



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

OP(TM) No. 46 of 2025

GlaxoSmithKline Pharmaceuticals
Limited
Through its Constituted Attorney,
Mr.Harshit Gupta, 252, Dr.Annie
Besant Road, Worli, Mumbai,
Maharashtra, Pin Code 400030 .

..Petitioner(s)

Vs

1. Macway Biotech Private Limited
Macway House, House No.4-7-11/9,
Raghavendra Nagar,Nacharam,
Hyderabad, Telangana,
Pin Code 500076.

2.The Registrar of Trade Marks
Trade Marks Registry, Intellectual
Property Office Building, G.S.T.Road,
Guindy, Chennai,
Tamil Nadu - 600 032.

Respondent(s)

PRAYER

i)Allow the Present Petition.

ii)Direct the Respondent No.2 to cancel the Respondent No.1's trademark registration for the mark Registration No.2695300 for the mark KEY-BACT in class 05 and remove the entry relating thereto altogether from the Register of Trade Marks

iii)Award the costs of these proceedings to the Petitioner; and award any other relief as the Court may deem fit and proper in the circumstances of the case.



For Petitioner (s): Mr. M.S.Bharath

For Respondent(s) --

ORDER

When the matter was taken up for hearing today, the affidavit filed by the Director of the respondent Company was brought to the notice of this Court.

The relevant portions are extracted hereunder:

3. I state that the Respondent has already stopped using the Trade Mark KEY BACT (device) and the packaging that incorporates KEY BACT (device) in relation to pharmaceutical and medical preparations. The Respondent is not manufacturing, marketing and selling the goods under the Trade Mark KEY BACT (device). The Respondent has complied with the undertaking dated February 13, 2025 executed with the Petitioner.

4. I state that the Respondent has destroyed all its inventories and promotional materials that contains the Trade Mark KEY BACT (device).

5. I state that the Respondent has given a written request to the third party business listing websites, e-commerce and e-pharmacy websites to takedown and remove all its listings which were referring to the Trade Mark KEY BACT (device) and they had also removed the same.



6. I state that the Respondent has filed appropriate forms before the Trade Mark Registry, Chennai requesting to cancel the registration of the Trade Mark KEY BACT (device) under A.No.2695300 in Class 5.

2.In the light of the above development since the respondent has already stopped using the Trademark and has filed appropriate forms before the Trademark Registry, Chennai requesting to cancel the registration of the Trademark, the same can be recorded by this Court and no further adjudication will be required.

3.This petition is disposed of recording the affidavit filed by the respondent dated 05.01.2026. In view of the same, there shall be a direction to the Trademark Registry, Chennai, to cancel the registration of the Trademark, KEY BACT (device) under A.No.No.2695300 in Class 5.

4.Accordingly, this petition is disposed of. No costs.

29-01-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
KP



WEB COPY



N.ANAND VENKATESH J.

kp

To

1.Macway Biotech Private Limited
Macway House, House No.4-7-11/9,
Raghavendra Nagar,Nacharam,
Hyderabad, Telangana, Pin Code
500076

2.The Registrar of Trade Marks
Trade Marks Registry, Intellectual
Property Office Building, G.S.T.Road,
Guindy, Chennai,
Tamil Nadu - 600 032.

OP(TM) No. 46 of 2025

29.01.2026