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

+ **CS(COMM) 548/2026**

TORRENT PHARMACEUTICALS LTD.Plaintiff

Through: Mr. Sachin Gupta, Ms. Prashansa Singh, Mr. Rohit Pradhan, Ms. Mahima, Mr. Rajat Jain, and Mr. Ajay Kumar, Advocates.

versus

N.U INDIAN HERBAL RESEARCH LABORATORY P. LTD.

.....Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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21.05.2026

I.A. 14389/2026 (Pre-Institution Mediation)

1. This is an application filed by the plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015 (hereinafter referred to as 'CC Act').

2. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi*: (2024) 5 SCC 815, exemption from the requirement of pre-institution Mediation is granted.

3. The application stands disposed of.

I.A. 14390/2026 (Exemption)

4. This is an application filed on behalf of the plaintiff under Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC'), seeking exemption from filing clear copies of the documents.

5. Exemption allowed, subject to just exceptions. However, clear/typed copies of the documents with proper margins be filed within four weeks with

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an advance copy to the defendant.

6. The application stands disposed of.

I.A. 14391/2026 (Exemption from Advance Notice to Defendant)

7. This is an application filed by the plaintiff under Section 151 of CPC seeking exemption from advance service to the defendant.

8. Mr. Sachin Gupta, learned counsel for the plaintiff submits that there is a real and imminent likelihood that the defendant may take immediate steps to dispose of, conceal or suppress its infringing business operations bearing the deceptively similar trademark.

9. In view of the fact that the plaintiff has sought an urgent *ex-parte ad-interim* injunction along with the appointment of Local Commissioner, the exemption from advance service to the defendant is granted.

10. The application is disposed of.

I.A. 14393/2026 (Order XXXIX Rules 1 & 2, CPC)

11. Present application has been filed on behalf of the plaintiff under Order XXXIX Rules 1 & 2 of CPC seeking *ex-parte ad-interim* injunction against the defendant.

12. The plaintiff has filed the present suit alleging that the defendants are manufacturers and sellers dealing in medicine under the impugned mark "UENZYMEX", which is identical and deceptively similar to the plaintiff's registered trademarks "UNIZYME", "UNIENZYME" and their variations.

13. Plaintiff is a company incorporated in the year 1972, under the Companies Act, 1956, having its office at Ahmedabad. The plaintiff claims that it is a well-established pharmaceutical company with a significant market presence. It is stated that it is the flagship company of the Torrent Group, which is one of the leading pharmaceutical companies in India. Plaintiff claims to have grown to become a dominant player in the Indian pharmaceutical sector, with a turnover of Rs.10,700 crores for the fiscal year

2024.

14. It is stated that the plaintiff has several trademark registrations for “UNIENZYME”/“UNIZYME” in Class 5, details of which, as given in the plaint, are reproduced below:

S. No.	Trade Mark	No. and date	Goods
1.	UNIENZYME	254185 dt. 18.1.1969	[CLASS: 5] Medicinal Tablets Containing Enzymes For Abdominal Troubles.
2.	UNIZYME	276978 dt. 17.12.1971	[CLASS: 5] Pharmaceutical and Veterinary Preparations.
3.	UNIENZYME	781594 dt. 9.12.1997	[CLASS: 5] Medicinal and Pharmaceutical Preparations.
4.	UNIZYME	781595 dt. 9.12.1997	
5.	10 UNIENZYME	2901374 dt. 13.2.2015	
6.	UNIENZYME GOLD	3053986 dt. 14.9.2015	
7.	UNI-ZYME	3337798 dt. 16.8.2016	[CLASS: 5] Medicinal and Pharmaceutical Preparations, Multivitamins and Dietary And Food Supplement
8.	UNIENZYME PRO	3996908 dt. 13.11.2018	[CLASS: 5] Nutritional Supplement, Dietary Supplement.
9.	NEW UNIENZYME PRO	4080033 dt. 7.2.2019	[CLASS: 5] Pharmaceutical and Medical Preparations, Dietary and Nutritional Supplements, etc
10.	UNIENZYME	4125943 dt. 23.3.2019	
11.	UNIENZYME PLUS LIQUID	5061390 dt. 27.7.2021	
12.	UNIENZYME PLUS	5061391 dt. 27.7.2021	
13.	UNIENZYME XT	6347971 dt. 15.03.2024	

14.	U-ENZYME	3337797 dt. 16.08.2016	[CLASS : 5] Medicinal And Pharmaceutical Preparations, Multivitamins And Dietary And Food Supplement
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15. Plaintiff states that the trademark in question was originally applied for by Unichem Laboratories Ltd., and was taken over by the plaintiff in 2017 by way of an Assignment Deed. The name of the plaintiff has been brought on record as subsequent proprietor. It is claimed that there is no disclaimer to the aforesaid registrations.

16. It is stated that the plaintiff's medicine under the trademark "UNIENZYME" has been sold since 1955. The said medicine is sold in the form of tablets, drops and syrup, and is used to treat digestive disorders. The plaintiff asserts that the same is beneficial in relieving digestive issues such as indigestion, acidity, gas, and abdominal discomfort.

17. The plaintiff asserts that its vision extends beyond healthcare, committed to "not just healthcare but lifecare" and it continues to innovate, improving quality of life globally, discovering breakthrough treatments, and setting healthcare standards, establishing itself as a trusted name in the global pharmaceutical industry. It is further stated that plaintiff has been at the forefront of corporate social responsibility and during the COVID-19 pandemic, along with its Group companies, it contributed Rs.100 crores to the Government's relief efforts, providing essential medicines, PPE to healthcare workers, and supporting NGOs working with vulnerable sections. The plaintiff also asserts that it paid full wages to all employees, including contract workers, during the lockdown, showcasing its commitment to its workforce and society.

18. It is submitted that the plaintiff has been manufacturing and marketing its medicines under the trademark "UNIENZYME" as an Over the Counter

(hereinafter referred to as “OTC”) product. Furthermore, once a product is marketed as an OTC product, it is promoted extensively in a manner to gain consumer awareness. It is stated that OTC products can be purchased without prescription of medical practitioners. As per the plaintiff, based upon the market reach, brand recollection and quality maintained by the product, the consumer makes a choice amongst several other similar products available in the market, thus, the distinctiveness of the packaging acquires great significance as a source identifier of such goods and constitutes valuable trademark rights for the proprietor.

19. It is further claimed by the plaintiff that the trademark “UNIENZYME” and its formative extensions have acquired distinctiveness and enviable goodwill and reputation due to its extensive, long and continuous use since the year 1955. The OTC product bearing the said trademark identifies the plaintiff as the source or origin and none else. The plaintiff claims to have common law rights to the exclusive use of the trademark “UNIENZYME” and its formative extensions.

20. The plaintiff states that it has spent heavily on promoting its products under the trademark “UNIENZYME” and its variants through various media. These promotions focus on visual recall, targeting consumers who rely on visual impressions. Plaintiff further states that these products are prominently displayed on point-of-sale materials, posters, and hoardings. Plaintiff’s promotions include electronic and print media, ensuring easy recognition with the goal to create a lasting impression, facilitating recall and identification at retail outlets.

21. The plaintiff claims that it has garnered substantial goodwill and immense reputation since the year of establishment many decades ago, which is self evidenced by the sales turnover achieved. The statement of sales record, as per the plaintiff, of the said product is reproduced as under:

STATEMENT OF SALES

Year	Sales (In crores- INR)
2016-17	57
2017-18	73
2018-19	72
2019-20	79
2020-21	86
2021-22	96
2022-23	110
2023-24	122
2024-25	138
2025-26	150

22. Plaintiff claims that the defendant has unethically and unlawfully adopted the impugned mark “UENZYMEX” without any justification. Plaintiff alleges that the mark “UENZYMEX” is identical or at least deceptively similar to the plaintiff’s registered trademark “UNIENZYME” and “UNIZYME”. Plaintiff claims that merely by removing the letters “NI” and adding the letter “X” at the end of the mark by the defendant would not distinguish the mark inasmuch as the blister pack of the defendant’s product is identical to that of the plaintiff. Plaintiff states that the *mala fide* adoption of the impugned mark by the defendant is clearly intended to cause confusion and deception in the minds of the ordinary consumers into believing that the product of the defendant is that of the plaintiff or associated with it.

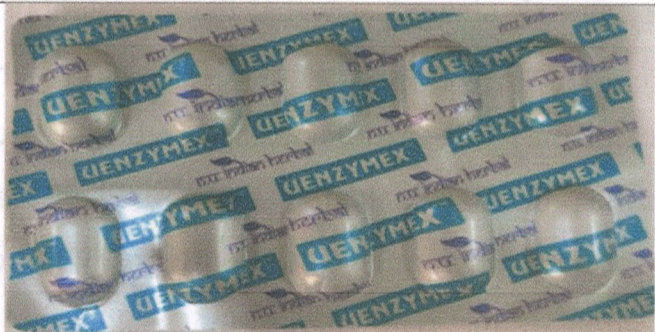
23. According to the plaintiff, the “UNIENZYME” strip packaging/trade dress constitutes “original artistic work” within the meaning of Section 2(c) of the Copyright Act, 1957. The plaintiff claims to have commissioned such artistic work on consideration paid thereby declaring the plaintiff as the owner of the artistic works embodied therein. The plaintiff states that thus, the

unauthorised copying and imitation of the packaging/trade dress of the blister pack of the plaintiff's product by the defendant would amount to infringement of its copyright.

24. Based on the above, plaintiff seeks an *ex-parte ad-interim* injunction alongwith appointment of a Local Commissioner.

25. This Court has heard Mr. Sachin Gupta, learned counsel appearing for the plaintiff and has perused the material on record.

26. Since the suit is based on infringement of the trademark as also the copyright of the plaintiff subsisting in the original artistic work embodied in the blister pack by the defendant, it may be appropriate to visually examine both the products by way of a comparative table which is brought out hereunder:-

Plaintiff's strip packaging	
Defendant's strip packaging	

27. From the aforesaid, it appears that the defendant has adopted the registered mark of the plaintiff, "UNIENZYME", and after removing the letters "NI" and adding the letter "X" at the end of the mark has created the impugned mark "UENZYMEX" to show distinction between the marks. It is clear that the mere deletion of the letters "NI" and the addition of the letter

"X" has not made any substantial difference, particularly from the point of view of an ordinary consumer who may want to purchase such products which are available over the counter. Structurally and phonetically, the two marks appear to be deceptively similar. It has to be borne in mind that these products are nutraceuticals and will be available in stores which are common to both the products. The trade circles and distribution channels would be common. Both the products are consumed for treatment of digestive disorders and the consumers too would be common. Thus, an unwary consumer with average intelligence and imperfect recollection is most likely to get confused or deceived into believing that the defendant's products are those of the plaintiff or at least associated with it.

28. What is more deceptively similar is the blister packs of both the parties. It is pertinent to note that the blister pack of both, the plaintiff and defendant have a silver background with the trademark in capitals in white font on a blue background, and printed in an identical fashion on such blister packs. Though the name of the manufacturer is also printed, however, in a small font while the mark itself is prominent and dominant in comparison to such corporate name. It also appears that the copyrights subsisting in the plaintiff of the original artistic works embodied in the blister pack are also infringed by the defendant while manufacturing the blister pack. It has to be borne in mind that the products which are manufactured are stated to be OTC products, where an ordinary consumer would only go by the colour scheme and thus, the stylization of the rival marks, the background on which the mark is embossed as well as the font and colour of the said mark, are essential source identifiers and gather significance. These essential characteristics are deceptively similar. Thus, it cannot be said with conviction that there is any distinction between the trade dress/packaging of both the parties. A consumer may get confused as to whether the product belongs to the plaintiff or the

defendant.

29. The plaintiff has also placed on record an invoice confirming purchase of the product of the defendant in Delhi. It has also been stated that the defendant has not filed any trademark application in respect of the impugned mark. The sales turnover of the plaintiff for the last ten years is indicative of its substantial goodwill and reputation garnered over the years. The promotional expenses stated to have been incurred by the plaintiff on the products under the mark "UNIENZYME" also demonstrate the efforts that the plaintiff has undertaken in the last many years to make itself visible online and offline too. The plaintiff has also filed lawsuits and taken out proceedings to protect its registered trademarks as also copyright in the past.

30. Having regard to the above, it is evident that the plaintiff has been able to demonstrate a *prima facie* strong case in its favour and against the defendant. The balance of convenience is also tilted in favour of the plaintiff. The plaintiff shall suffer irreparable loss and injury which may not be adequately compensated in monetary terms in case an *ex-parte ad-interim* injunction is not granted in its favour.

31. Accordingly, the defendant, their directors, their assignees in business, distributors, dealers, stockists, retailers/chemists, servants and agents are restrained from manufacturing, selling, offering for sale, advertising, directly or indirectly dealing in any medicinal, pharmaceutical or nutraceuticals product under the impugned mark "UENZYMEX" and its blue and silver strip packaging/trade dress, or any other marks, which may be deceptively similar to the plaintiff's registered trademarks "UNIENZYME" and "UNIZYME" and its blue and silver trade dress/strip packaging.

32. Issue notice.

33. Let a reply to this application be filed by the defendant within four weeks from service. Rejoinder, thereto, if any, be filed within two weeks

thereafter.

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34. Let the plaint be registered as a suit.

35. Upon filing of the process fee, issue summons of the suit to the defendant through all permissible modes.

36. 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 Affidavit of Admission/Denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.

37. 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.

38. 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.

39. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

40. List before the Joint Registrar (Judicial) on 10.08.2026 for completion of service and pleadings.

41. List before the Court on 06.11.2026.

I.A. 14392/2026 (Appointment of Local Commissioner)

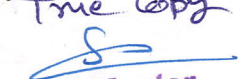
42. The present application has been filed by the plaintiff under Order XXVI Rule 9 read with Order XXXIX Rule 7 of CPC seeking appointment of Local Commissioner. The Court has considered the merits of the plaintiff's case and has granted an *ex-parte ad-interim* injunction as recorded above.

43. After having perused the plaint and the documents in support thereof and hearing learned counsel for the plaintiff, this Court is of the, *prima facie*, opinion that in order to preserve the evidence of the infraction by the defendant and in order to ensure that the injunction is fully complied with, it may be appropriate to appoint Local Commissioner. Accordingly, the following is appointed as Local Commissioner with a direction to visit the premises of the defendant specified against their name:-

S. No.	Name and Contact Details of the Local Commissioner	Location
1.	Mr. Sri Vignesh Ph: 9643716457	N.U. Indian Herbal Research Laboratory P. Ltd. Kasra Number-103, Near Kursi Road, Gram Basha, Lucknow-226026, Uttar Pradesh

44. The Commission be executed with the following directions:-

- (i) Local Commissioner shall visit the premises of the defendant as outlined above to inspect and seize any infringing product of the defendant, and may be accompanied by representatives of the plaintiff in order to assist in conducting inspection of the said premises;
- (ii) Local Commissioner shall make an inventory of the products bearing the impugned trademark and/or trade dress/packaging and/or any other deceptively similar trademark and/or trade dress/packaging to the plaintiff's trademark and packaging along with any marketing/packaging material, labels, brochures, advertisements, etc. thereof and provide a copy of the same to the representative of the plaintiff;
- (iii) If knowledge is acquired of any other premises than the aforesaid premise, where the infringing product could be stored or services can be provided from, the Local Commissioner is free to record the same and then visit the other premises and conduct a seizure there as well;

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- (iv) Local Commissioner is permitted to take photographs/videos of the impugned materials, products bearing the impugned trademark and/or trade dress, and the defendant's premises so visited;
- (v) Local Commissioner shall seize any and all products/materials, stationery, goods, books of accounts etc., bearing the impugned trademark/trade dress/packaging, procured at the premises of the defendant and release it on *superdari* to the representatives of the defendant, with an undertaking that they will not be disposed of except under orders of this Court;
- (vi) Local Commissioner shall inspect and make copies of the account books/ledgers/cash books, bill books, sale records, invoices and all other relevant documents (whether maintained as physical copies or e-records) discovered from the premises mentioned herein above;
- (vii) Local Commissioner is also permitted to break open the locks in case of resistance by the defendant and seek police assistance, if necessary;
- (viii) To ensure unhindered and effective execution of the Commission, the Station House Officer (SHO) of the local police station within whose jurisdiction the premises of defendant lie, is directed to render all necessary assistance and protection to the Local Commissioner, if and when sought;
- (ix) The Local Commissioner, while executing the Commission, shall ensure that there is no disruption to the business of the defendant, except for the purposes of the execution of the Commission. The Commission shall be executed in a peaceful manner;

45. The Commission be executed within a period of ten (10) days from the date of receipt of order and the report of the Local Commissioner shall be filed within a period of two weeks thereafter.

46. The fees of the Local Commissioner is fixed at Rs.1,50,000/- (Rupees

One Lakh Fifty Thousand only), excluding out of pocket expenses, travel, lodging etc., to be borne by the plaintiff and paid in advance to the Local Commissioner.

47. Compliance of Order XXXIX Rule 3 of CPC shall be done within a week after the execution of the Commission.

48. It is directed that this Order **shall not** be uploaded on the Court's website till the execution of the Commission is completed within the timeline and parameters directed in para nos.44 and 45 above, so as to enable its effective execution.

49. Concerned parties shall comply with the directions in the Order without waiting for the certified copy of the same.

50. Accordingly, the application is allowed and is disposed of.

51. Order *dasti* under the signatures of the Court Master.

MAY 21, 2026

Sumit/rl

True Copy *Sd-* **TUSHAR RAO GEDELA, J**
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Co. Master
High Court of Delhi
New Delhi

