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

+ **C.O. (COMM.IPD-TM) 107/2022**

MANKIND PHARMA LTD.

..... Petitioner

Through: Mr. Hemant Daswani, Ms. Saumya
Bajpai and Ms. Pranjal, Advocates.

versus

SHREEKIND LIFE SCIENCES PVT LTD & ANR Respondents

Through: Mr. Krish Kalra, Advocate.
Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Alexander Mathai Paikaday and
Mr. Krishnan V., Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

01.03.2024

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1. Parties have executed Settlement Agreement dated 11th January, 2024, before the Delhi High Court Mediation and Conciliation Centre, which is accompanied with respective Board Resolutions in favour of authorised representatives of Petitioner and Respondent No. 1.

2. In terms of the said settlement, Respondent No. 1, *inter alia*, agrees to the following:

2.1 Respondent No. 1 acknowledges the proprietary rights of Petitioner in trade mark "MANKIND" and in the family of marks containing word "KIND" in relation to medicinal and pharmaceutical preparations and undertake neither to adopt/register/use the same at any point of time nor to



challenge the validity of any of the same at any point of time.

2.2 Respondent No. 1 agrees to discontinue the use of the name “SHREEKIND” and “SHREEKIND LIFE SCIENCES” and/or any other mark with the word element “KIND” and/or any other mark which is deceptively similar to that of the Petitioner’s mark “MANKIND” and/or any other mark with the word “KIND” and/or the ‘family of marks’ containing the word “KIND”, in any manner whatsoever.

3. Although the Settlement Agreement does not clarify the status of the impugned mark, however, Mr. Krish Kalra, counsel for Respondent No. 1, on instructions, fairly states that in view of the fact that Respondent No. 1 has agreed to discontinue the use of mark “SHREEKIND” as well as “SHREEKIND LIFE SCIENCES”, it would be appropriate for this Court to allow the present petition and direct the cancellation of the impugned mark.

4. As also agreed by Mr. Hemant Daswani, counsel for Petitioner, this would be the appropriate course to finally resolve the dispute between the parties.

5. The present petition is disposed of by taking the Settlement Agreement on record. The parties shall remain bound by the said Agreement. Additionally, it is directed that:

5.1 Registration under application No. 3993430 dated 6th November, 2018 for mark “SHREEKIND LIFE SCIENCES” in class 5, is cancelled.

5.2 Trademark Registry shall issue appropriate notification to this effect.

5.3 Registry is directed to supply a copy of the present order to the Trade Marks Registry at llc-ipo@gov.in for compliance.

6. It is however made clear that the cancellation of the mark would not affect Respondent No. 1’s right to exhaust their stock under the mark



“SHREEKIND” and “SHREEKIND LIFE SCIENCES”, in terms of paragraph (f) of the Settlement Agreement.

SANJEEV NARULA, J

MARCH 1, 2024

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