



2026:DHC:411

\$~39

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 84/2025, I.A. 2537/2025, I.A. 2538/2025, I.A.
2539/2025, I.A. 2540/2025 & I.A. 2541/2025
ALKEM LABORATORIES LIMITEDPlaintiff

Through: Ms. Tusha Malhotra and Ms. Tanvi
Bhatnagar, Advs.
M: 9999748836
Email: tanvi@anandandanand.com

versus

PREVEGO HEALTHCARE AND RESEARCH
PVT. LTD.Defendant
Through: None

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
30.01.2025

%

**I.A. 2540/2025 (Exemption from filing originals, clearer and translated
copies of documents with left side margins)**

1. The present application is under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), on behalf of the plaintiff, seeking exemption from filing originals, clearer and translated copies of documents with left side margins.
2. Exemption is granted, subject to all just exceptions.
3. Plaintiff shall file originals, clearer and translated copies of documents with left side margins, on which the plaintiff may seek to place reliance, before the next date of hearing.



2026:DHC:411

4. Accordingly, the present application is disposed of.

I.A. 2539/2025 (Exemption from instituting Pre-Institution Mediation)

5. The present is an application under Section 12A of the Commercial Courts Act, 2015, read with Section 151 of CPC, seeking exemption from undergoing Pre-Institution Mediation.

6. Having regard to the facts of the present case and in the light of the judgment of Supreme Court in the case of *Yamini Manohar Versus T.K.D. Keerthi*, 2023 SCC OnLine SC 1382, and Division Bench of this Court in *Chandra Kishore Chaurasia Versus RA Perfumery Works Private Ltd.*, 2022 SCC OnLine Del 3529, exemption from attempting Pre-Institution Mediation, is granted.

7. Accordingly, the application stands disposed of.

I.A. 2538/2025 (Application seeking leave to file additional documents)

8. This is an application under Order XI Rule 1(4) read with Section 151 CPC, as amended by the Commercial Courts Act, 2015, seeking leave to file additional documents.

9. The plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

10. The application is disposed of, with the aforesaid directions.

I.A. 2541/2025 (Application seeking extension of time for filing Court Fees)

11. The present application has been filed under Section 149 read with Section 151 of the CPC, seeking extension of time to file the Court Fees.

12. Learned counsel appearing for the plaintiff submits that the requisite Court Fees has already been deposited today.



2026:DHC:411

13. Noting the aforesaid, the present application is disposed of.

CS(COMM) 84/2025

14. None appears for the defendant despite advance service.

15. Let the plaint be registered as suit.

16. Upon filing of the process fee, issue summons to the defendant by all permissible modes. Summons shall state that the written statement be filed by the defendant within thirty days from the date of receipt of summons. Along with the written statement, the defendant shall also file affidavit of admission/denial of the plaintiff's documents, without which, the written statement shall not be taken on record.

17. Liberty is given to the plaintiff to file replication within thirty days from the date of receipt of the written statement. Further, along with the replication, if any, filed by the plaintiff, an affidavit of admission/denial of documents of the defendant, be filed by the plaintiff, without which, the replication shall not be taken on record. If any of the parties wish to seek inspection of the documents, the same shall be sought and given within the timelines.

18. List before the Joint Registrar (Judicial) for marking of exhibits, on 01st April, 2025.

19. List before the Court on 17th February, 2025.

I.A. 2537/2025 (Application under Section XXXIX Rules 1 and 2 read with Section 151 CPC)

20. The present suit has been filed for permanent injunction restraining infringement of trademarks and trade dress, infringement of copyrights, passings off, dilution, tarnishment, unfair competition, trade practices, misappropriation, rendition of accounts, damages, delivery up, etc.



21. It is submitted that the plaintiff has a portfolio of over 800 brands, covering all major therapeutic segments with 6 of the brands i.e. PAN 40, PAN D, CLAVAM, TAXIM, A TO Z, XONE, featuring among the top 100 pharmaceutical brands in India which is reflective of its strong brand recognition and marketing expertise. It is further submitted that one of the



leading brands of the plaintiff is ' /A TO Z', which is registered as a trademark since 2007. Over the years the plaintiff has adopted different



variations to its ' /A TO Z' mark, with 'A TO Z' being the essential and prominent feature of the plaintiff's brand/ mark.

22. It is submitted that the present suit has been preferred by the plaintiff against the defendant as the defendant without any prior authorization/ consent from the plaintiff, are manufacturing, marketing, selling, distributing, advertising, etc. its product i.e. tablets under a deceptively, confusingly, phonetically and conceptually similar mark/ logo



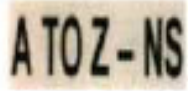
'MULTIVEIN AZ/ which is further leading to infringement of trademarks, trade dress, copyrights, passing off misappropriation, dilution and tarnishment of the reputation and goodwill earned by the plaintiff on account of its well-known trademarks, brand name and business.

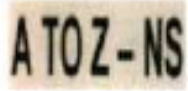


2026:DHC:411



23. It is submitted that the trademarks '  / A TO Z',



'  ', and 'A To Z NS' were first adopted by the plaintiff in the year 1998 and 2008 respectively for its products. The marks are coined and arbitrary and are associated with the products of the plaintiff alone by the public. Since their adoption, the marks have been used continuously and extensively by the plaintiff for their various products. Further, the plaintiff has adopted different variations of the mark 'A TO Z' and obtained numerous registrations for the same, with 'A TO Z' being the essential and prominent feature of the plaintiff's trademark portfolio.

24. It is submitted that the plaintiff's aforesaid trademarks have been



adopted in different variations over the years, with 'A TO Z/  ', being a prominent and essential feature thereof. One such adaption by the plaintiff to its aforesaid marks, is 'A TO Z NS+' which was *bonafidely* adopted in 2022 for its tablets. Ever since its adoption, the aforesaid marks have been continuously and uninterruptedly used under plaintiff's products. Some of the plaintiff's products, along with the above trademarks and its trade dress, are reproduced below:



2026:DHC:411

Tablets	
Syrup	
Oral Drops	

25. It is submitted that the registered trademarks of the plaintiff are valid and subsisting on the Register of the Registrar of Trade Marks. The adoption, use and advertising of identical or similar trademarks by any third party for the above-mentioned services without the consent or license of the plaintiff would amount to an infringement of the plaintiff's trademarks.

26. It is submitted that the plaintiff is the registered proprietor of the copyright in 'A TO Z' artistic work bearing registration No. A-8942/2010 along with 'A TO Z DROPS' bearing no. A-90376/2011 and 'A TO Z GOLD NS' bearing no. A-108732/2014. The aforesaid artistic works were conceived and designed by the plaintiff *bonafidely* hence, the plaintiff is the



2026:DHC:411

absolute owner of Copyright in the said artistic works by virtue of Section 17(c) of the Copyright Act, 1957 and has a right to take action against any party that is misusing its logos/ packaging.

27. It is further submitted that the plaintiff launched its products bearing the trademark 'A TO Z NS' using its existing 'A TO Z' logo which has been in use since 1998, in a unique packaging in the year 2008. Snapshots of the same, as given in the plaint, are reproduced as under:



28. It is submitted that the plaintiff's product under the mark 'A TO Z NS NEW BLISTER STRIP' was launched in red colored rectangular blister strip. Snapshot as shown in the plaint, is as under:



2026:DHC:411

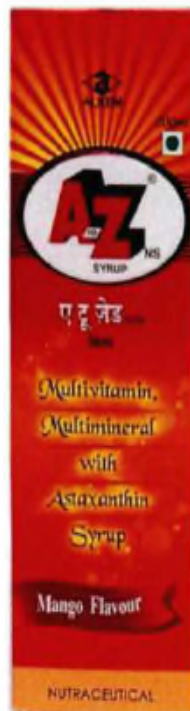


29. It is further submitted that the plaintiff launched its syrups bearing the trademark 'A TO Z NS' in a unique packaging in the year 2014, as follows:





2026:DHC:411



30. Thus, it is submitted that the aforesaid logos and packaging are an 'artistic work' within the meaning of Section 2 (c) of the Copyright Act,



2026:DHC:411

1957. They were developed by an employee of the plaintiff during the course of the employment and by virtue thereof the plaintiff is the absolute owner of the Copyright in the above artistic work by virtue of Section 17(c) of the Copyright Act, 1957.

31. It is submitted that the plaintiff's 'A TO Z' family of marks has been used continuously and uninterruptedly since its adoption. Further, the plaintiff's products under the brand 'A TO Z' has become massively popular among members of the public to meet their investment needs and gained immense trust of the public. By virtue of the reliability, effectiveness and excellent efficacy of the services offered by the plaintiff and the subject trademarks, brand logos and trade dress, have gained trust among the members of the trade and public at large.

32. It is, therefore, submitted that the subject trademarks have become well-known to a substantial segment of the public who use the plaintiff's products and any use of an identical, deceptively or conceptually similar mark by any other entity or person in relation to any other or similar or identical goods which the plaintiff may or may not be providing at this time, would be taken to have a connection with the plaintiff in the course of trade.

33. It is submitted that in the third week of December, 2024, the plaintiff came across a product bearing the mark/ logo 'MULTIVEIN AZ/



, which was used for identical goods i.e. health supplements, to that of plaintiff's product. The said product was manufactured and marketed by defendant. The snapshot of the aforementioned product, as given in the plaint, is reproduced as under:



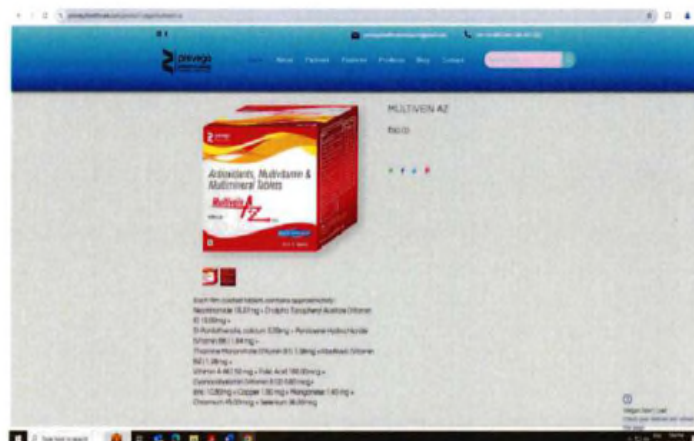
2026:DHC:411



34. It is submitted that the aforesaid mark and packaging of the defendant's products are deceptively and confusingly similar to that of plaintiff's 'A TO Z' family of marks and its product packaging. Thus, the plaintiff did an internet search to learn about the extent of infringing activities undertaken by the defendant. During the said due diligence, the plaintiff came across the website of the defendant i.e. <https://www.prevegohealthcare.com/>, wherein, the defendant in product bearing its 'product section' advertised the sale of the impugned mark



'MULTIVEIN AZ/'. Screenshot of the impugned product on the website of the defendant, is shown as below:





35. It is submitted that the plaintiff during its due diligence also learnt that the defendant's product bearing the impugned mark and packaging are also advertised and listed for sale on various e-pharmacies/ third party websites. The links of such listings are as under:

- <https://www.lmg.com/otc/multivein-az-tablet-otc667448?srsId=AfmBOorFpCszObzrqBGjiZDQcuME-m-zbOwBOiDskdEglxxZH9oY1oyJh&wpsrc=Google+Organic+Search>
- <https://www.truemedics.in/medicine/multivein-az-tablet-15-tm-tacr1-054401>
- https://www.netmeds.com/prescriptions/multivein-az-tablet-15?srsId=AfmBOorf7drt56eHM52vkxyK_eKaCWI144g3uDIGkS_R3chR7BqfuvyN
- <https://www.platinumrx.in/product-display/multivein-az-tablet/1241492>
- <https://farmako.in/medicine/multivein-az-tablet-319450/>

36. It is submitted that the defendant's impugned mark 'MULTIVEIN



2026:DHC:411



AZ/ is conceptually, phonetically, deceptively, structurally and confusingly similar to the plaintiffs 'A TO Z' family of marks. Further, the defendant has also adopted a deceptively similar trade dress/ packaging as that of plaintiff's product for its tablets, to encash upon the goodwill and reputation of the plaintiff and its products.

37. It is submitted that the plaintiff after learning about the above infringing activities of the defendant sent a cease and desist notice dated 27th December, 2024 to the defendant calling upon the defendant, among other things, to immediately cease and desist in all manner, manufacturing, selling or offering for sale, marketing and distributing the impugned product bearing the deceptively and confusingly similar mark 'MULTIVEIN



AZ/ or any other mark/ logo including plaintiff s 'A TO Z' family of marks.

38. It is submitted the *malafide* and dishonest intention of the defendant can be clearly seen from the fact that it applied for registration of the mark 'MULTVEIN AZ' only on 10th January, 2025 i.e. post receipt of the legal notice sent by the plaintiff to the defendant.

39. It is submitted that the defendant's impugned mark

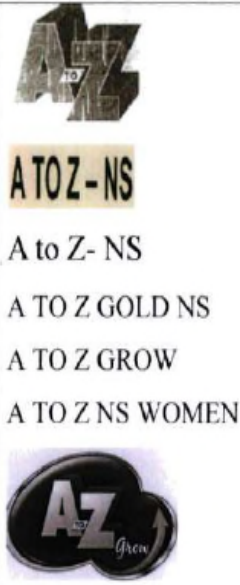


/ MULTIVEIN AZ' is visually, conceptually, structurally, and phonetically, deceptively/ confusingly similar to the plaintiffs well known 'A TO Z' family of marks. A comparison table, as



2026:DHC:411

given in the plaint, is produced below:

PLAINTIFF'S MARKS	DEFENDANTS MARKS
	MULTIVEIN AZ 

40. Learned counsel appearing for the plaintiff submits that the comparison between the competing marks, makes it evident that the defendant is blatantly infringing plaintiff's statutory rights in the subject trademarks. The defendant has merely added a prefix 'MULTIVEIN' to the term 'AZ'. It is submitted that the term 'AZ' and/ or 'A TO Z' are associated by the members of public and trade with the products of the plaintiff alone. The style and font in which 'AZ' is written on plaintiff's logo/ marks, makes it abundantly clear that the prominent and essential feature of defendant's mark is 'AZ', which is deceptively similar to plaintiff's 'A TO Z' family of marks. It is further submitted that the registered mark of the defendant is 'MULTIVEIN' however, it is not using the said mark but has added 'AZ' to the same for its products, to come closer to the plaintiff's 'A TO Z' family of marks.



41. It is submitted that there is absolute visual, phonetic, conceptual and structural similarity between the rival marks/ logos/ trade dress and therefore, no dissimilarity in the marks can be in dispute. Comparison of the plaintiff's products viz-a-viz defendant's product is as below:

PLAINTIFF'S PRODUCT	DEFENDANTS PRODUCT

42. In view of the above circumstances, the plaintiff has demonstrated a *prima facie* case for grant of injunction and in case no *ex-parte ad-interim* injunction is granted, the plaintiff will suffer an irreparable loss. Further, the balance of convenience also lies in favour of the plaintiff and against the defendant.

43. This Court also notes that none has appeared for the defendant despite advance service.

44. This Court also notes the submission made by learned counsel



2026:DHC:411

appearing for the plaintiff that the plaintiff has no objection to use of the mark 'MULTIVEIN' by the defendant.

45. Accordingly, till the next date of hearing the defendant, their directors, partners or proprietors, representatives, principal officers, licensees, servants, agents, their affiliates, distributors, successors, subsidiaries and all others acting for and on their behalf, are restrained from marketing, packaging, selling, offering for sale or distribution, exporting, advertising, directly or indirectly using/ dealing in any products, or goods of any description bearing the marks the mark 'MULTIVEIN



AZ/ and/or any other marks that are identical, deceptively, confusingly, visually, phonetically and/or conceptually similar to the plaintiff's registered trademarks, or containing any component of the aforesaid trademarks or any other word, designation, label etc. similar thereto, whether as part of trademarks or brand name, and other marks containing, or comprising of, plaintiff's 'A TO Z' family of marks or any mark which identical, deceptively, confusingly, visually, phonetically and/or conceptually similar thereto, leading to infringement of the plaintiff's registered trademarks/ passing off of the defendant's products and trade dress and emanating or belonging to the plaintiff's/ leading to infringement of the copyright of the plaintiff.

46. The defendant is granted liberty to file an inventory of its existing



stock of the goods with mark . The request of the defendant for exhausting its existing stock, shall be considered by the Court,



2026:DHC:411

upon the defendant making a request in that regard to this Court, and upon analysing the detail of the existing stocks, as filed by the defendant before this Court.

47. Issue notice to the defendant by all permissible modes.
48. Let reply be filed within a period of four weeks.
49. Rejoinder thereto, if any, be filed within two weeks, thereafter.
50. Along with the reply, the defendant shall file details of its existing stock along with the date of manufacture.
51. However, it is clarified that the defendant is at liberty to market its product with its mark 'MULTIVEIN', in a packaging, which is not similar or deceptively similar to the packaging of the plaintiff.
52. Compliance of Order XXXIX Rule 3 CPC, be done, within a period of one week, from today.
53. List before the Court on 17th February, 2025.

MINI PUSHKARNA, J

JANUARY 30, 2025/kr