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

+ **CS(COMM) 426/2025 & I.A. 11479/2025**

ABBOTT PRODUCT OPERATIONS AG & ANR.Plaintiffs

Through: Mr. Naqeeb Nawab, Ms. Sanandika
Pratap Singh and Ms. Nippun Sharma, Advocates.

versus

MEDINOX PHARMACEUTICALS & ORS.Defendants

Through: Ms. Suman Gupta, Advocate for D-1
and 2.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER

% **05.02.2026**

1. This suit is filed on behalf of the Plaintiffs seeking decree of permanent injunction restraining the Defendants and all other acting on their behalf from infringing the impugned trademark DUPHAMED or any other mark/device/logo or trade name, which is identical and/or deceptively similar to Plaintiffs' prior, registered and famous DUPHA marks, including

but not limited to DUPHALAC, DUPHALAC FIBER, ,

, DUPHAR, DUPHASTON, DUPHABEARS and DUPHAPRO in any manner whatsoever without the permission, consent or licence of the Plaintiffs amounting to infringement as also passing off. Reliefs of dilution, tarnishment, unfair competition, delivery up, damages and rendition of accounts are also sought.



2. During the pendency of the suit, parties were referred for mediation before the Delhi High Court Mediation and Centre vide order dated 16.05.2025, where they have settled their *inter se* disputes amicably and executed a Settlement Agreement on 29.10.2025, incorporating the terms of settlement. As per the settlement, two obligations were to be immediately fulfilled by Defendants No. 1 and 2, one of them being payment of a sum of Rs. 1,50,000/- as token compensation towards the full and final settlement of the suit and the other being that Defendant No. 1 shall withdraw the Trademark Application bearing No. 5806231 in Class 05 for the impugned trademark DUPHAMED within 15 days from the date of execution of the settlement.

3. Learned counsel for Defendants No. 1 and 2 submits that a sum of Rs. 1,50,000/- has been paid to the Plaintiffs. This fact is acknowledged by counsel for the Plaintiffs. Insofar as withdrawal of Trademark Application bearing No. 5806231 in Class 05 for the impugned trademark DUPHAMED within 15 days from the date of execution of the settlement is concerned, learned counsel for Defendants No. 1 and 2, on instructions, submits that steps will be taken positively within 15 days from today to withdraw the said application.

4. Learned counsel for the Plaintiffs draws the attention of the Court to order dated 08.05.2025, wherein the Court recorded the stand of Defendant No. 3, whereby the said Defendant vide its e-mail dated 06.05.2025 communicated to the Plaintiffs that it had instructed its distributors i.e., Defendants No. 1 and 2, to immediately stop distribution of the impugned product. The said e-mail was taken on record by the Court. Consequently, Defendant No. 3 has not contested the present suit nor any written statement



has been filed by the said Defendant.

5. Court has perused the terms of settlement and finds the same to be lawful.

6. Accordingly, the suit is decreed against all the Defendants in terms of the Settlement Agreement arrived at between the parties read with prayers (a), (b), (c) and (d) of paragraph 119 of the plaint.

7. Registry is directed to draw up the decree sheet.

8. Suit stands disposed of along with the pending application.

9. Registry is directed to issue a certificate of refund of entire Court fee in terms of Section 16 of Court Fees Act, 1870 read with Section 89 CPC in favour of the counsel for Plaintiffs i.e., ZEUIP Advocates LLP, B-1, Sector-2, NOIDA, Uttar Pradesh-201301.

JYOTI SINGH, J

FEBRUARY 5, 2026

S.Sharma