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

+ **CS(COMM) 324/2026**

DANONE ASIA PACIFIC HOLDINGS PTE LTDPlaintiff
Through: Mr. Krishna V.S., Mr. Ashish Sharma
and Ms. Kamana Divya Sree, Advocates.

versus

M/S MEDWIN PHARMA TECH AND ANRDefendants
Through:

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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27.03.2026

I.A. 8142/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

I.A. 8139/2026 (for pre-institution mediation)

3. This application is filed on behalf of the Plaintiff under Section 12-A of the Commercial Courts Act, 2015 read with Section 151 CPC seeking exemption from Pre-Institution Mediation.
4. Having regard to the facts of the present case wherein urgent relief is prayed for and in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Keerthi*, (2024) 5 SCC 815, as also Division Bench of this Court in *Chandra Kishore Chaurasia v. RA Perfumery Works Private Ltd.*, 2022 SCC OnLine Del 3529, exemption is granted to the Plaintiff from Pre-Institution Mediation.
5. Application is allowed and disposed of.



I.A. 8140/2026 (u/R 22 of Delhi High Court (Intellectual Property Rights Divisions) Rules, 2022 r/w Section 151 CPC)

6. This application is filed on behalf of the Plaintiff seeking exemption from effecting advance service on the Defendants.

7. For the reasons stated in the application, the same is allowed exempting the Plaintiff from effecting advance service on the Defendants.

8. Application stands disposed of.

I.A. 8141/2026 (u/O XI Rule 1 (4) r/w Section 151 CPC)

9. This application is filed on behalf of the Plaintiff seeking leave to place on record additional documents within 30 days.

10. Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly in accordance with provisions of the Commercial Courts Act, 2015.

11. Application is disposed of.

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12. Let plaint be registered as a suit.

13. Upon filing of process fee, issue summons to the Defendants through all permissible modes, returnable before the learned Joint Registrar on 16.04.2026.

14. Summons shall state that the written statements shall be filed by the Defendants within 30 days from the receipt of summons along with affidavits of admission/denial of the documents filed by the Plaintiff.

15. It will be open to the Plaintiff to file replications within 30 days from the date of receipt of written statements along with affidavits of admission/denial of documents filed by the Defendants.



16. If any of the parties wish to seek inspection of any documents, the same be sought and given the timeline prescribed in Delhi High Court (Original Side) Rules, 2018.

17. Learned Joint Registrar will carry out admission/denial of documents and marking of exhibits.

I.A. 8137/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

18. This application is filed on behalf of the Plaintiff seeking *ex parte* ad interim injunction against the Defendants.

19. Issue notice to the Defendants through all permissible modes, returnable before Court on 22.05.2026.

20. Case of the Plaintiff as set out in the plaint is that Plaintiff is a part of Danone Group of Companies which has its origin in 1896 and currently conducts business in over 120 countries and is considered one of the world's foremost players in specialized nutrition market as well as in dairy and plant-based products market with an established presence for packaged water also. Plaintiff has a proud heritage that goes back to 100 years in France when Issac Carasso launched a company to sell yoghurt naming it after his son's nickname 'Danon'. In 2007, Danone Group acquired the Numico Group, which was later re-named 'Nutricia' and was operating since 1896 and had pioneered specialised nutrition and food products that transformed lives of people around the world. After several expansion projects, mergers and acquisitions, the then Company BSN-Gervais Danone was incorporated in 1994. Even today, with Plaintiff's "One Planet. One Health." frame of action, Plaintiff continues to develop quality products made from natural ingredients to protect health of people. Plaintiff's brand portfolio includes both international and regional brands including Activia,



Actimel, Alpro, Oikos, Aptamil, Danette (Danet in some regions), Danimals, Danio, Dannon, Danonino, Evian, Nutricia, Nutrilon, Protinex, Volvic, etc.

21. It is stated that trademark PROTINEX has been commercially used in India by the Plaintiff's predecessors since 1957. The trademark was originally registered by Dumex Limited and was later acquired by the Pfizer Group in 1972. In 2006, the trademark was acquired by Wockhardt Group and eventually came to Wockhardt EU Operations (Swiss) AG. In 2012, Wockhardt EU Operations (Swiss) AG executed a Deed of Assignment in favour of the Plaintiff, transferring all its intellectual properties, goodwill and ancillary rights in various brands, including the registered trademark PROTINEX and its associated trade dresses to the Plaintiff. In India, 'PROTINEX' is marketed by Plaintiff's subsidiary Nutricia International Private Limited, which also manufactures the product in association with Zeon Lifesciences Limited and Parsons Nutritionals Private Limited. Plaintiff takes great care to ensure that its products are manufactured as per the highest standards of quality and hygiene so that the strong positive association of trademark PROTINEX is not diluted in any manner and good health of people is ensured through food and which is why PROTINEX is one of the most trusted nutrition brand in the country over generations.

22. It is stated that the word PROTINEX is not a dictionary word and is a coined and inherently distinctive trademark solely associated with the Plaintiff. Owing to the commercial sales of the products under PROTINEX since 1957 continuously and extensively, the mark is well known among the members of trade, consumers and relevant industry. It is also one of the market leaders in the industry, holding about 27% of the market share in the



Adult Nutrition Segment, as of 2023. The whole range of products under the brand PROTINEX is as follows:-

PRODUCTS	PACKAGING
PROTINEX - Original	 
PROTINEX – Tasty Chocolate	

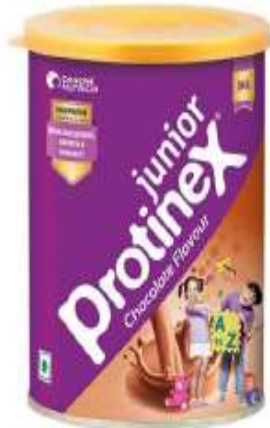


PRODUCTS	PACKAGING
PROTINEX – Vanilla Delight	
PROTINEX - Elaichi	
PROTINEX – Fruit Mix	

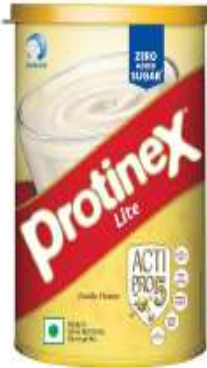


PRODUCTS	PACKAGING
PROTINEX – Kesar Badam	
PROTINEX MAMA - for pregnant ladies	
PROTINEX Mother's Vanilla - for pregnant ladies	



PRODUCTS	PACKAGING
PROTINEX Mother's Chocolate - for pregnant ladies	
PROTINEX JUNIOR for two- ten years old children - Chocolate	
PROTINEX JUNIOR for two- ten years old children - Vanilla	



PRODUCTS	PACKAGING
PROTINEX GROW - for children eight- fifteen-year-olds - Chocolate	
PROTINEX GROW - for children eight- fifteen-year-olds - Malt	
PROTINEX LITE with zero sugar;	



PRODUCTS	PACKAGING
PROTINEX DIABETES CARE especially designed to control blood sugar;	
PROTINEX BYTES as a healthy snack	

23. It is stated that under the brand PROTINEX, Plaintiff launched several models and its variants as under:-

Product Name	Product
PROTINEX Creamy Vanilla	



Product Name	Product
PROTINEX Chocolate	 OLD PACK NEW PACK
PROTINEX Diabetes Care	 OLD PACK NEW PACK
PROTINEX Original	 OLD PACK NEW PACK
Product Name	Product
Mama PROTINEX	 OLD PACK NEW PACK



24. It is stated that mark PROTINEX has been recognized for transforming the nutrition industry and has received many accolades and awards in India, which include ‘Best New Product Launch of the Year’, ‘Best Product Innovation of the Year’ and ‘PHB-Best Healthcare Brand’ as also Awards in respect of products PROTINEX GROW and PROTINEX BYTES. PROTINEX is akin to a house mark and brand identity of the Plaintiff and simple search on internet of the term PROTINEX provides only results pertaining to the Plaintiff. The goodwill and reputation earned by PROTINEX brand is evident from its ever-growing sales across the length and breadth of the country and illustratively, gross sales as also marketing expenses for the Financial Years 2022, 2023 and 2024 are as follows:-

Particulars	Amount in Rs. (in millions)		
	31 st March 2024	31 st March 2023	31 st March 2022
Gross Sales	3,058.51	3,122.51	3,436.55
Marketing expenses	902.03	836.64	762.88

25. It is stated that over the years, brand PROTINEX has been subject to discussion in many popular trade journals and magazines and Plaintiff also operates an international website www.nutricia.com and India specific websites www.danone.in and <http://www.protinex.com>, which prominently feature the mark PROTINEX. Plaintiff has invested huge money in several television commercials and PROTINEX has been endorsed by many celebrities and well-known personalities, which include Mr. Prithvi Shaw



and Mr. Shubman Gill. The products under the mark PROTINEX are available in every corner of the country in physical shops as also on e-commerce websites such as Amazon India, Flipkart and online grocery stores i.e., Big Basket and Blinkit and online pharmacies such as Netmeds, 1mg, which has further enhanced the spread of the products and consequently the popularity of the brand. PROTINEX also has strong social media presence and Plaintiff actively engages viewers through Facebook, Instagram, X etc., which has increased product awareness.

26. It is stated that Plaintiff has obtained registrations in the trademark PROTINEX and its formative marks to secure statutory rights, apart from which it also possesses common law rights for protection of the trademark. Details of the registrations granted and applications pending are as follows:-

Sl.N o.	Tradema rk	Applicati on.	Class	Date of Applic ation	Status	Valid upto
1.	PROTINE X (word)	178482	05	15.02.195 7	Registered	15.02.203 6
2.	PROTINE X (word)	275091	30	20.09.197 1	Registered	20.09.202 6
3.	PROTINE X (word)	1274688	29	24.03.200 4	Registered	24.03.203 4



4.	PROTINE X (word)	1467423	29	06.07.200 6	Registered	06.07.202 6
5.	PROTINE X (word)	1467424	30	06.07.200 6	Registered	06.07.202 6
6.	PROTINE X (word)	1472293	05	24.07.200 6	Registered	24.07.202 6
7.	PROTINE X (word)	1472292	30	24.07.200 6	Registered	24.07.202 6
8.	PROTINE X BYTE S (word)	3577275	05&3 0	23.06.201 7	Registered	23.06.202 7
9.		5684347	05	16.11.202 2	Registered	16.11.203 2
10.		5684345	05	16.11.202 2	Registered	16.11.203 2
11.		5684346	05	16.11.202 2	Pending Registr ation	-
12.		5684348	05	16.11.202 2	Registered	16.11.203 2



27. It is stated that all the aforesaid registrations are valid and subsisting. Plaintiff is also the registered proprietor of PROTINEX in other jurisdictions, as follows:-

S.No.	Trademark	Reg. No.	Country	Class
1.	PROTINEX	208751	Thailand	30
2.	PROTINEX	200275	Thailand	05
3.	PROTINEX	211108714	Thailand	32
4.	PROTINEX	208831	Thailand	01, 29
5.	PROTINEX	1/1383260	Mozambique	05
6.	PROTINEX	1383260	Benelux	05
7.	PROTINEX	7573	Bhutan	05, 30
8.	PROTINEX	03009268	Malaysia	29
9.	PROTINEX	03009269	Malaysia	30
10.	PROTINEX	495	Nepal	5
11.	PROTINEX	496	Nepal	30
12.	PROTINEX	736	Afghanistan	5 & 30

28. It is stated that Plaintiff enjoys extraordinary goodwill and reputation all over India and in other countries and the trademark PROTINEX is distinctive of and exclusively associated with the goods offered by the Plaintiff, owing to honest and prior adoption, long, continuous, open, substantial, uninterrupted and extensive user, coupled with superior quality of goods sold under the said mark. Plaintiff and its predecessors-in-interest have used several different packaging for its products sold under PROTINEX brand over the last six decades and is a copyright holder in the original artistic work in the trade dress, layout and get-up of the packaging. In fact, Plaintiff has won several awards including WorldStar Packaging



Award, 2019 for the unique Penta pack design. The unique component of the packaging, however, which has remained constant over the years, is the position of the trademark PROTINEX, which has always been written in a slanted manner across the packaging. Artistic work in the overall packaging comprises of distinctive features such as: (a) manner of writing the word ‘PROTINEX’ in a slanting manner with a unique font and colour; (b) words, phrases and images used at various places in the packaging; (c) various labels and devices used in the packaging; (d) layout and get-up of the packaging; and (e) colour scheme of the packaging. Illustratively, some of the product packaging with unique components are as follows:-

Description	Illustration
A cylindrical tin container, predominantly orange / red & brown colour combination, as packaging for the product	
The trademark ‘PROTINEX’ with the distinctive and stylised font	
The trade mark ‘PROTINEX’ displayed in white text with a red background	
The trademark ‘PROTINEX’ displayed in brown text with white background.	
The mention of the yellow badge-like label on the left top of the tin stating ‘Vital Nutrients to support Immunity, Lean Body Mass & Good Health’.	



The lay-out design with the 'PROTINEX' trade mark placed diagonally across the packaging maintained throughout the years.	
The splashing liquid below the PROTINEX mark. The splashing liquid is commonly found in the trade dress under the branding PROTINEX.	
The molecular design on the background of the label in white.	
The placement of the bubble like structure containing the word 'Original' below the mark PROTINEX	
The placement of the tagline 'High Protein Supplement' below the mark PROTINEX diagonally across the container.	

29. It is stated that Plaintiff has been extremely vigilant in protecting its intellectual property rights and has filed several law suits seeking injunctions as also oppositions/rectifications before the Trade Marks Registry, details of which are furnished in paragraph 68 of the plaint. In several matters, this Court has granted *ex parte* injunctions restraining third parties from infringing Plaintiff's trademark as also from passing off their goods.



30. It is stated that during the last week of October, 2025, Plaintiff came across Defendant No. 1 using the mark PROTOVIT listed on third party portal and to ascertain further details, investigation was carried out which revealed that Defendant No. 1 is a proprietorship firm, which owns and operates a website <https://medwinpharmatech.com/> and also has online presence on various social media platforms. Defendant No. 1 is engaged in manufacture and supply of dietary supplements, herbal extracts, functional foods, oral liquids, ointments, injections, surgical products, ayurvedic medicines etc., since 2016. It has various products in protein powder category under brands such as PROTOVIT, PROTILIX, PROTIWAY, PROTIMIX, PROTIMEX, PROTINET, PROTILEX, ZEPORT-Z and S-PRO and the product bearing the mark PROTILIX is market by PCI Bioscience Private Limited and that Defendant No. 1 is the distributor for Defendant No. 2 as also its associate partner.

31. It is stated that investigator noticed large stock of products under the infringing marks at Defendant No. 1's premises including catalogues. Investigation also revealed that Defendants are using various

marks such as , 'PROTOVIT/' ,

PROTIVIT/ , PROTILIX/  , PROTIWAY/



PROTIMIX/



PROTIMEX/



PROTINET/



PROTILEX/



ZEPORT-Z/

and



S-PRO/

32. It is further stated that Plaintiff has no objection to Defendants using

the

marks

PROTOVIT/



PROTIVIT/



,



PROTINET/

ZEPORT-Z/



and S-PRO/



,

however, Defendants cannot be permitted to use infringing marks i.e.,

PROTILIX, PROTIMIX, PROTIMEX, PROTILEX, PROTIWAY,



along with the trade dresses





as these are deceptively similar to Plaintiff's trademark PROTINEX and its trade dresses and are thus infringing. General internet search has also revealed that products under the infringing mark PROTILIX are available for sale through e-commerce platform Meesho (https://www.meesho.com/pro-protilix-proteinpowder-200g-chocolate-flavour-enriched-with-natural-vitamins-ironnminerals-boostt-strengthenergy/p/98n36q?srsId=AfmBOoqYIMjpkmqDqp5Pi3OvRsVGhr87OWpvjXsPAP_DDcNKeEfuXcd) and in fact, Plaintiff received the infringing product after it placed an order on 29.01.2026.

33. Learned counsel for the Plaintiff submits that Defendants have dishonestly and deliberately adopted the infringing marks, which are deceptively similar to Plaintiff's registered trademark PROTINEX as also the trade dresses for identical products i.e., protein powder with full knowledge of Plaintiff's marks and formidable goodwill and reputation. With the rival marks being deceptively similar and goods being identical, confusion amongst members of the public is inevitable since trade channels and consumers are common. Clearly, Defendants are infringing the registered marks of the Plaintiff under Section 29 of the Trade Marks Act, 1999 ('1999 Act'). Plaintiff has built an immense reputation and goodwill and its marks and the products sold thereunder are associated with the Plaintiff alone. By using deceptively similar marks and trade dress, Defendants are misrepresenting to the public that their goods have some association with the Plaintiff and this is causing harm to the immense reputation of the Plaintiff and this amounts to passing off and violates the common law rights of the Plaintiff.

34. Having heard learned counsel for the Plaintiff and upon perusal of the



documents, I am of the view that Plaintiff has made out a *prima facie* for grant of *ex parte* ad interim injunction against the Defendants. Balance of convenience lies in favour of the Plaintiff and it is likely to suffer irreparable harm in case the interim injunction, as prayed for, is not granted.

35. Plaintiff is the registered proprietor of trademark PROTINEX in Classes 05, 29 and 30 and has a statutory right to exclusively use the same and restrain third parties from infringement, by virtue of Section 28 of 1999 Act. Impugned marks PROTILIX, PROTIMIX,



PROTIMEX, PROTILEX, PROTIWAY, and the



trade dresses are deceptively similar to the trademark and trade dresses of the Plaintiff respectively and are being used for identical goods. As rightly flagged by counsel for the Plaintiff, with common consumer base and common trade channel, there is every likelihood of confusion among members of public and potential consumers and thus, *prima facie* use of impugned marks amounts to infringement under Section 29 of 1999 Act. The act of the Defendants in using similar marks and trade dresses is *prima facie* with an intent to misrepresent to the public that Defendants' goods have an association with the Plaintiff and this is causing irreparable harm to the goodwill and reputation of the Plaintiff and amounts to passing off.



36. Accordingly, till the next date of hearing, Defendants, their partners, their employees, officers, servants, agents, and all others acting for and on their behalf are restrained from:-

(a) manufacturing, selling, distributing, exporting, advertising, offering for sale any product, directly or indirectly and in any manner whatsoever under the impugned trademarks PROTILIX/



PROTIMIX/



PROTIWAY/



PROTIMEX/



PROTILEX/



and



and/or under any other mark, which is deceptively similar or identical to Plaintiff's registered trademark 'PROTINEX' and/or its formative marks, amounting to infringement; and

(b) manufacturing, selling, offering for sale etc., any product using the impugned trademarks and trade dresses



; and/or any other trademark/

trade dresses deceptively similar/identical to Plaintiff's trademarks/trade dresses, amounting to passing off.

37. Plaintiff shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from the date of execution of the local



commission.

I.A. 8138/2026 (u/O XXVI Rule 9 r/w Order XXXIX Rule 7 r/w Section 151 of CPC)

38. This application is filed on behalf of the Plaintiff seeking appointment of Local Commissioner.

39. Upon hearing, the application is allowed.

40. Accordingly, Mr. Udit Gupta, Advocate (Mobile No. 9911299869) is appointed as Local Commissioner, who shall visit the premises as indicated below:-

M/s Medwin Pharma Tech

A Proprietorship Concern of Mr. Siddhant Agarwal,
50, Gajanan Industrial Park,
Nemawar Rd, Gram, Asrawad Buzurg,
Indore, Madhya Pradesh 452016.

41. Local Commissioner shall visit the aforesaid premises of the Defendants and inspect and make an inventory of the infringing goods and thereafter seize and take the into custody infringing goods of Defendants, including incriminating materials and packaging materials bearing the impugned marks/packaging/trade dresses similar/identical to that of Plaintiff's marks/packaging/trade dresses. The goods so seized shall be handed over to the Defendants on *superdari* with an undertaking that the same shall be produced in Court when directed.

42. Local Commissioner shall also inspect and seize the books of accounts, ledgers and stock registers relating to sale of the offending goods.

43. Local Commissioner along with the representative of the Plaintiff and/or counsel shall be permitted to enter the aforesaid premises by the Defendants. In case of any obstruction in execution of the commission,



Local Commissioner will be at liberty to take assistance of SHO of the concerned police station, who on being contacted shall render complete assistance and cooperation. In case the premises are found locked, Local Commissioner will be at liberty to break open the locks.

44. Plaintiff shall serve a copy of this order upon the Defendants along with paper book of the suit at the time of execution of the commission.

45. Fee of the Local Commissioner is fixed at Rs. 2,00,000/- in addition to boarding and lodging charges and other miscellaneous out-of-pocket expenses. Fee of the Local Commissioner shall be paid in advance by the Plaintiff.

46. Report shall be filed by the Local Commissioner within two weeks from the date of execution of the commission and Registry shall be informed of the execution of commission and the filing of the report, only after which summons will be issued to the Defendants.

47. Application is disposed of.

48. This order will not be uploaded on the website of this Court till execution of the commission by the Local Commissioner.

49. Copy of the order be given *dasti* under signatures of the Court Master.

JYOTI SINGH, J

MARCH 27, 2026/RW