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

+ **CS(COMM) 232/2024 & I.A. 6244/2024**

MANKIND PHARMA LIMITED

.....Plaintiff

Through: Ms. Saumya Bajpai, Adv.
(M- 8826576220)

versus

CONCORD BIOTECH LIMITED

.....Defendant

Through: Mr. Manish Kumar Mishra and Ms.
Shrvti Manchanda, Advocates.
Mob: 9873553260

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
29.08.2024

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1. The present suit has been filed by the plaintiff seeking a decree of permanent injunction restraining the defendant from manufacturing, dealing, distributing or selling any medicinal or pharmaceutical preparations under the trademark 'CONCORD BIOTECH, Biotech for Mankind' and/or any other trade name/trademark with the word element 'MANKIND' amounting to infringement of the plaintiff's mark 'MANKIND'.
2. The parties were referred to Mediation vide order dated 13th May, 2024, wherein, they have successfully negotiated a settlement and executed a Settlement Agreement dated 19th July, 2024 before the Delhi High Court Mediation and Conciliation Centre.
3. Learned counsel appearing for the parties confirm the terms of the



settlement, and pray that the suit be decreed in terms, thereof.

4. The Court has perused the terms of the settlement and finds the same to be lawful.

5. As per the settlement, the defendant has acknowledged the proprietary rights of the plaintiff's in its trademark 'MANKIND' and the plaintiff's 'KIND' family of marks, containing the word element 'KIND', *inter alia*, in relation to medicinal and pharmaceutical preparations and has undertaken neither to adopt/use/register, directly or indirectly, other than what is presently being used as a tagline 'Biotech for Mankind', the plaintiff's trademark 'MANKIND' and or deceptively similar mark to the plaintiff's trademark 'MANKIND'.

6. The defendant has further acknowledged and undertaken to only use the trademark 'MANKIND' as a word in its tagline 'CONCORD BIOTECH, Biotech for Mankind' and not use 'MANKIND' and/or any other mark with the word element 'KIND' and/or any other mark, which is similar/deceptively similar to that of the 'MANKIND's mark or any other mark with the word element 'KIND' and/or 'family of marks' containing the word element 'KIND' in any manner whatsoever.

7. In terms of the settlement, the defendant has also undertaken to withdraw the trademark application bearing no. 5562429 filed before the Registrar of Trade Marks.

8. In view thereof, the present suit is decreed in favour of the plaintiff and against the defendant in terms of Settlement Agreement dated 19th July, 2024, which shall form part of the decree.

9. The parties shall remain bound by the terms and conditions of the settlement.



10. In view of the fact that the parties have arrived at a compromise, the Registry is directed to issue a certificate for refund of full court fee in favour of the plaintiff.
11. Decree sheet be drawn up.
12. Accordingly, the suit, along with the pending application, stands disposed of.
13. The next date of hearing of 14th October, 2024, stands cancelled.

MINI PUSHKARNA, J

AUGUST 29, 2024
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