatim the text, layout and design of the Plaintiff's Website, including its statistics, manufacturing-related content, the amoxicillin-clavulanate section, the people and culture section, news posts, and header and footer design.
g. The Defendants have represented the Plaintiff's business particulars and achievements, including its awards,

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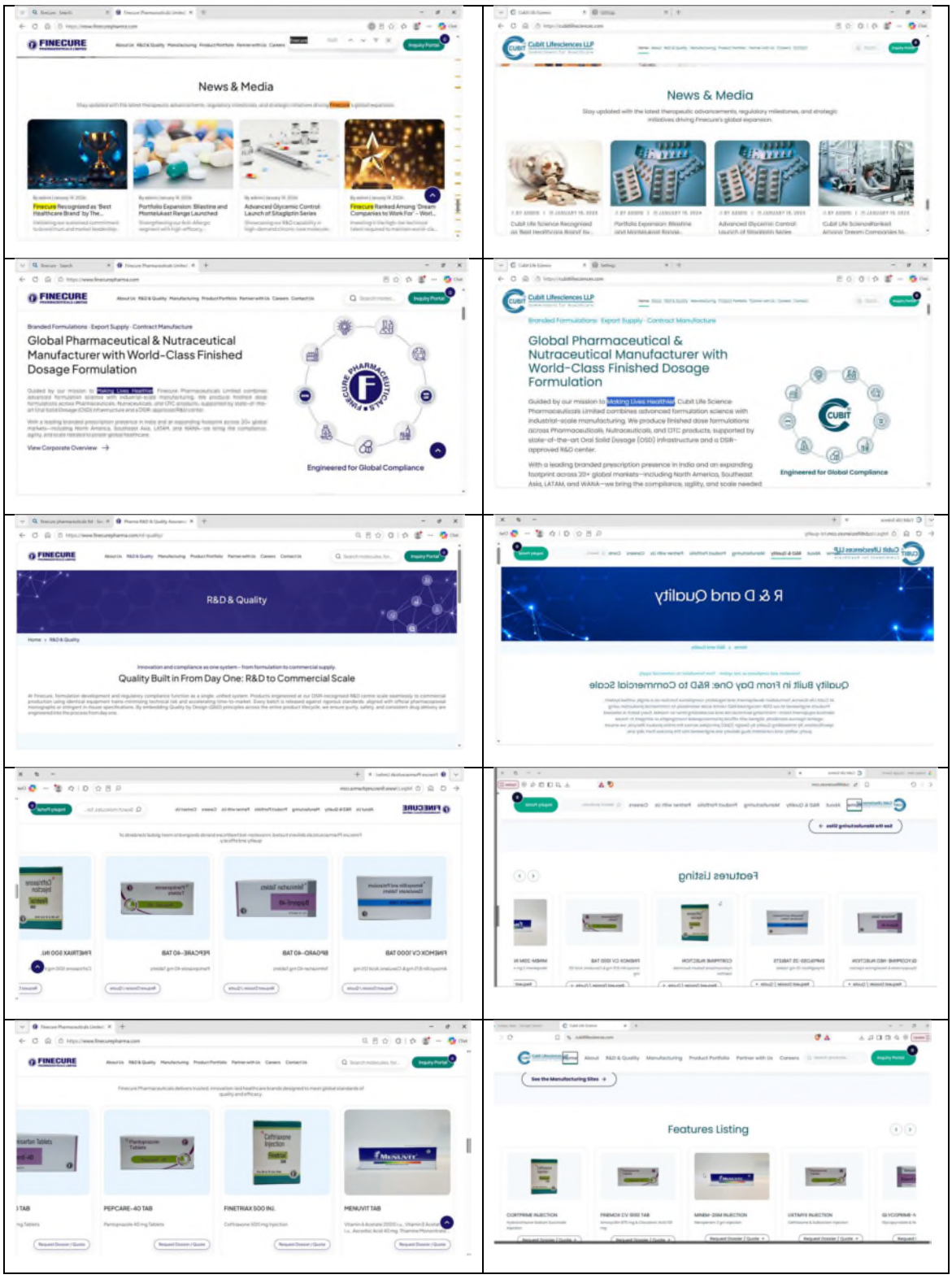
manufacturing credentials, capacities, workforce and product portfolio, as their own, and used them to solicit business through enquiry portals, quotation requests and institutional and tender supply offerings.

24.13. The unauthorised reproduction, adaptation and communication to the public of the Plaintiff's Copyrighted Works by the Defendants, without the Plaintiff's licence or consent, infringes the Plaintiff's exclusive rights in Plaintiff's Copyrighted Works under Section 14 and constitutes infringement under Section 51 of the Copyright Act, 1957.

24.14. The Plaintiff's Copyrighted Works have been substantially reproduced and unauthorizedly used on the Impugned Website, in relation to identical business. A comparison table of the Plaintiff's Website and the Impugned Website is set out hereunder:

PLAINTIFF'S WEBSITE	IMPUGNED WEBSITE
	
	

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25. The material placed on record, including the assignment letter dated 07.09.2026 and Copyright Registration No. A/79409/2007, lends *prima facie* support to the Plaintiff's claim. A comparison of the Plaintiff's Website with the Impugned Website reveals substantial reproduction of the Plaintiff's original content, including its text, photographs, graphics and product packaging artwork. The Impugned Website also reproduces the Plaintiff's corporate identity and particulars, repeatedly refers to the Plaintiff by name, adopts its tagline "Making Lives Healthier" as its own, and displays photographs of the Plaintiff's product packs bearing its original artistic work. Further, the Impugned Website reproduces substantial portions of the Plaintiff's website content, including its layout and design, and represents the Plaintiff's business credentials and achievements as those of the Defendants. These instances, taken cumulatively, *prima facie* indicate unauthorised reproduction and use of the Plaintiff's Copyrighted Works. Accordingly, the Plaintiff has made out a *prima facie* case of copyright infringement.

26. The balance of convenience lies in favour of the Plaintiff, as the Defendants have not demonstrated right or authorisation to use the Plaintiff's Copyrighted Works. Permitting Defendants continued use would enable unauthorised commercial exploitation of the Plaintiff's Copyrighted Works and adversely affect its commercial interests and reputation. Conversely, restraining such use would cause no legitimate prejudice to the Defendants.The Plaintiff would suffer irreparable injury as the Defendants' continued unauthorised use may expose its reputation and brand equity to harm, resulting in erosion of consumer trust and market credibility, which cannot be adequately compensated by monetary damages.

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27. Accordingly, the Defendants, their partners, officers, agents, and anyone acting on their behalf are restrained from uploading, reproducing, publishing, communicating to the public and in any other manner infringing the Plaintiff's Copyright Works bearing Registration No. A/79409/2007 in original artistic work 

and original literary works comprised in Plaintiff's Website, including the text contents, product descriptions, articles, photographs, images, graphics, layout, colour scheme, arrangement and overall design, including the contents and look and feel of the Plaintiff's Website, in any manner whatsoever, amounting to infringement of the Plaintiff's Copyright Works.

28. 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.

29. The compliance of Order XXXIX Rule 3 of the CPC be done within three weeks.

30. List before this Court on 03.03.2027.

TEJAS KARIA, J

NOVEMBER 5, 2026
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