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

+ **CS(COMM) 726/2025**

**GLAXOSMITHKLINE PHARMACEUTICALS
LIMITED**

.....Plaintiff

Through: Ms. Shwetasree Majumder, Mr.
Vardaan Anand and Ms. Ruchika
Yadav, Advocates.

versus

ORAXON BIO PHARMA PVT. LTD.AND ORS

.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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23.07.2025

IA No.17367/2025 (Exemption from filing clear copies and redacted documents)

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

IA No.17365/2025 (Exemption from pre-institution Mediation)

3. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12 A of the Commercial Courts Act, 2015 (“CC Act”).
4. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi* 2023 SCC OnLine SC 1382, exemption from the requirement of pre-



institution Mediation is granted.

5. The Application stands disposed of.

IA No.17366/2025 (O-XI R-1(4) of the Code of Civil Procedure, 1908)

6. This is an Application filed by the Plaintiff under Order XI Rule 1 (4) read with Section 151 of the Code of Civil Procedure, 1908 (“CPC”) seeking leave to file additional documents under the CC Act.

7. The Plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.

8. Accordingly, the Application stands disposed of.

IA No.17368/2025 (for permission to file documents in sealed cover)

9. This is an Application filed by the Plaintiff under Section 151 of the CPC read with Rule 19 of the Delhi High Court Intellectual Property Division Rules, 2022, seeking leave to file certain documents in a sealed cover.

10. The Plaintiff seeks to rely on sales figures in relation with products under the Trade Mark ‘COBADEX’. The Plaintiff has filed the sales figures for each of the products, which are stated to be commercially sensitive data. Accordingly, the Plaintiff is directed to furnish the sales figures in the instant Application, in a sealed cover, within two weeks from today.

11. The Application stands disposed of.

CS (COMM) 726/2025

12. Let the plaint be registered as a Suit.

13. Issue summons to the Defendants through all permissible modes upon filing of Process Fee.

14. The summons shall state that the Written Statements shall be filed by



the Defendants within four weeks from the date of the receipt of summons. Along with the Written Statements, the Defendants shall also file Affidavits of Admission / Denial of the documents of the Plaintiff, without which the Written Statements shall not be taken on record.

15. Liberty is granted to the Plaintiff to file Replications, if any, within thirty days from the receipt of the Written Statements. Along with the Replications 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.

16. 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.

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

18. List before the Joint Registrar on 22.09.2025 for completion of service and pleadings.

IA No. 17364/2025 (U/O XXXIX Rules 1 & 2 CPC)

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

20. The present Suit has been filed by the Plaintiff seeking protection of its registered Trade Mark “COBADEX”.

21. The Plaintiff is a company incorporated under the Indian Companies Act, 1956. The case of the Plaintiff is that the first product under the Trade Mark “COBADEX” was launched in the year 1974 and has also been

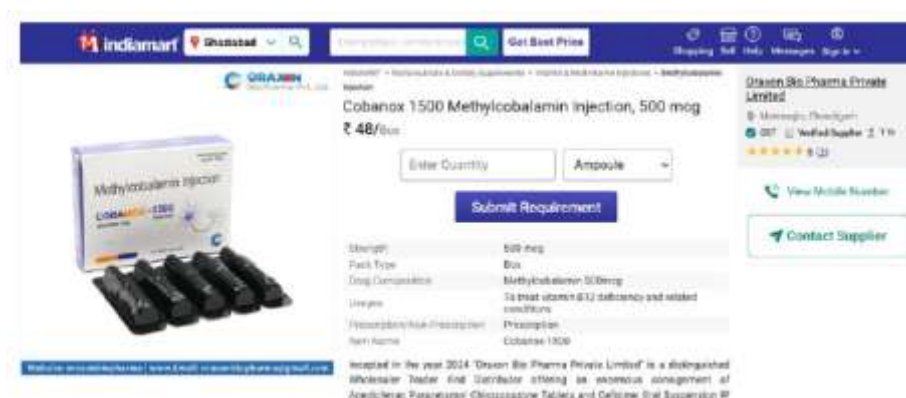


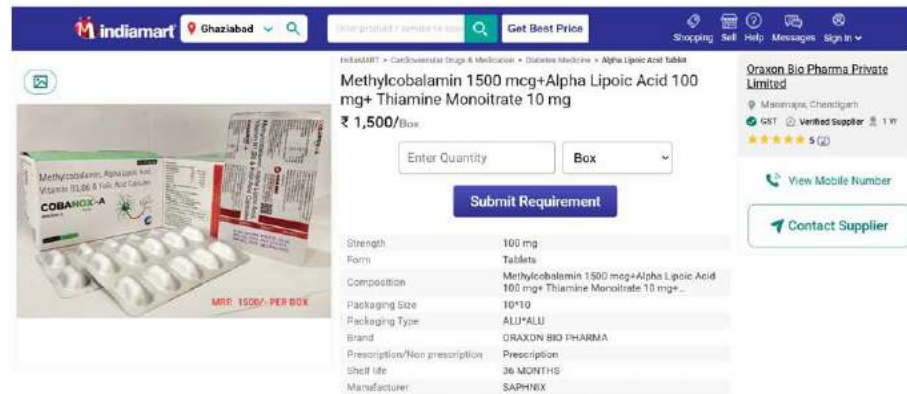
registered in India since 1958 in Class 5. The details of the Trade Mark registration of the Plaintiff are set out in paragraph 15 of the plaint which are set out as under:

Trade Mark	Registration No.	Date of Registration	Class	Valid Till
COBADEX	185987	18.07.1958	05	18.07.2027

22. Defendant No. 1 i.e., Oraxon Bio Pharma Pvt. Ltd., has filed a Trade Mark Application in Class 5 for the Mark “COBANOX”. The said Application has been filed on 11.03.2024 on a proposed to be used basis. Objections to the said Application have been raised in the Examination Report dated 10.04.2024. The said Application has not been published in the Trade Mark Journal.

23. The Plaintiff came across the product page of Defendant No.1 on its website which listed the several variants of the “COBANOX” products. Additionally, the Plaintiff also came across the listings for “COBANOX 1500” and “COBANOX-A” on a third-party platform India Mart. The screenshots of the listings of the products of the Defendants are reproduced below:





24. Ms. Shwetasree Majumder, learned Counsel for the Plaintiff submits that the Marks are identical, phonetically similar and the products are also identical. Defendant No.1 had applied for the registration of the Mark “COBANOX” only in 2024.

25. The Plaintiff is a member of the GSK group of companies and the sales turnover of the GSK group of companies is to the tune of approximately €30 billion each for the last three Financial Years. Substantial amount has also been spent on advertisements and promotion by the Plaintiff in India.

26. Having considered the submissions advanced by the learned Counsel for the Plaintiff, the pleadings and the documents on record, *prima facie*, there are hardly any visible differences and/ or changes noticeable to the naked eye of an average person with imperfect recollection belonging to the trade and/ or to the general public as the impugned products of the Defendants are identically similar to those of the Plaintiff.

27. The Defendants, in adopting the Trade Mark ‘COBANOX’ as that of the Plaintiff, have come as close as possible to the Plaintiff’s registered Trade Mark ‘COBADEX’.



28. This is a case of triple identity where the mark is identical, the product category is identical and the trade channel as also the consumer base is identical. The Plaintiff being the prior user, adopter and the registered owner of the mark 'COBADEX' is entitled to protection. The identity in the mark is so close that the two products are indistinguishable.

29. Accordingly, the Plaintiffs have made out a *prima facie* case for grant of an ad-interim *ex parte* injunction. The Defendants, their proprietors or partners, servants, agents, affiliates, associates stockiest from manufacturing, selling, offering for sale, retailing, distributing, importing, exporting any product under the impugned Trade Mark 'COBANOX' or any other mark which is identical or deceptively similar to the Trade Mark of the Plaintiff i.e. 'COBADEX'.

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

31. 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.

32. List before this Court on 15.10.2025

TEJAS KARIA, J

JULY 23, 2025

Ak, ap