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

+ **CS(COMM) 1419/2025**

M/S LABORATE PHARMACEUTICALS INDIA LTDPlaintiff

Through: Mr. Siddharth Bambha, Mr. Luv
Virmani, Mr. Abhirath Parashar and Mr.
Aakash R Nair, Advocates.

versus

LABOCELL PHARMACEUTICALS & ORS.Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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23.12.2025

I.A. No. 32670/2025 and I.A. No. 32672/2025 (Exemptions)

1. Exemptions are allowed, subject to all just exceptions.
2. The Applications stand disposed of.

I.A. No. 32671/2025 (Exemption from pre-institution Mediation)

3. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A 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.



I.A. No. 32673/2025 (Exemption from advance service to the Defendants)

6. This is an Application filed by the Plaintiff under Section 151 of the Code of Civil Procedure, 1908 (“CPC”), seeking exemption from advance service to the Defendants.

7. Mr. Siddharth Bambha, the learned Counsel for the Plaintiff, submitted that there is a real and imminent likelihood that the Defendants may take immediate steps to dispose of, conceal or suppress their infringing business operations and digital footprints bearing the deceptively similar Trade Marks.

8. In view of the fact that the Plaintiff has sought an urgent *ex-parte ad-interim* injunction, the exemption from advance service to the Defendants is granted.

9. The Application stands disposed of

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10. Let the Plaint be registered as a Suit.

11. Issue Summons. Let the Summons be served to the Defendants through all permissible modes upon filing of the Process Fee.

12. The Summons shall state that the Written Statement(s) shall be filed by the Defendants within 30 days from the date of the receipt of Summons. Along with the Written Statement(s), the Defendants shall also file Affidavit(s) of Admission / Denial of the documents of the Plaintiff, without which the Written Statement(s) shall not be taken on record.

13. Liberty is granted to the Plaintiff to file Replication(s), if any, within 30 days from the receipt of the Written Statement(s). Along with the Replication(s) filed by the Plaintiff, Affidavit(s) of Admission / Denial of the documents of Defendants be filed by the Plaintiff, without which the Replication(s) shall not be taken on record.



14. 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.

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

16. List before the learned Joint Registrar on 26.02.2026 for completion of service and pleadings.

I.A. No. 32669/2025 (O-XI R-1(4) of the Code of Civil Procedure, 1908)

17. 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 CC Act seeking leave to place on record additional documents.

18. 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.

19. Accordingly, the Application stands disposed of

I.A. No. 32668/2025 (U/O XXXIX Rule 1 & 2 of CPC)

20. Issue Notice. Notice be served through all permissible modes upon filing of the Process Fees.

21. The present Suit has been filed by the Plaintiff, *inter alia*, seeking permanent injunction restraining infringement of the registered Trade Marks and passing off.

22. The learned Counsel for the Plaintiff has made the following submissions:

22.1. The Plaintiff commenced its business of manufacturing and marketing its pharmaceutical and medicinal preparations more than three decades ago. On account of its continuous adherence to high standards of quality for



manufacturing several medicinal and pharmaceutical formulations, the Plaintiff Company, is now an established and leading manufacturer and marketer of pharmaceutical and medicinal preparations in India with a consolidated annual turnover of around Rs. 1,311 Crores for the Financial Year 2023-24.

22.2. The Plaintiff has successfully established reputation and goodwill not only in the generic pharmaceutical production market, but also through contract manufacturing for third party pharmaceutical giants such as Medrel, Helm, Troge etc., since the year 1991. The Plaintiff was ranked first in the Indian Pharma Market (IPM) as the 'best value growth company' in 2006 and has continuously displayed commitment to growth and development in various metrics, including being ranked amongst the top 50 companies in India in 2007.

22.3. The Plaintiff is also one of the leading exporters of the pharmaceutical and medicinal products and in the Financial Year 2023-2024, the Plaintiff's annual export sales were to the tune of Rs. 262.52 Crores.

22.4. The Plaintiff is a market leader in several therapeutic segments including the generic pharma and ayurvedic segments since many decades, where it predominantly manufactures and markets products under its original invented and coined Trade Mark 'LABORATE' and the Device Mark of 'LABORATE PHARMACEUTICALS INDIA LTD.' portrayed in a stylised artistic blue font along with two white rectangles arranged in the shape of an 'L' against a subdivided blue and red backdrop in a circular device, a pictorial representation of which is reproduced below:



22.5. The Plaintiff's first use of the 'LABORATE' Marks dates back to the year 1985 through its predecessor entity and the Plaintiff enjoys registration for the said Marks in Class 5, the details of which are as under:

Sr No.	Trade mark	Application date	Application no.	Class	Status	User date
1.		08/11/2000	969050	5	Registered	01/04/1996
2.	LABORATE	08/01/2020	4401820	5	Registered	01/11/1985

22.6. The Plaintiff is the original coiner, adopter, registered proprietor and prior user of the following product specific Trade Marks, that are inherently distinctive and are being used by the Plaintiff under its House Mark 'LABORATE'. The details of the Plaintiff's registrations of the said product specific Trade Marks, are as under:

Sr. No.	Trade Mark	Application Date	Application No.	Class	Status	User date
1.	AMPILAB	20/07/2016	3314173	5	Registered	01/06/2016
2.	PAZOLAB	25/11/2019	4357071	5	Registered	Proposed to be used
3.	TETRALAB	20/09/2004	1309898	5	Registered	01/09/2001
4.	RAZOLAB	25/11/2019	4357073	5	Registered	Proposed to be used
5.	ESKUF DX	25/01/2020	4419908	5	Registered	28/10/2006
6.	LABORATE	30/06/2014	2765271	5	Registered	01/04/2010



	HUNGREE (label)					
7.	TROXONE	20/12/1999	892827	5	Registered	01/02/1996
8.	KT 5 DERM	14/03/2018	3777210	5	Registered	01/09/2017

22.7. The Plaintiff is also the original coiner, adopter and prior user of the following product specific Trade Marks, that are distinctive and unique to the Plaintiff, the details of which are as under:

Sr No.	Trade mark	Application date	Application no.	Class	Status	User date
1.	OMECAP	23/12/2010	2073659	5	Opposed	01/04/2007
2.	CANDITOP	20/07/2016	3314178	5	Opposed	01/06/2016
3.	C ZIN	-	-	-	Not applied	-
4.	ABEN PLUS	-	-	-	Not applied	-

22.8. The present Suit relates to the Defendants' illegal, unauthorized, clandestine and *mala fide* adoption of the Marks 'LABOCELL' /



and other product specific Marks, which are deceptively and confusingly similar to the Plaintiff's Trade Marks being



'LABORATE' / and its logo , used in relation to pharmaceutical products.

22.9. the Defendants have dishonestly and slavishly copied the Plaintiff's prior used and registered Trade Mark 'LABORATE' by merely replacing the



last 4 letters from the end, i.e., ‘RATE’ with ‘CELL’, for identical products i.e., pharmaceutical preparations.

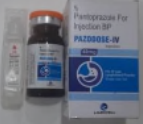
22.10. Additionally, the Defendants are engaged in selling their pharmaceutical products under various Trade Marks (“**Impugned Marks**”), which are slavishly copied from the Trade Marks of the Plaintiff (“**Plaintiff’s Marks**”), and a list of the same is as under:

Plaintiff’s Marks	Impugned Marks
	
LABORATE	LABOCELL
AMPILAB	AMPICELL
C ZIN	CEZIN
OMECAP	OMEZUB
PAZOLAB	PAZADOSE
TETRALAB	TETRACELL
RAZOLAB	RAZODOSE
ESKUF DX	ASCOKUFF DX
ABEN PLUS	ALBEN- IMRO
LABORATE HUNGREE	HUNGRY
TROXONE	TROXOLAB
KT 5 DERM	DERMI NEO 5
CANDITOP	CANDICLEAN

22.11. A side-by-side comparison of all the Marks copied by the Defendants, along with the entire look and packaging of the competing products of the



Plaintiff and Defendants, is produced below to demonstrate the extent of *mala fide* activities of the Defendants:

PLAINTIFF'S PRODUCTS	DEFENDANTS' PRODUCTS
AMPILAB-500	AMPICELL-500
	
AMPILAB-250	AMPICELL-250
	
C ZIN	CEZIN
	
OMECAP	OMEZUB
	
PAZOLAB INJECTION	PAZADOSE INJECTION
	



PAZOLAB-40	PAZADOSE-40
PAZOLAB-DSR	PAZODOSE-DSR
TETRALAB 500	TETRACELL 500
TETRALAB 250	TETRACELL 250
RAZOLAB	RAZODOSE
ESKUF DX	ASCOKUFF DX



	
ABEN PLUS	ALBEN- IMRO
	
HUNGREE	HUNGRY
	
TROXONE	TROXOLAB
	
KT5 DERM	DERMI NEO 5
	



CANDITOP POWDER	CANDICLEAN POWDER
	

22.12. The Plaintiff has over the years secured extensive sales for its pharmaceutical products sold under the Plaintiff's Marks. The Plaintiff has also spent a considerable amount of money over the past three decades by way of promotional expenditure and advertisements for popularizing its entire range of products sold under the Plaintiff's Mark.

22.13. The Defendants' usage of the Impugned Marks to sell their products, is causing immense loss to the Plaintiff. Further, the Plaintiff has no control over the quality of products that are sold under the Impugned Marks, and therefore, the Plaintiff's goodwill is likely to be diluted as the consumers might associate the Defendants' products sold under the Impugned Marks, with the Plaintiff.

23. Having considered the submissions advanced by the learned Counsel for the Plaintiff, the pleadings and the documents placed on record, it is *prima facie* clear that the Defendant's Impugned Marks are phonetically, structurally and deceptively similar to the Plaintiff's Marks, which is evident from a side-by-side comparison of the competing Marks below:

Plaintiff's Marks	Impugned Marks
	



LABORATE	LABOCELL
AMPILAB	AMPICELL
C ZIN	CEZIN
OMECAP	OMEZUB
PAZOLAB	PAZADOSE
TETRALAB	TETRACELL
RAZOLAB	RAZODOSE
ESKUF DX	ASCOKUFF DX
ABEN PLUS	ALBEN- IMRO
LABORATE HUNGREE	HUNGRY
TROXONE	TROXOLAB
KT 5 DERM	DERMI NEO 5
CANDITOP	CANDICLEAN

24. The side-by-side comparison of all the Marks copied by the Defendants, along with the entire look and packaging of the competing products of the Plaintiff and Defendants as shown above in Paragraph No. 22.11 demonstrate the extent of *mala fide* intention of the Defendants to come as close as possible to create confusion in the minds of the consumers having imperfect recollection.

25. Plaintiff has earned significant reputation and goodwill for the pharmaceutical products sold under the Plaintiff's Marks. If the Defendants are not immediately restrained, it will not only gravely prejudice the goodwill and reputation of the Plaintiff but also harm the consumers who will purchase the Defendants' products sold under the Impugned Marks, believing it to be originating from the Plaintiff. Hence, there is a significant public interest involved in restraining the Defendants as the pharmaceutical products sold under the Impugned Marks have not undergone quality check from the Plaintiff and may cause severe health detriments to the consumers of the said pharmaceutical products.



26. Therefore, a *prima facie* case has been made out on behalf of the Plaintiff for the grant of an *ex-parte ad-interim* injunction. Irreparable injury would be caused to the Plaintiff if the injunction is not granted and balance of convenience is in favour of the Plaintiff and against Defendants.

27. Accordingly, the Defendants, their principal officers, assignees, family members, servants and agents and all other persons claiming under the Defendants are restrained from manufacturing, marketing, selling, offering for sale, advertising, promoting using the Impugned Marks:

Impugned Marks

LABOCELL
AMPICELL
CEZIN
OMEZUB
PAZADOSE
TETRACELL
RAZODOSE
ASCOKUFF DX
ALBEN- IMRO
HUNGRY
TROXOLAB
DERMI NEO 5
CANDICLEAN

in relation to any pharmaceutical products, corporate name or domain or any other Mark that is identical or deceptively similar to the Plaintiff's Marks in the table below:



Plaintiff's Marks

LABORATE
AMPILAB
C ZIN
OMECAP
PAZOLAB
TETRALAB
RAZOLAB
ESKUF DX
ABEN PLUS
LABORATE HUNGREE
TROXONE
KT 5 DERM
CANDITOP

amounting to infringement and / or passing off of the Plaintiff's Marks.

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

29. The compliance of Order XXXIX Rule 3 of the CPC be done within two weeks.

30. List before this Court on 22.04.2026.

TEJAS KARIA, J

DECEMBER 23, 2025

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