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

% *Date of Decision :30.01.2018*

+ CS(OS) 465/2014, I.A. 3130/2014 and I.A. 6471/2017

MANKIND PHARMA LIMITED Plaintiff
Through Ms.Ishanki Gupta and Mr.Harsh
Vardhan, Advs.

versus

MANKIND ADVERTISING OF NO 148,
VALLUVARKOTTAM HIGH ROAD Defendant
Through Defendant ex-parte

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

JAYANT NATH, J. (ORAL)

CS(OS) 465/2014

1. The present suit is filed seeking permanent injunction for passing off, infringement of trade mark MANKIND and rendition of accounts etc.
2. It is the case of the plaintiff that the trade mark MANKIND as a part of the plaintiff's trading style was adopted by the plaintiff company in the year 1986. On 03.07.1991, the plaintiff was incorporated as a private limited company with the trading style Mankind Pharma Pvt. Ltd. Subsequently, it was converted into a Public Ltd. Company. It is contended that the plaintiff group is widely appreciated for immense contribution in the field of pharmaceutical and Over-the-Counter (OTC) Drugs Categories. It is claimed that the plaintiff has coined numerous marks by adding "MANKIND". There are said to be 150 trade marks registered with the

suffix/prefix “MANKIND” and/or “KIND”, details of the registered trade marks have been given in para 7 of the plaint. Various applications of registration in different class of the trade mark are also said to be pending details of which have been given in para 8 of the plaint.

3. It is also pleaded that the plaintiff has applied for registration of the mark “MANKIND” in various countries, details of which have been given in para 9 of the plaint.

4. It is further pleaded that for the year ending 31.03.2013, the plaintiff group of companies had a consolidated turnover of Rs.2498 crores.

5. It is further the case of the plaintiff that in July, 2013, the plaintiff came to know about the website of the defendant mankind.advertising.com whereby the defendant is offering services for selling, designing etc. Defendant claims to be in existence since 2006.

6. To ensure that the distinctiveness of the plaintiff’s mark MANKIND be not diluted, on 09.07.2013, the plaintiff is said to have served a ceased-and-desist notice on the defendant.

7. It is pleaded that the defendant has maliciously adopted the trade name MANKIND ADVERTISING. The defendant has appropriated the renowned trade mark MANKIND of the plaintiff for its goods/services, simply to cause deception and confusion in the minds of purchasers, so as to pass off its services as that of plaintiff.

8. It is pleaded that said act of the defendant tantamount to infringement of the trade mark of the plaintiff and also passing off its products as that of the plaintiff.

9. As per order dated 19.12.2017 of the Joint Registrar, defendant have been served by way of publication on 12.09.2017. None has appeared for

the defendant nor any written statement has been filed.

10. Accordingly, in terms of Order VIII Rule 10 CPC, a decree is passed in favour of the plaintiff and against the defendant in terms of para 53 (a) and (b) of the plaint. The plaintiff shall also be entitled to costs.

11. Suit stands disposed of. All pending applications, if any, also stands disposed of.

JANUARY 30, 2018

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JAYANT NATH, J

