



\$~6 to 8

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

+ C.O. (COMM.IPD-TM) 78/2023 & I.A. 6895/2023, I.A. 14325/2023

GLAXO GROUP LIMITED

.....Petitioner

Through: Mr. Urfee Roomi, Ms. Janaki Arun
and Mr. Jaskaran Singh, Advocates
Mob: 9811600017

versus

NARESH KUMAR GOYAL, TRADING AS MAIDEN
PHARMACEUTICALS & ANR.

.....Respondents

Through: Mr. Inderdeep Singh, Advocate with
Mr. Chander Shekhar Patney,
Advocates for respondent no. 1.
(M): 9810388646
Email: inderdeep.ids@gmail.com

7

+ C.O. (COMM.IPD-TM) 79/2023 & I.A. 6894/2023 2023

GLAXO GROUP LIMITED

.....Petitioner

Through: Mr. Urfee Roomi, Ms. Janaki Arun
and Mr. Jaskaran Singh, Advocates
Mob: 9811600017

versus

NARESH KUMAR GOYAL, TRADING AS MAIDEN
PHARMACEUTICALS & ANR.

.....Respondents

Through: Mr. Inderdeep Singh, Advocate with
Mr. Chander Shekhar Patney,
Advocates for respondent no. 1.
(M): 9810388646
Email: inderdeep.ids@gmail.com

8

+ CS(COMM) 75/2023

GLAXO GROUP LIMITED

.....Plaintiff



Through: Mr. Urfee Roomi, Ms. Janaki Arun
and Mr. Jaskaran Singh, Advocates
Mob: 9811600017

versus

MAIDEN PHARMACEUTICALS LIMITEDDefendant

Through: Mr. Inderdeep Singh, Advocate with
Mr. Chander Shekhar Patney,
Advocates
(M): 9810388646
Email: inderdeep.ids@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

%

20.02.2025

1. Settlement Agreement dated 1st February, 2025, has been received from the Delhi High Court Mediation and Conciliation Centre.
2. The suit, i.e., *CS(COMM) 75/2023*, has been filed on behalf of Glaxo Group Limited against the Maiden Pharmaceuticals Limited, seeking permanent injunction, restraining infringement of trademark, unfair competition, rendition of accounts, damages, delivery up, etc., since Maiden Pharmaceuticals Limited, was found to be selling pharmaceuticals preparations under the marks 'BETNOMOID' and 'MEDNOVATE'.
3. Rectifications petitions being *C.O. (COMM.IPD-TM) 78/2023* and *C.O. (COMM.IPD-TM) 79/2023*, have been filed seeking cancellation of the registered marks of Maiden Pharmaceuticals Limited, i.e., 'BETNOMOID' and 'MEDNOVATE' on the grounds that they are deceptively similar to the prior used and registered mark of Glaxo Group Limited, i.e., BETNOVATE.



4. The parties were referred to mediation *vide* order dated 9th January, 2024, wherein, the parties have successfully negotiated a settlement and entered into a Settlement Agreement dated 1st February, 2025.
5. Learned counsel appearing for the parties confirm the terms and conditions of the settlement and submit that the suit be decreed in terms thereof and the petitions be also disposed of, in terms of the settlement between the parties.
6. This Court has perused the terms of the settlement and finds the same to be lawful.
7. Parties are held bound by the terms of the settlement.
8. As per the terms of the settlement, Maiden Pharmaceuticals Limited acknowledges the right, title and interest of Glaxo Group Limited in its BETNOVATE mark.
9. Further, it is stated in categorical terms that Maiden Pharmaceuticals Limited has ceased to use and shall not use any of its registered trademarks, i.e., 'BETNOMOID' and 'MEDNOVATE', including, by way of marketing, manufacturing and selling. Further, it is agreed between the parties that in place of the aforesaid two marks, Maiden Pharmaceuticals Limited shall adopt of the marks 'MAIDENVATE' and 'BETHAMOID'.
10. The plaintiff shall not object to the registration of these new trademarks or file opposition to the registration of the said trademarks by Maiden Pharmaceuticals Limited.
11. Accordingly, suit, i.e., *CS(COMM) 75/2023*, is decreed in favour of the plaintiff and against the defendant, in terms of the settlement between the parties, which shall form part of the decree.
12. Considering the settlement between the parties, the registration of the



trademark 'MEDNOVATE' having registration no. 162133 under Class-5 in favour of Maiden Pharmaceuticals Limited is hereby cancelled.

13. Further, registration, i.e., 'BETNOM AID' having registration no. 2494031 in Class-5 registered in favour of defendant, i.e., Maiden Pharmaceuticals Limited, is hereby cancelled.

14. The Registrar of Trade Marks is directed to carry out the rectification in its Register and issue appropriate notification, with regard thereto.

15. The rectification petitions, i.e., *C.O. (COMM.IPD-TM) 78/2023* and *C.O. (COMM.IPD-TM) 79/2023*, stand allowed accordingly.

16. In view of the fact that the parties have arrived at a settlement, the Registry of this Court is directed to issue a certificate of refund of Full Court Fees in favour of the plaintiff.

17. The present suit and the rectifications petitions are, accordingly, disposed of with the aforesaid directions.

18. The Registry is directed to supply a copy of the present order to the Office of the Controller General of Patents, Designs and Trade Marks of India, on E-mail Id: llc-ipo@gov.in, for compliance.

MINI PUSHKARNA, J

FEBRUARY 20, 2025