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

+ **CS(COMM) 1185/2025 & I.As. 27605-10/2025**

MANKIND PHARMA LIMITED

.....Plaintiff

Through: Mr. Chander Lall, Sr. Advocate with
Mr. Ankur Sangal, Mr. Ankit Arvind,
Ms. Nidhi Pathak, Mr. Rishabh Rao
and Ms. Annanya Mehan, Advocates

versus

DE HARBIEN LIFE SCIENCES PRIVATE LIMITEDDefendant

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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07.11.2025

I.A. 27610/2025 (seeking exemption from service to the defendant)

1. The present application has been filed under Section 151 of the Code of Civil Procedure, 1908 ('CPC') on behalf of the plaintiff seeking exemption from service to the Defendant.
2. For the reason stated in the application, exemption is granted.
3. Accordingly, the application stands disposed of.

I.A. 27609/2025 (for exemption from filing clearer copies of documents)

4. This is an application under Section 151 of CPC, seeking exemption from filing clearer copies of documents, which are dim, illegible and unclear.
5. Subject to the Plaintiff filing the documents with legible, original/certified copies sought to be relied upon within four (4) weeks from today, exemption is granted for the present.



6. Accordingly, the application stands disposed of.

I.A. 27608/2025 (seeking to file additional documents)

7. This is an application seeking leave to file additional documents under Order XI Rule 1(4) of CPC [as amended by the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 ('Commercial Courts Act')] read with Section 151 CPC, within thirty (30) days.

8. The Plaintiff, if it wishes to file additional documents, will file the same within thirty (30) days from today, and it shall do so strictly as per the provisions of the Commercial Courts Act and the Delhi High Court (Original Side) Rules, 2018 ('DHC Rules').

9. For the reasons stated in the application, the same is allowed.

10. Accordingly, the application stands disposed of.

I.A. 27607/2025 (seeking exemption from pre-institution mediation)

11. This is an application under Section 12A of the Commercial Courts Act, 2015, read with Section 151 CPC, filed by the plaintiff seeking exemption from instituting pre-litigation mediation.

12. Having regard to the facts that the present suit contemplates urgent interim relief and in light of the judgement of the Supreme Court in **Yamini Manohar v. T.K.D. Keerthi**¹, exemption from the requirement of pre-institution mediation is granted to the plaintiff.

13. Accordingly, the application stands disposed of.

I.A. 27606/2025 (for appointment of Local Commissioners)

14. This is an application under Order XXVI Rules 9 and 10 and Order XXXIX Rule 7 read with Section 151 of CPC, for the appointment of Local



Commissioners.

15. Learned senior counsel for the plaintiff states on instructions that he is not pressing this application at this stage.

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16. Let the plaint be registered as a suit.

17. Summons be issued to the Defendant by all permissible modes on filing of the process fee. An affidavit of service be filed within one (1) week.

18. The summons shall indicate that the written statement must be filed within thirty (30) days from the date of receipt of the summons. The Defendant shall also file an affidavit of admission/denial of the documents filed by the Plaintiff, failing which the written statement shall not be taken on record.

19. The Plaintiff is at liberty to file replication thereto within thirty (30) days after filing of the written statement. The replication shall be accompanied by affidavits of admission/denial in respect of the documents filed by the Defendant, failing which the replication shall not be taken on record.

20. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

21. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

22. List before the learned Joint Registrar (J) for completion of service and pleadings, marking of exhibits and admission/denial of documents on **19.12.2025.**

23. List before the Court on **10.04.2026.**

¹ (2024) 5 SCC 815



I.A. 27605/2025 (Under Order XXXIX Rule 1 and 2 CPC)

24. This is an application filed under Order XXXIX, Rules 1 and 2 read with Section 151 of the CPC, 1908 on behalf of the Plaintiff seeking an ad interim injunction against the Defendant.

25. Learned Senior Counsel for the Plaintiff sets up the Plaintiff's case as under:

25.1. The Plaintiff, Mankind Pharma Limited, is the fourth largest pharmaceutical company of India and is engaged in the manufacturing and supply of medicinal, pharmaceutical, consumer healthcare and wellness products across India and globally.

25.2. The trade mark/tradename "MANKIND" was adopted by the Plaintiff in the year 1986, and is registered in various classes under the Nice Classification for various goods and services. A list of the registrations is given at paragraph 10 of the plaint.

25.3. The Plaintiff also has the registrations for "KIND" and "KIND" formative trademarks, including 'NUROKIND', 'SIVOKIND' and 'PILOKIND' in Classes 5, 35 and 44. A list of the said registrations is given at paragraph 16 of the plaint.

25.4. The Plaintiff's products under the "KIND" formative trademarks and their variants are available throughout India in various pharmacies and on various third-party websites as mentioned at paragraph 17 of the plaint.

25.5. The Plaintiff's mark "MANKIND" has also been declared as a well-known mark by the trademark registry vide journal no. 1978 dated 14.12.2020. A copy of the journal is annexed as Document 6 filed along with the plaint.



25.6. The Plaintiff also runs and maintains a website www.mankind.com which was registered on 21.06.1995 and is also the registered owner of various domain names that use the trade mark “MANKIND” as mentioned at paragraph nos. 21 of the plaint.

25.7. The sales figure for the products sold under “MANKIND/KIND” trade marks by the Plaintiff for the financial year 2024-2025 alone was Rs. 9497 crores as mentioned at paragraph 26 of the plaint.

25.8. The Plaintiff has invested a substantial amount in marketing its goods under its registered trademarks. In the financial year 2023-24, a total amount of Rs. 563.70 crores have been spent on advertising, as mentioned in paragraph 28 of the plaint.

25.9. The Plaintiff has also established a network of subsidiaries and entities/divisions with “MANKIND” / “KIND” as part of their trade name such as, DISCOVERY MANKIND, LIFE MANKIND and others as mentioned in paragraph 22 of the plaint.

25.10. It is the case of the Plaintiff that the Plaintiff learnt about the Defendant’s adoption of the trade mark ‘NEFROKIND’ for the first time on 25.06.2025, when the Plaintiff came across the TM application for the trademark ‘NEFROKIND’ vide application number 5904451 in class 5 with an incorrect user claim September 2018, which was duly opposed by the Plaintiff.

25.11. It is stated that, however, in September 2025, the Plaintiff came to know that the Defendant is selling its products under the mark ‘NEFROKIND’ and ‘SILOKIND’ on its own website <https://deharbien.com/> and on various e-platform websites like www.lmg.com as mentioned in paragraph 31 of the plaint.



25.12. It is stated that Defendant has dishonestly adopted the impugned trade marks ‘NEFROKIND’ and ‘SILOKIND’ for pharmaceutical products, which are phonetically and deceptively similar to the Plaintiff’s prior, well-known trademark “MANKIND”, registered trademark “KIND” and “KIND” formative marks, including the trade mark “NUROKIND”, “SIVOKIND” and “PILOKIND”. The comparison between the Plaintiff’s and Defendant’s trademarks as given in paragraph 32 of the plaint is set out as under:

PLAINTIFF'S REGISTERED TRADE MARKS	IMPUGNED TRADE MARK
KIND	NEFROKIND
MANKIND	SILOKIND
<u>NUROKIND</u>	<u>NEFROKIND</u>
<u>SIVOKIND</u>	<u>SILOKIND</u>
<u>PILOKIND</u>	<u>SILOKIND</u>

25.13. It is stated that the Plaintiff, in order to protect its proprietary rights, issued a legal notice on 11.09.2025 to the Defendant, calling upon the Defendant to cease and desist from using the impugned trademarks ‘NEFROKIND’ and ‘SILOKIND’. The Defendant, in its response, dated 16.09.2025, refused to comply with the requisitions as sought by the Plaintiff.

25.14. Learned Senior Counsel for the Plaintiff states that in the reply dated 26.08.2025, the Defendant has claimed that they independently created the mark ‘NEFROKIND’ and ‘SILOKIND’ in good faith and that the same are neither identical nor confusingly similar to the Plaintiff’s trademarks



‘MANKIND’, ‘KIND’ and ‘KIND’ Formative Trade Marks and differ in therapeutic use, appearance, and target consumers.

25.15. He states that the Defendant had earlier filed trademark applications for the marks ‘NEFROKIND’ (Application No. 3899943, filed in 2018) and ‘SILOKIND’ (Application No. 5934705, filed in 2023) on a proposed-to-be-used basis for goods falling under Class 5. Both applications were refused by the Trade Marks Registry. Despite the refusal of these marks, the Defendant has once again filed a trademark application for “NEFROKIND,” which clearly indicates the Defendant’s mala fide intent and deliberate attempt to secure registration of a mark that has already been rejected.

25.16. He placed reliance on several orders² passed by the Court, wherein the injunction orders have been granted in favour of the Plaintiff, acknowledging the Plaintiff’s proprietary rights in the mark “MANKIND” and “KIND” formative trademarks.

26. The Court has heard the learned counsel for the Plaintiff and has perused the record.

27. The Plaintiff is the registered proprietor of the trademark ‘MANKIND’, ‘KIND’, ‘NUROKIND’, ‘SIVOKIND’ and ‘PILOKIND’ in Classes 5, 35 and 44 and has been using the same with respect to the pharmaceutical products. The trademark MANKIND has also been declared as well-known. The Plaintiff has in its plaint referred to the judgment of coordinate Bench of this Court dated 22.01.2015 in CS(OS) 2047/2014, wherein the Court observed that the use of the word KIND by the Plaintiff for the pharmaceutical industry was first in point of time since 1986.

² List of orders passed by this Court is at [paragraph 29 of the plaint](#).



27.1. The facts set out in the plaint, as noticed above, evidence the formidable reputation and goodwill built by the plaintiff in its trademark “MANKIND” and “KIND” and the formative marks of “KIND” especially in the pharmaceuticals industry. The Plaintiff holds registration for the marks ‘NUROKIND’, ‘SIVOKIND’ and ‘PILOKIND’ under Classes 5, 35 and 44. The plaintiff’s product NUROKIND generated revenue of 430.58 crores in the financial year 2019-20. The plaintiff has adopted a trademark NUROKIND for various products as set out at paragraph 18 of the plaint and therefore the mark NUROKIND has its independent goodwill and reputation in the market.

28. The voluminous sales of the Plaintiff’s products and its advertisement expenses as set out in paragraph 26 and 28 of the plaint, evidences the goodwill associated with the plaintiff’s pharmaceutical products bearing the formative marks ‘KIND’.

29. Defendant is in pharmaceutical industry and is bound to be aware of the reputation and goodwill of the Plaintiff’s mark and its products. The Plaintiff has pleaded that Defendant has a range of products which do not incorporate KIND in its brand name. The Defendant’s use of the impugned marks ‘NEFROKIND’ and ‘SILOKIND’ by making only minimal modifications to the Plaintiff’s registered mark ‘NUROKIND’, SILVOKIND and PILOKIND. The impugned marks also subsume the mark KIND in its entirety, thus appears to be with an intent to exploit the Plaintiffs’ established goodwill and mislead the public into believing that the Defendant’s goods are connected with or endorsed by the Plaintiffs, when no such association exists.



30. The Defendant is using the impugned mark on identical goods in the same line of business, whilst catering to the same class of consumers as the Plaintiff. Consequently, there is inevitably going to be a likelihood of confusion, and an unwary customer with average intelligence and imperfect recollection will associate the Defendant's impugned product with the Plaintiff's products.

31. In the considered opinion of this Court, the Plaintiff has been able to make out a good prima facie case in its favour. The balance of convenience is also in favour of the Plaintiff and against the Defendants. The infringing products sold under the impugned marks are also pharmaceutical products; the Plaintiff and the general public are likely to suffer grave irreparable harm in case an ex parte ad-interim injunction is not granted.

32. Accordingly, till the next date of hearing restraining the Defendant, its proprietors, partners or directors, as the case may be, its principal officers, servants, distributors, dealers and agents, and all others acting for and on behalf of the Defendant are restrained, from selling, offering for sale, supplying, advertising, using and/or directly or indirectly dealing in any goods and services under the impugned trademarks "NEFROKIND", "SILOKIND" and or any other trade mark as may be identical to or deceptively similar with the Plaintiff's registered trade mark "MANKIND", "KIND", "NUROKIND", "SIVOKIND", "PILOKIND" and "KIND" formative trademarks.

33. Issue notice to the Defendants through all modes.

34. The reply to the application be filed within a period of four (4) weeks, from the receipt of notice.



35. Rejoinder thereto, if any, be filed within a period of four (4) weeks thereafter.

36. Compliance of Order XXXIX Rule 3 CPC be done within a period of one (1) week from today.

37. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 7, 2025/rhc/AJ