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

+ **CS(COMM) 668/2025**

DR. REDDYS LABORATORIES LIMITEDPlaintiff

Through: Mr. Ranjan Narula, Mr. Shakti Priyan
Nair and Mr. Parth Bajaj, Advs.

Versus

EXCELLA LIFE SCIENCES PVT. LTD. AND ANR.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **24.07.2025**

CS (COMM) 668/2025

1. Let the Plaint be registered as a Suit.
2. Issue Summons to the Defendants through all permissible modes upon filing of the Process Fee.
3. The Summons shall state that the Written Statement shall be filed by the Defendants within four weeks from the date of the receipt of Summons. Along with the Written Statement, the Defendants 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.
4. Liberty is granted to the Plaintiff to file Replication, if any, within thirty 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 Defendants be filed by the Plaintiff, without which the Replication shall not be taken on record.
5. The Parties shall file all original documents in support of their respective claims along with their respective pleadings. 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.

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

7. List before the learned Joint Registrar on 19.09.2025 for completion of service and pleadings.

I.A. 15792/2025 (U/O XXXIX Rule 1 & 2 of the Code of Civil Procedure, 1908 (“CPC”))

8. Issue Notice through all permissible modes upon filing of the Process Fees.

9. The present Suit has been filed seeking relief of permanent injunction restraining violation and infringement of trade mark, passing off, unfair trade competition, damages, delivery up against the Defendants. The Plaintiff is in the business of manufacturing, marketing and distribution of pharmaceutical, nutritional and cosmetic products both globally and in India. The Plaintiff states that it is presently one of India’s largest pharmaceutical companies, and an established global pharmaceutical manufacturer and supplier. The Plaintiff further states that it has a presence in more than 75 countries with its turnover for the financial year 2023-24 being to the tune of \$ 3.35 billion (₹ 279 billion).

10. The Plaintiff states that Trade Mark “RAZO” was coined and adopted in 2002 with the earliest registration in India dating back to 2004 and that the Plaintiff is the registered proprietor of the Trade Mark “RAZO” and “RAZO” formative mark in class 05 (“**Plaintiff’s Trade Mark**”), with the earliest registration being in effect since 2004 with use since the year 2002.



Details of some of the registrations for the Plaintiff's Trade Mark are reproduced hereunder:

Trade Mark	Registration number	Filing Date	Status/Validity
	1320974	18/11/2004	Registered, valid until November 18, 2034
RAZO	2336815	24/05/2012	Registered, valid until May 24, 2032
RAZO	2370917	27/07/2012	Registered, valid until July 27, 2032
	1310527	22/09/2004	Registered, valid until September 22, 2034
RAZO EASY SACHETS	2336818	24/05/2012	Registered, valid until May 24, 2032
RazoSO	4372220	09/12/2019	Registered, valid until December 09, 2029
RazoSO	4372221	09/12/2019	Registered, valid until December, 09, 2029

11. It is stated that the products of the Plaintiff under the brand “RAZO” are marketed and sold all over the country through a vast chain of distributors, with its availability at chemist shops resulting in widespread consumer and physician recognition. It is further stated that the Plaintiff's Trade Mark is well-known among the relevant class of customers and doctors and other healthcare professional due to its extensive use, widespread availability, and promotion and the same is exclusively associated with the Plaintiff.



12. It is stated that the Plaintiff's Trade Mark has been continuously and extensively used by the Plaintiff since its adoption in 2002. Therefore, the Plaintiff's Trade Mark is indelibly associated solely with the Plaintiff and its products, and the use of any identical / deceptively similar mark would be construed as associated with the business of the Plaintiff. It is further stated that the Plaintiff invests its resources in extensive promotional and marketing activities, as a result of which, the relevant and substantial section of the public associate know that the Plaintiff's Trade Mark belongs to the Plaintiff alone and no one else. The Plaintiff submits that the Plaintiff's Trade Mark being a coined and invented word having no direct relation with the composition, ailment, or condition for which the product sold under the Plaintiff's Trade Mark is prescribed, as well as having no dictionary meaning, deserves the highest level of protection from misuse by any third parties.

13. The Plaintiff further states that it has always been vigilant in protecting its intellectual property rights in its Trade Mark "RAZO" and has acted zealously to prevent misuse by third parties. A table for actions taken in the past against third parties violating rights in the Plaintiff's Trade Mark is reproduced below:

NAME	IMPUGNED MARK	ORDER
CS (COMM) 456/2020 Dr Reddy's Laboratories Limited Vs. RS Chauhan	RAPRAZO	An ex-parte ad interim injunction was granted by this Hon'ble Court vide order dated 16.10.2020 restraining the Defendant therein to use the impugned mark 'RAPRAZO'. Thereafter, the Defendant entered an



		appearance and settled the dispute with the Plaintiff. This Hon'ble Court decreed the suit in favour of the Plaintiff <i>vide</i> order dated 17.03.2023.
CS (COMM) 436/2021 Dr Reddy's Laboratories Limited Vs. Fast Cure Pharma	RAZOFAST	An interim injunction was granted by this Hon'ble Court <i>vide</i> order dated 30.11.2021 restraining the Defendant therein to use the impugned mark 'RAZOFAST'. The Defendant never entered an appearance or contested the matter. This Hon'ble Court was pleased to decree the suit in favour of the Plaintiff and permanently restrained the Defendant <i>vide</i> judgment dated 16.08.2023.
C.O. (COMM.IPD TM) 8/2023 Dr Reddy's Laboratories Limited Vs. Fast Cure Pharma	RAZOFAST	This Hon'ble Court was pleased to declare the Defendant's registration for the mark 'RAZOFAST' as invalid and cancelled its registration and accordingly, directed the Trade Marks Registry to rectify the Register by removing the impugned registration <i>vide</i> order dated 12.10.2023.

14. It is stated that in addition, the Plaintiff has filed several opposition against third parties using the Plaintiff's Trade Mark or deceptively similar variation and obtained favourable orders having such applications refuse registration.



15. The learned Counsel for the Plaintiff further states that Defendant No. 1 as per its website <https://www.excellalifesciences.com/> appears to be engaged in the business of developing, manufacturing and marketing pharmaceutical products. It is stated that the products bearing the Trade Marks “RAZ” / “RAZ PLUS” / “RAZ- 20” / “RAZ PLUS-SR” (“**Impugned Trade Marks**”) indicate that the same are being manufactured by Defendant No. 2. It is further submitted that Defendant No. 2, as per the online records of Goods and Services Tax Authority, appears to be a partnership firm manufacturing the products bearing the Impugned Trade Marks on behalf of Defendant No. 1. It is stated that the Plaintiff’s search through the online records of the Trade Marks Registry did not highlight any applications or registrations for the Impugned Trade Marks.

16. In or around April 2024, the Plaintiff came across the alleged infringing activities of the Defendants of manufacturing, marketing and selling medicinal products such as tablets / capsules / injections etc. under the Impugned Trade Marks containing “Rabeprazole” as an active ingredient. The very adoption of the Impugned Trade Marks for a pharmaceutical product which has an identical composition shows the Defendants’ intention tainted with *mala fides* to derive illicit and unlawful gains riding upon the goodwill and reputation of the Plaintiff.

17. The Defendants have deliberately adopted the Impugned Trade Marks with the sole intention to plant fraud, deceit and confusion in the minds of the consumers and members of the trade that the products bearing Impugned Trade Marks are in some manner associated with the Plaintiff. The Plaintiff states that being aggrieved of the said acts of the Defendants, the Plaintiff



issued a legal notice to Defendant No. 1 on 16.04.2024 *inter alia* asking the Defendants to cease and desist manufacturing, marketing, importing, dealing, offering for sale, selling and / or using the Impugned Trade Marks and / or any mark similar to Plaintiff's Trade Mark but Defendant No. 1 failed to reply to the said legal notice. It is stated that the Plaintiff thereafter through its field force conducted a market survey to check the availability of the Impugned products and during the enquiries found that the Impugned products were not available for sale in the said locations.

18. In or around May 2025, the Plaintiff's field force / sales team conducted an online investigation and discovered that the Defendants have started to distribute the products bearing the Impugned Trade Marks through several e-pharmacies and that such products continue to be made available for sale on several e-pharmacy platforms despite receipt of the legal notice dated 16.04.2024 and the reminder legal notice dated 13.05.2025.

19. The Plaintiff states that the intention of the Defendants in adopting the Impugned Trade Marks is to leverage the strength of the products bearing the Plaintiff's Trade Mark to derive illegal and illicit profits by diverting sales from the Plaintiff. It is further stated that the Defendants in order to create deception has copied the Plaintiff's Trade Mark in its entirety and simply removed "O" from the Plaintiff's Trade Mark to derive the Impugned Trade Marks.

20. The learned Counsel for the Plaintiff further submits that over the course of decades, the Plaintiff has built goodwill and reputation in the market for its products sold under the Plaintiff's Trade Mark attributable to their strictest quality control measures. The Plaintiff states that it apprehends that the Defendants may not be maintaining the high degree of quality



control that the products bearing the Plaintiff's Trade Mark are subjected to.

21. It is submitted by the learned Counsel for Plaintiff that the adoption and use of Impugned Trade Mark being nearly identical / deceptively similar to the Plaintiff's Trade Mark is a clear case of wilful infringement of the Plaintiff's Trade Mark within the meaning of Section 29 of the Trade Marks Act, 1999 and that the Defendants' activities amount to passing off, unfair competition, misrepresentation, and dilution of the distinctive character of the Plaintiff's Trade Mark, which is inextricably associated with the Plaintiff.

22. The learned Counsel for the Plaintiff submitted that the Defendants are using the Impugned Trade Marks, which are phonetically and visually similar to the Plaintiff's Trade Mark for the Impugned products. The learned Counsel further submitted that the adoption is intended to mislead consumers and unlawfully benefit from the Plaintiff's goodwill.

23. Having considered the pleadings, documents and submissions, this is a case of triple identity, where the Impugned Trade Mark is identical, the product category is identical and the trade channel as also the consumer base is identical to the Plaintiff's Trade Mark. The Plaintiff being the prior user, adopter and the registered owner of the Plaintiff's Trade Mark is entitled to protection. The Impugned Trade Marks adopted by the Defendants are likely to confuse or mislead a consumer into believing that Impugned products emanate from the Plaintiff.

24. Accordingly, the Plaintiff has made out a *prima facie* case for grant of an *ex-parte ad-interim* injunction. The Defendants, its directors, affiliates, officers, servants, employees, dealers, agents, representatives, distributors and all other persons acting on behalf of the Defendants are restrained from



manufacturing, selling and offering for sale including online, advertising, directly or indirectly medicinal, ayurvedic and pharmaceutical preparations under the Impugned Trade Marks and / or any other Trade Mark phonetically, visually or deceptively similar to the Plaintiff's Trade Mark and / or in any manner whatsoever as may be likely to cause confusion or deception amounting to infringement of the Plaintiff's Trade Mark rights and / or passing off.

25. Compliance of Order XXXIX Rule 3 of CPC shall be done within two weeks from date.

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

27. List before this Court for hearing on 16.10.2025.

TEJAS KARIA, J

JULY 24, 2025

'gsr'