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

+ **CS(COMM) 16/2025**

GLAXO GROUP LIMITED

.....Plaintiff

Through: Mr. Urfee Roomi, Ms. Anuja Chaudhury and Mr. Arpit Singhal, Advs.

versus

MANOJ AGARWAL AND ANR.

.....Defendants

Through: Mr. Sanjeev Sharma and Mr. Dhananjay Kumar, Advs.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 17.12.2025

1. This order is being passed in continuation of order dated 24.11.2025.
2. This suit has been filed seeking permanent injunction restraining trademark infringement, passing-off, acts of unfair competition, seeking damages/rendition of accounts, delivery up and other ancillary reliefs.
3. It is stated that the plaintiff uses the wordmark FLUTIVATE bearing registration no. 626659¹ in relation to pharmaceutical preparations, including skin creams and ointments, containing the active ingredient Fluticasone Propionate, for the prevention, treatment and/or alleviation of dermatological disorders.
4. It is stated that the defendants are engaged in the manufacture, marketing and sale of pharmaceutical and medicinal preparations bearing the mark FLUTINATE ['impugned mark']. The said impugned product also

¹ Details of plaintiff's registration is set out in paragraph '29' of the plaint.



contains the active ingredient Fluticasone Propionate, for the treatment of allergic rhinitis and asthma.

5. The plaintiff, aggrieved by the defendants' use of the impugned mark, which is deceptively similar to the plaintiff's mark, has filed the present suit.

6. Mr. Sanjeev Sharma, learned counsel for the defendants, states that his *vakalatnama* is already on record. He states that, having perused the order dated 24.11.2025, the defendants have instructed him to state that the present suit may be disposed of as recorded in the order. He clarifies that the defendants do not manufacture any of the alleged infringing goods.

7. Learned counsel from the plaintiff states that the plaintiff has also taken instructions and the suit can be decreed in terms of paragraph 62(a), 62(b), 62(c) and 62(d) of the plaint. He states that the defendant should also be directed to withdraw the application no. 5428529 in a time-bound manner.

8. In response, learned counsel for the defendants submits that the defendants have no objection to the suit being decreed.

9. In view of the aforesaid no contest, a decree for the relief of permanent injunction is passed in favour of the plaintiff and against the defendants in terms of prayers clauses 62 (a), (b), and (c) of the plaint.

10. In addition, the undertaking of the defendants that they shall withdraw the application no. 5428529 for the wordmark FLUTINATE enlisted at paragraph 62(d) of the plaint is also taken on record.

11. Accordingly, the defendants are directed to take appropriate steps within four [4] weeks for withdrawal of the application.

12. It is clarified that in case the defendants fail to take steps for withdrawal, the plaintiff will be at liberty to approach the trademark registry



with a copy of this decree for seeking appropriate orders from the trademark registry for rejection of the said application.

13. The remaining prayers of the plaint are disposed of as not pressed. Pending applications stand disposed of.

14. All future dates stand cancelled.

15. The Registry is directed to decree the suit in the aforesaid terms.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 17, 2025/msh/aa