



\$~39

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

+ **CS(COMM) 1016/2025**

MANKIND PHARMA LIMITED

.....Plaintiff

Through: Mr. Ankur Sangal, Mr. Ankit Arvind,
Ms. Nidhi Pathak and Mr. Rishab
Rao, Advocates.

versus

**BIODISCOVERY LIFESCIENCES PRIVATE
LIMITED**

.....Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

%

24.09.2025

I.A. 24032/2025(Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

I.A. 24030/2025(Exemption from pre-institution Mediation)

3. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015 (“CC Act”).
4. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC OnLine SC 1382, exemption from the requirement of pre-institution Mediation is granted.
5. The Application stands disposed of.

**CS(COMM) 1016/2025**

6. Let the Plaint be registered as a Suit.
7. Issue Summons. Let the Summons be served to the Defendant through all permissible modes upon filing of the Process Fee.
8. The Summons shall state that the Written Statement shall be filed by the Defendant within 30 days from the date of the receipt of Summons. Along with the Written Statement, the Defendant shall also file an Affidavit of Admission / Denial of the documents of the Plaintiff, without which the Written Statement shall not be taken on record.
9. Liberty is granted to the Plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the Plaintiff, an Affidavit of Admission / Denial of the documents of Defendant be filed by the Plaintiff, without which the Replication shall not be taken on record.
10. In case any Party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.
11. If any of the Parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.
12. List before the learned Joint Registrar on 26.11.2025 for completion of service and pleadings.

I.A. 24031/2025(Additional Documents)

13. The present Application has been filed on behalf of the Plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (“CPC”) as applicable to Commercial Suits under the CC Act, seeking leave to place on record additional documents.



14. The Plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.

15. Accordingly, the Application stands disposed of.

I.A. 24029/2025(U/O XXXIX Rule 1 and 2 of CPC)

16. Issue Notice. Notice be served through all permissible modes upon filing of the Process Fees.

17. The present Suit has been filed by the Plaintiff seeking permanent injunction restraining infringement of the registered Trade Mark, ‘MANKIND’, ‘KIND’, ‘FENDIKIND’, ‘ZENKIND’ and ‘DIZIKIND’ (“**Plaintiff’s Trade Marks**”) and other ancillary reliefs.

18. The learned Counsel for the Plaintiff made the following submissions:

18.1. The Plaintiff, *Mankind Pharma Limited*, is a public company incorporated and registered under the Companies Act, 1956.

18.2. The Plaintiff is engaged in the manufacturing and supply of medicinal, pharmaceutical, consumer healthcare and wellness products across India and globally.

18.3. The Plaintiff has grown into a successful and profitable enterprise and enjoys an exemplary reputation and goodwill for its products. In the year 2024, Plaintiff had achieved a consolidated audited turnover of over ₹9,264 crores.



18.4. The Plaintiff has registrations for the Plaintiff’s Trade Marks several countries other than India such as, Nepal, Indonesia, Philippines, Malaysia, Cambodia, Kenya, Canada, Chile, Cuba, Tunisia, Kazakhstan, Australia, Sri Lanka, Bangladesh, Myanmar, Bhutan, Pakistan, Afghanistan, Argentina, South



Korea, Peru, Azerbaijan etc. The details of the registration of the Plaintiff's Trade Marks in India have been set out in Paragraph No. 10 of the Plaint, which is reproduced hereunder:

S. NO.	Trade Mark	Reg. No.	Class & Description	Date of Reg.
1.	MANKIND	5645154	5 – Medicinal, Pharmaceutical and Veterinary preparations including dietary, nutritional and vitamin food supplements	13/10/2022
2.		657871	5 – Medicinal and pharmaceutical preparation for human use included in Class 5.	07/03/1995
3.		2468879	5 – Medicinal, pharmaceutical and veterinary preparations	30/01/2013
4.		2510537	5 – Medicinal, pharmaceutical and veterinary preparations	09/04/2013
5.		2510592	5 – Medicinal, pharmaceutical and veterinary preparations	09/04/2013
6.		4836045	5 – Medicinal, pharmaceutical and veterinary preparations Including dietary, nutritional and vitamin food supplements	27/01/2021
7.		2061279	35 – Advertising, liasioning, import, export, distribution, marketing, wholesale and retail services relating to pharmaceutical,	30/11/2010



			medicinal and veterinary preparations; wholesale and retail services relating to surgical, medical, diagnostic and dental apparatus and instruments	
8.		2510565	35 – Advertising, liasioning, import, export, distribution, marketing, wholesale and retail services relating to pharmaceutical, medicinal and veterinary preparations; wholesale and retail services relating to surgical, medical, diagnostic and dental apparatus and instruments	09/04/2013
9.	MANKIND	2245094	44 – Medical services, nursing homes, hospitals, medical assistance, pharmacy advice and telemedicine services; veterinary services hygienic and beauty care for human beings or animals; included in class 44.	07/12/2011
10.		2510558	44 – Medical and health care services; Medical diagnosis and treatment; Hospital and Nursing Home Services; pharmacy advice	09/04/2013

18.5. The Plaintiff's Trade Marks are registered in Classes 5, 35 and



44, for the products, 'FENDIKIND' / 'ZENKIND' / 'DIZIKIND' as well which have been set out in Paragraph No. 16 of the Complaint and has been reproduced hereunder:

S. NO.	Reg. No.	Trade Mark	Date of Reg.	Class & Description
1.	2457970	KIND	10-01-2013	5 – Medicinal, pharmaceutical and veterinary preparations
2.	2458007	KIND	10-01-2013	35 – Advertising, liasioning, import, export, distribution, marketing, wholesale and retail services relating to pharmaceutical, medicinal and veterinary preparation; wholesale and retail services relating to surgical, medical, diagnostic and dental apparatus and instruments
3.	2458013	KIND	10-01-2013	44 – Medical and pharmaceutical research, design and development services; pharmaceutical drug development services for third parties; pharmaceutical services, namely conducting and monitoring clinical trials and drug development; testing services in the field



				of drug compatibility; consultancy services in the field of medical and pharmaceutical research, medical treatment and pharmacy advice; clinical services; medical services for diagnosis and treatment of the human body; medical research
4.	1628831	FENDIKIND	07-12-2007	5 – Pharmaceutical and medicinal preparations included in Class 5.
5.	1248996	ZENKIND	12-11-2003	5 – Pharmaceutical and medicinal preparations included in Class 5.
6.	1422932	DIZIKIND	20-02-2006	5 – Pharmaceutical and medicinal preparations included in Class 5.

18.6. The products and services of the Plaintiff under the Plaintiff's Trade Marks have acquired tremendous goodwill and reputation in India and all over the world, and the Plaintiff's Trade Marks 'MANKIND' / 'KIND' has also been declared as a well-known Trade Mark by the Registrar of Trade Marks under Rule 124 of the Trade Marks Rules, 2017.

18.7. The Plaintiff also runs and maintains a website, www.mankind.com ("Plaintiff's website") which was registered on 21.06.1995. The Plaintiff's website is accessible to customers worldwide and it provides information about the




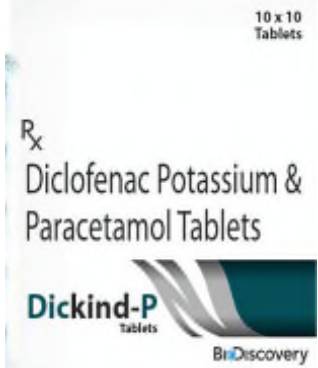
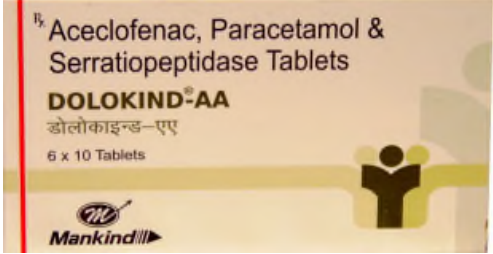



business and the products provided by the Plaintiff. The Plaintiff is also the registered owner of various domain names which uses the Plaintiff's Trade Marks such as, www.mankindpharma.com, www.mankindmanforce.com, www.mankindkaloree1.com, www.vetmankind.com, www.petmankind.com, www.mankindpharma.org, www.mankindunwanted.com, www.mankinddontworry.com, www.futuremankind.com, www.caremankind.com, www.mankindpharma.net, www.specialmankind.com, and www.magnetmandkind.com

18.8. On 20.08.2025, the Plaintiff came across the Defendant's product under the Trade Mark 'FENKIND' on the Defendant's website, <https://www.thebiodiscovery.com/products> ("**Defendant's Website**"). While browsing the Defendant's Website, the Plaintiff, came across other products of the Defendant, with Plaintiff's Trade Marks. The Defendant's Website had been listing products such as 'DICKIND', 'LONOKIND', 'FENKIND' and 'CHIMOKIND' ("**Impugned Marks**"). The Plaintiff also discovered several listings of the Defendant's products bearing the Impugned Marks on various e-commerce marketplaces such as <https://www.medibuddv.in/> and <https://www.1mg.com/>.

18.9. A comparison table of the Plaintiff's Trade Marks and the Defendant's Impugned Marks is hereunder:



PLAINTIFF'S TRADE MARKS	DEFENDANT'S IMPUGNED MARKS
KIND MANKIND	FENKIND
	DICKIND
	LONOKIND
	CHIMOKIND
FENDIKIND	FENKIND
ZENKIND	FENKIND
DIZIKIND	DICKIND
	
	
	

19. Having considered the pleadings, documents and submissions, the Plaintiff is the registered proprietor of the Plaintiff's Mark, with the earliest registration for the Plaintiff's Trade Mark was in the year 1995. The Plaintiff



has been able to establish long and continuous use of the Plaintiff's Trade Mark. The Plaintiff has demonstrated the goodwill and reputation acquired by the Plaintiff's Trade Mark. The Defendants' use of the Impugned Marks is *prima facie* dishonest and nothing but an attempt to ride the goodwill and reputation of the Plaintiff's Mark so as to cause confusion in the market.

20. This is a case of triple identity where the Marks are identical, the product category is identical and the trade channel as also the consumer base is identical. The Plaintiff being the prior user, adopter of the Plaintiff's Trade Marks is entitled to protection. The identity in the Impugned Marks is so close to the Plaintiff's Trade Marks that the two are indistinguishable. The infringing activities of the Defendant is likely to cause confusion in the course of trade of the Plaintiff leading to erosion of consumers' trust.

21. Accordingly, the Plaintiff has made out a *prima facie* case for grant of an *ex-parte ad-interim* injunction. Balance of convenience is in favour of the Plaintiff and against the Defendant. Irreparable injury would be caused to the Plaintiff if an *ex-parte ad-interim* injunction is not granted.

22. Accordingly, till the next date of hearing, the Defendant, its directors, assignees in business, its associates, affiliates, franchisees, licensees, distributors, dealers, stockists, retailers, agents, and all others acting for or on its behalf, are restrained from manufacturing, selling, offering for sale, advertising, directly or indirectly dealing in medicinal, pharmaceutical, consumer healthcare and wellness products under the Impugned Marks, 'DICKIND', 'LONOKIND', 'FENKIND' and 'CHIMOKIND' or any other Trade Mark / Label that may be identical / deceptively similar to the Plaintiff's Trade Marks, 'MANKIND', 'KIND', 'FENDIKIND', 'ZENKIND' and 'DIZIKIND', amounting to infringement and / or passing



off of the Plaintiff's Trade Marks.

23. Let the Reply to the present Application be filed within four weeks after service of Notice. Rejoinder thereto, if any, be filed before the next date of hearing.

24. The compliance of Order XXXIX Rule 3 of the CPC be done within two weeks.

25. List before this Court on 28.01.2026.

TEJAS KARIA, J

SEPTEMBER 24, 2025/ sms