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

+ **CS(COMM) 405/2020, I.A. 8769/2020**

MANKIND PHARMA LIMITED

..... Plaintiff

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

versus

ALLKIND HEALTHCARE & ANR.

..... Defendants

Through: Mr. Neeraj Grover and Mr. Kashish
Vij, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

24.05.2024

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1. The Plaintiff has filed the present suit for protection of their registered trademark “MANKIND” and other “KIND” formative marks. It is argued that use of the mark and trade name “ALLKIND HEALTHCARE” by the Defendants infringes the Plaintiff’s trademark under Section 29(2) and 29(5) of the Trademarks Act, 1999.

2. On the previous occasion, the Court was hearing arguments on the aspect of grant of interim injunction during the pendency of the present suit. The matter was listed today for further hearing. Today, Mr. Neeraj Grover, counsel representing the Defendants, on instructions from his clients, submits that the Defendants are willing to adopt another mark/ trade name in place of “ALLKIND HEALTHCARE”, which shall not contain the word/ element “KIND.” This transition will be effected on or before 31st March,



2025. He states that Defendants shall intimate their revised trade name/mark at least seven days prior to adoption. Further, Defendants undertake to not use any trademark containing the word “KIND” in respect of pharmaceutical products.

3. Mr. Grover states that the suit can be disposed of, provided the Plaintiff does not insist for imposition of costs or damages.

4. In view of the Defendants’ stance, for amicable resolution of the dispute, Mr. Hemant Daswani, counsel for Plaintiff, states that the Plaintiff is willing to waive their claim for damages and costs and the suit can be disposed of in terms of Mr. Grover’s statement.

5. Considering the above, binding the Defendants to the statement made by Mr. Grover as recorded above, the suit is decreed in the above terms.

6. Decree sheet be drawn up.

7. Suit and pending applications are disposed of.

SANJEEV NARULA, J

MAY 24, 2024

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