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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(COMM) 896/2025

GLAXOSMITHKLINE PHARMACEUTICALS
LIMITED

.....Plaintiff

Through: Ms. Tanya Varma, Mr. Vardaan
Anand, Ms. Ruchika Yadav and Ms.
Hansika Bajaj, Advocates.

Versus

ZEE LABORATORIES LIMITED

.....Defendant

Through: Mr. Siddharth Bombha, Mr. Rohit
Bohra, Mr. H. Malik, Advocates.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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03.09.2025

I.A. 20994/2025 (Exemption from filing clear copies and redacted documents)

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

I.A. No.20995/2025 (for permission to file documents in sealed cover)

3. This is an Application filed by the Plaintiff under Section 151 of the Code of Civil Procedure, 1908 ("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.
4. The Plaintiff seeks to rely on sales figures in relation with products under the Trade Mark 'PHEXIN'. 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.

5. The Application stands disposed of.

IA No.20993/2025 (O-XI R-1(4) of the Code of Civil Procedure, 1908)

6. The present Application has been filed on behalf of the Plaintiff under Order XI Rule 1(4) of the CPC as applicable to Commercial Suits under the Commercial Courts Act, 2015 (“CC Act”) seeking leave to place on record additional documents.

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.

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9. Let the Plaint be registered as a Suit.

10. Issue Summons. The learned Counsel for the Defendant accepts Summons.

11. 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 an Affidavit of Admission / Denial of the documents of the Plaintiff, without which the Written Statement shall not be taken on record.

12. 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.



13. 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.

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

15. List before the Joint Registrar on 12.11.2025 for completion of pleadings.

IA No.20991/2025 (u/O XXXIX R-1&2 CPC)

16. Issue Notice. The learned Counsel for the Defendant accepts Notice.

17. The present Suit has been filed for permanent injunction restraining infringement of the registered Trade Mark 'PHEXIN' along with other ancillary reliefs.

18. The learned Counsel for the Plaintiff submitted that the Plaintiff is a member of the GlaxoSmithKline ("GSK") group of companies of which GSK Pharmaceuticals Limited is the parent company. GSK is a science-led global healthcare company based in the United Kingdom. GSK has had a presence in India dating back over 100 years with the Plaintiff being incorporated in 1924. The Plaintiff also got listed on the Indian National Stock Exchange in 1969.

19. The learned Counsel for the Plaintiff submitted that in India, the brand and Trade Mark 'PHEXIN' has been used by the Plaintiff since at least as early as 1989. Apart from the common law rights, the Trade Mark 'PHEXIN' is registered in the name of Plaintiff in India and set out in Paragraph No. 7 of the Complaint and is reproduced hereunder:



Trade Mark	Registration No.	Date of Registration	Class	Valid Till
PHEXIN	418731	7 th March 1984	05	Registered

20. The learned Counsel for the Plaintiff submitted that along with the Trade Mark ‘PHEXIN’, the Plaintiff has also adopted distinctive outer packaging for the product variant PHEXIN (500 mg), which consists of a white and green colour combination. The packaging of the product is hereunder:



21. The learned Counsel for the Plaintiff submitted that the Trade Mark ‘PHEXIN’ is a famous and reputed Trade Mark in India on account of the reputation, goodwill, extensive use, recognition, and customer awareness enjoyed by the Plaintiff under the Trade Mark ‘PHEXIN’.

22. Defendant No. 1 is a Company incorporated under the Companies Act, 1956 having Registered Address at Pitampura, Delhi. The Defendant is the marketer and manufacturer of the products under the Marks FEXIN, FEXIN-F, FEXIT, FEXIT-B and FEXIT-M (“**Impugned Marks**”).

23. The learned Counsel for the Plaintiff submitted that in the month of April 2025, the Plaintiff came across a listing for the Impugned Marks on the



Defendant's website, <https://www.zeelab.co.in/oreva>. The Plaintiff also came across listings for products under the Impugned Marks on various third-party websites.

24. The learned Counsel for the Plaintiff submitted that the Plaintiff, through its counsel, issued a cease and desist notice dated 22.04.2025 (“**Notice**”) to the Defendant *inter alia* seeking it to cease use of the Impugned Marks as well as the green and white packaging ‘



’ for FEXIN, and to refrain from adoption of any other Mark identical or deceptively similar to the Plaintiff's Trade Mark ‘PHEXIN’. The Defendant did not respond to the Notice hence; the Plaintiff sent a follow-up letter dated 02.05.2025 which also went without a response by the Defendant.

25. The learned Counsel for the Plaintiff further submitted that thereafter, in July 2025, the Plaintiff proceeded to conduct a market check in the region of Delhi and came across products under the Impugned Marks. The products under the Impugned Marks contain different Active Pharmaceutical Ingredients to that of the Plaintiff's products under the Trade Mark ‘PHEXIN’ and have different therapeutic indications.

26. The learned Counsel for the Defendant, on instructions, has furnished an oral statement before this Court that the Defendant shall discontinue the use of the Mark ‘FEXIN’ forthwith. He further states that the Defendant shall furnish a list of the stock already manufactured under the Mark ‘FEXIN’. The said statement is taken on record and the Defendant is held bound by the same.

27. Insofar as the Marks ‘FEXIT-B’ and ‘FEXIT-M’ are concerned, the



learned Counsel for the Defendant submits that the said products are ointments meant for skin treatment, whereas the Plaintiff's products under the Mark 'PHEXIN' are capsules / tablets, and thus, no case of deception or similarity arises.

28. Let the Reply to the present Application be filed within a period of four weeks after service of Notice. Rejoinder thereto, if any, be filed before the next date of hearing.

29. The learned Counsel for both the Parties are further directed to file their respective Written Submissions along with the case laws, on which they wish to rely upon, within a period of four weeks.

30. List before Court on 14.10.2025.

TEJAS KARIA, J

SEPTEMBER 3, 2025

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