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

+ **CS(COMM) 1166/2025, I.As. 27082/2025, 2151/2026**

MARS, INCORPORATED AND ANR.

.....Plaintiffs

Through: Mr. Ranjan Narula, Mr. Shakti Nair
and Mr. Parth Bajaj, Advocates.

versus

**ROSSARI CONSUMER PRODUCTS PRIVATE LIMITED AND
ANR.**

.....Defendants

Through: Mr. Ravi Prakash, Senior Advocate
with Mr. Parag Khandhar, Mr. Krishan Kumar,
Ms. Pratyusha Dhodda, Ms. Zara Dhanbhoora and
Ms. Astu Khandelwal, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

17.03.2026

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1. This suit was instituted by the Plaintiffs against the Defendants seeking a decree for permanent injunction restraining the Defendants and all other acting on their behalf from manufacturing, marketing, selling, supplying and offering for sale, advertising, directly or indirectly, dog and cat food and related products under deceptively similar trade dress, get-up, color-scheme, layout and placement of features thereof, being sold under the names ZIPPY and TOP TAIL and/or a colourable imitation or substantial reproduction of the Plaintiffs' ROYAL CANIN and WHISKAS packaging, trade dress, layout, get-up, color-scheme, and placement of features as described in paragraphs 15-16 and 32-33, amounting to infringement of copyright, amongst other reliefs.

2. When the suit was listed on 20.11.2025, statement was made on



behalf of the Defendants that insofar as packaging for cat food was concerned, it was discontinued in July, 2025 i.e., prior to the filing of the suit and that Defendants did not intend to use the impugned packaging and had already adopted the new packaging as stated in the reply. The statement was taken on record binding the Defendants to the same. The only dispute that survived was with respect to the impugned packaging for dog food.

3. With the efforts of the parties and their counsels, the dispute of impugned packaging concerning the dog food has also been resolved. Mr. Ravi Prakash, learned Senior Counsel for the Defendants has handed over the revised packaging which the Defendants proposes to adopt for the dog food and the same is taken on record as Ex. A-1. It is, however, submitted that Defendants be permitted to sell the ZIPPY products in the impugned packaging and the existing stocks will be exhausted on or before 06.06.2026, whereafter Defendants shall transition to the revised packaging.

4. Mr. Ranjan Narula, learned counsel for the Plaintiffs, on instructions, submits that Plaintiffs have no objection to the revised packaging for dog food and the suit be decreed in terms of paragraph 75 (i) and (ii) of the plaint granting permanent injunction as also 75 (v) as modified by the settlement between the parties. He, however, fairly submits that Defendants may sell the existing stock as undertaken till 06.06.2026 but not thereafter, subject to an undertaking being filed before this Court in this regard as also indicating the existing stock along with manufacturing date, batch number etc., on an affidavit. No other relief is pressed by the Plaintiffs.

5. Accordingly, the suit is decreed in terms of paragraph 75 (i) and (ii) of the plaint as also 75 (v) with a modification that Defendants are permitted to sell dog food using the existing stock of the impugned packaging (Ex. A-1)



upto 06.06.2026. The balance stock of the impugned packaging, if any, will be destroyed by the Defendants in the presence of representative/counsel of the Plaintiffs. An affidavit of undertaking shall be filed by the Defendants within four weeks from today in which they shall disclose the quantity of existing stock of the impugned packaging along with requisite details such as manufacturing dates, batch numbers etc.

6. Registry is directed to draw up the decree sheet.
7. Suit is disposed of along with pending applications.

JYOTI SINGH, J

MARCH 17, 2026/VP