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

+ **CS(COMM) 411/2024 & I.A. 29477/2024**

SANOFI INDIA LIMITED

..... Plaintiff

Through: Mr. Peeyoosh Kalra, Ms. V. Mohini
and Ms. Pragati Agrawal, Advocates.

versus

BULLFORD WORLD LIMITED & ANR.

..... Defendants

Through: Ms. Rajeshwari H., Mr Deepanshu
Nagar and Ms. Saakshi Khandelwal,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

27.05.2024

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1. Let the plaint be registered as a suit.
2. Issue summons. Summons are accepted by Ms. Rajeshwari H, counsel for Defendants.
3. The Plaintiff is the registered proprietor of the trademark "COMBIFLAM" and its derivative variants, which are utilised for pharmaceutical preparations containing ibuprofen and paracetamol tablets. They have instituted the present lawsuit alleging that the Defendants are infringing on their trademark and committing passing off by using the marks "CANIFLAM"/ "BULLFORD CANIFLAM" for identical medicinal products.
4. Ms. Rajeshwari H., counsel for Defendants, states that Defendant No. 1 is the registered proprietor of the impugned mark "BULLFORD CANIFLAM" bearing registration No. 4382870, which has been in



continuous use since 2007. However, with an intent to resolve the suit, the Defendants are agreeable to discontinue the use of the impugned mark “CANIFLAM”/ “BULLFORD CANIFLAM,” provided that the Plaintiff does not insist for the relief of costs or damages against the Defendants.

5. Ms. Rajeshwari submits that the Defendants will cease the use of the impugned marks, effective from 01st June, 2024. She however, requests that the Defendants be granted a period of three months to deplete their existing inventory of pharmaceutical products branded with the impugned mark. Additionally, she undertakes that the Defendants will submit a detailed statement of their stock as of 31st May, 2024. This statement will include pertinent details, such as batch numbers and dates of manufacture and will be provided by the end of the first week of June.

6. In light of the stand taken by the Defendants, Mr. Peeyoosh Kalra, counsel for Plaintiff, on instructions, states that the Plaintiff is willing to waive the relief of costs and damages and the suit can be disposed of on this basis.

7. In view of the above, following directions are issued:

7.1. The suit is decreed, binding the Defendants to the statement made by their counsel.

7.2. The Defendants shall cease manufacturing of fresh products under the impugned trademark “CANIFLAM”/ “BULLFORD CANIFLAM” *w.e.f.* midnight of 31st May, 2024.

7.3. The Defendants shall submit a statement of their remaining stock that bears the impugned trademarks by the end of the first week of June. This statement must include all relevant details, such as batch numbers and dates of manufacture etc.



7.4. The Defendants are permitted to sell/ dispose of manufactured stock of the impugned products, as detailed in the stock statement, over a period of three months, starting today. Should any unsold stock remain after this stipulated period, it must be destroyed by the Defendants in accordance with applicable laws.

7.5. Defendant No. 1 shall file an appropriate application/ form for surrender/ cancellation of the trademark registration bearing No. 4382870 in Class 05, with prior intimation to the counsel for Plaintiff. As and when such an application is filed, Registrar of Trademarks shall process the same expeditiously.

7.6. The Defendants shall remove all listings of the impugned products from third-party websites, within four weeks from today. In the event the Plaintiff finds that any such listing is still available, they shall supply the concerned URLs to the Defendants' counsel, who shall then take immediate steps to take them down.

8. Decree sheet be drawn up.

9. Suit and pending application(s) stand disposed of.

10. Since the suit is being disposed of on consent terms, Mr. Kalra's request for refund of court fee is allowed. The Registry is directed to issue a certificate for refund of full court fee in favour of the counsel for Plaintiff for onward remittance to the Plaintiff.

11. The next date of hearing fixed before the Joint Registrar, i.e., 21st August, 2024 stands cancelled.

SANJEEV NARULA, J

MAY 27, 2024/d.negi