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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 7/2023 & I.A. 345/2023 I.A. 9276/2023 I.A. 16889/2023**
BECTON DICKINSON AND COMPANY & ANR.

.....Plaintiffs

Through: Ms. Nancy Roy and Ms. Prakriti
Varshney, Advocate

versus

ARVIND & ORS.

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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27.10.2025

CS(COMM) 7/2023

1. The present suit has been filed seeking permanent injunction against the Defendants restraining infringement of trademark, copyright, and passing off, along with other ancillary relief.

Case setup in the plaint

2. The relevant facts, as stated in the plaint are as under:-

2.1 Plaintiff No.1 is medical technology company engaged in the manufacture and sale of medical devices, instrument systems, and reagents. Its operations are organized into three major segments—Medical, Diagnostics, and Biosciences—each aimed at improving healthcare delivery, disease detection, and therapeutic research. With over 70,000 employees across the globe, Plaintiff No.1's products are used in over 100 countries.

2.2 Plaintiff No.2, formerly the Diabetes Care business of Plaintiff No.1, was spun off in April 2022 as an independent, publicly traded company. It is



one of the world's leading diabetes care enterprises with a legacy dating back to 1924, when the first specialized insulin syringe was developed. Plaintiff No. 2 manufactures approximately 8 billion injection devices annually, serving over 30 million patients worldwide. Its flagship brands, including 'ULTRA-FINE' and 'MICRO-FINE+', are known for precision, safety, and innovation in insulin delivery systems.

2.3 The Plaintiffs are the proprietors and prior users of several

trademarks, including 'BD', the 'BD logo-  **BD** / ', 'ULTRA-FINE', 'MICRO-FINE+', and 'PENTAPOINT', ['Plaintiffs' trademarks'] all duly registered under Class 10 of the Trade Marks Act, 1999 ['Act of 1999']. Plaintiff No. 1 also owns copyrights in its distinctive



BD logo and ULTRA-FINE label-  , which qualify as 'artistic works' under Section 2(c) of the Copyright Act, 1957 ['Act of 1957']. These marks and labels are used extensively on the Plaintiffs' pen needles and other diabetes care products, which are manufactured, imported, and distributed through Plaintiff No.1's subsidiary, Becton Dickinson India Pvt. Ltd.

2.4 The Plaintiffs' ULTRA-FINE III NANO 4MM 32G pen needles, manufactured in Ireland and repackaged at Becton India's controlled facility in Bawal, Haryana, are globally recognized for their comfort, safety, and technological advancement. They are distributed in India under strict



regulatory and quality standards, with packaging and sterilization processes ensuring product integrity. The Plaintiffs' MICRO-FINE+ range and PENTAPOINT five-bevel needle technology further reflect their leadership in diabetes injection innovation, ensuring minimal pain and high patient compliance.

2.5 The Plaintiffs discovered that the Defendants are engaged in the unauthorized repackaging and sale of counterfeit 'BD MICRO-FINE+' pen needles bearing Plaintiff's trademarks and packaging, thereby infringing the Plaintiffs' statutory and common law rights. Such counterfeit goods, being non-sterile and unsafe, pose grave risks to patient health and warrant urgent injunctive relief in public interest.

2.6 The investigations revealed a large-scale counterfeiting operation involving the illegal import of 'BD MICRO-FINE+' pen needles into India, which are thereafter repackaged and sold in counterfeit 'BD ULTRA-FINE III NANO' poly pouches and cartons. These counterfeit products bear the Plaintiffs' trademarks, logos, and identical packaging details, including falsified lot numbers, import license numbers, and product specifications. The repackaging is done in unregulated environments by unknown importers and distributors, compromising sterility and product integrity, thereby posing grave risks to patient safety.

2.7 The Plaintiffs further state that upon inspection of the Defendants' products, the impugned products were found to be counterfeit, misbranded, and violative of the Medical Device Rules, 2017, as they lack valid manufacturing and import licenses.

Proceedings in the Suit

3. The Court vide order dated 10.01.2023 issued summons and granted



an ex-parte ad-interim injunction restraining the Defendants from infringing the Plaintiffs' trademarks.

4. The Court also appointed Local Commissioners to carry out seizure operations of counterfeit products and other infringing materials. Pursuant thereto, the Plaintiffs conducted the commission proceedings, during which substantial quantities of counterfeit goods were seized from the premises of several Defendants.

5. Defendant No. 32 was later impleaded on 05.07.2023, and summons were issued to the said Defendant.

6. Plaintiffs have entered into settlement agreements with Defendant Nos. 1 to 3, 5 to 10, 15, 18, and 20 to 30, and the suit stands decreed as per those settlements.

7. The suit now remains pending against Defendant Nos. 4, 11 to 14, 16, 17, 19, and 32; despite service of summons, the said Defendants either failed to appear or ceased appearing. Accordingly, Defendant Nos. 4, 11 to 14, 16, 17, 19, and 32 have been proceeded ex-parte vide orders dated 06.08.2024, 15.07.2025 and 06.10.2025.

8. The Plaintiffs now seek an ex-parte decree against the remaining Defendant Nos. 4, 11 to 14, 16, 17, 19, and 32 in terms of prayer clauses A(i), (ii), and (iii) of the plaint. The Plaintiffs are not pressing for the remaining reliefs of damages and costs.

Submissions on behalf of the Plaintiffs

9. Learned counsel for the Plaintiffs states that in 2022, the Plaintiffs discovered illegal imports of 'BD MICRO FINE+' pen needles being repackaged into counterfeit 'BD ULTRA FINE III NANO' boxes for sale in India.



9.1 She states that investigations and surveys across several cities confirmed the presence of counterfeit products which had identical packaging, bore Plaintiff's trademarks, and details of Plaintiffs' import license numbers for its genuine products. She stated that the Defendants' acts amounted to deliberate infringement and falsification of information on the packaging, calculated to deceive consumers and cause irreparable injury to the Plaintiffs' goodwill and to public health.

9.2 She clarified that BD MICRO FINE+ pen needles are not manufactured, sold, or imported by Plaintiffs or their Indian subsidiary, and no license exists for their sale or distribution in India.

9.3 She states that Defendant Nos. 4, 11, 12, 13, 14 and 16 have not entered appearance and have not filed written statement, despite service.

9.4 She states that in the plaint at paragraph 51, plaintiff has enlisted the details of the infringing products procured from these defendants prior to the filing of the suit. She states that affidavit of the investigator dated 24.11.2023 has been filed on record in support of these averments. She clarifies that the investigator Mr. Ravi Singh procured the goods from Defendant No. 4 and a separate investigator, Mr. Surya procured the goods from Defendant Nos. 11, 12, 13, 14 and 16.

9.5 She states that with respect to Defendant No. 17 and Defendant No. 32, the Local Commissioner's report dated 13.02.2023 is on record. She states that the said LC report discloses that during execution of the local commission, infringing products were found from the premises of Defendant Nos. 17 and 32.

9.6 She states that with respect to Defendant No. 19, no infringing goods were found during the execution of the local commission, however the said



defendant in its written statement¹ has stated that he has no objection to the decree of permanent injunction being passed against him.

Findings and Analysis

10. The Court has heard the learned counsel for the Plaintiffs and perused the record of the case.

11. The predecessor bench of this Court vide order dated 10.01.2023 had granted an ex-parte ad-interim injunction in favour of the Plaintiffs. The details of the infringing products are mentioned in the plaint at paragraph 51. The injunction order remains in force and has not been vacated or modified.

12. The plaint has been duly verified and is also supported by the affidavit of the Plaintiffs. In view of the fact that no appearance has been marked by Defendant Nos. 4, 11, 12, 13, 14, and 16, all the averments made in the plaint have to be taken to be admitted. As recorded above, Defendant No. 19 is not opposing the reliefs prayed for in the plaint.

Defendant No. 17, in its written statement, stated that it had purchased the products for resale under a bona fide belief. However, it failed to comply with the directions of this Court passed vide order dated 29.11.2023 and did not disclose the source of the counterfeit needles.

Defendant No. 32, in its written statement, admitted that counterfeit needles were found at its premises and stated that the same were procured for the purpose of resale.

13. None of the Defendants have approached the Court for variation or vacation of the injunction Order dated 10.01.2023.

14. At this stage, it would be apposite to refer to Order VIII Rule 10 of CPC. The said rule reads as under: -

¹ At paragraph 4, page no. 5.



“10. Procedure when party fails to present written statement called for by Court.— Where any party from whom a written statement is required under rule 1 or rule 9 fails to present the same within the time permitted or fixed by the Court, as the case may be, the Court shall pronounce judgment against him, or make such order in relation to the suit as it thinks fit and on the pronouncement of such judgment a decree shall be drawn up.”

15. It would be relevant to refer to the dicta of **Satya Infrastructure Ltd. & Ors. v. Satya Infra & Estates Pvt. Ltd.** (supra), wherein the Co-ordinate Bench of this Court held as under: -

“4. The next question which arises is whether this Court should consider the application for interim relief and direct the plaintiffs to lead ex parte evidence. The counsel for the plaintiff’s states that the plaintiffs are willing to give up the reliefs of delivery, of rendition of accounts and of recovery of damages, if the suit for the relief of injunction alone were to be heard today.

5. I am of the opinion that no purpose will be served in such cases by directing the plaintiffs to lead ex parte evidence in the form of affidavit by way of examination-in chief and which invariably is a repetition of the contents of the plaint. The plaint otherwise, as per the amended CPC, besides being verified, is also supported by affidavits of the plaintiffs. I fail to fathom any reason for according any additional sanctity to the affidavit by way of examination-in-chief than to the affidavit in support of the plaint or to any exhibit marks being put on the documents which have been filed by the plaintiffs and are already on record. I have therefore heard the counsel for the plaintiffs on merits qua the relief of injunction.”

(Emphasis Supplied)

16. Based on the averments made in the plaint, it is clear that the Defendants are actively and knowingly, violating the Plaintiffs’ proprietary rights in their registered trademarks, copyrights, and trade dress. By engaging in the unauthorized import, repackaging, and sale of counterfeit ‘BD MICRO-FINE+’ and ‘BD ULTRA-FINE III NANO’ pen needles bearing the Plaintiffs’ trademarks, logos, and identical packaging, the Defendants have deliberately infringed upon the Plaintiffs’ statutory and



common law rights under the Trade Marks Act, 1999 and the Copyright Act, 1957. The impugned products lack high standards and stringent checks on quality, efficacy and safety of products, as is maintained by Plaintiffs, and as such, pose a severe threat to life of the consumers. The Defendants' conduct of reproducing the Plaintiffs' marks, falsifying product details, and circulating counterfeit and misbranded goods not only deceives consumers into believing they are purchasing genuine BD products but also dilutes the Plaintiffs' brand reputation and goodwill. Such acts unlawfully encroach upon the Plaintiffs' exclusive proprietary rights and causing irreparable injury to both their commercial interests and public health

17. This Court is of the view that given the no contest by the Defendants and the fact that the Plaintiffs have affirmed the plaint on affidavit, this suit does not merit trial, and the suit is capable of being decreed in terms of Order VIII Rule 10 of CPC. And thus, the Plaintiffs are entitled to relief of permanent injunction as claimed in the plaint.

18. Accordingly, a decree of permanent injunction is passed in favour of the Plaintiffs and against all the Defendants, in terms of the prayer clause A (i), (ii) and (iii) of the plaint. The interim injunction order dated 10.01.2023 shall merge into the decree.

19. The remaining prayer clauses of the Plaintiffs are dismissed as not pressed.

20. Let the decree sheet be drawn up.

21. With the aforesaid directions, the captioned suit stands decreed and this suit along with pending applications (if any) stands disposed of.

22. No order as to costs.

23. All future dates stand cancelled.



24. Interim orders, if any, stand merged into the final decree.
25. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 27, 2025/mt/AM