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(T)OP(TM) Nos. 101 & 102 of 2023 & (T)OP(TM) No.21 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

**(T)OP(TM) Nos. 101 & 102 of 2023
and (T)OP(TM) No.21 of 2024**

(T)OP(TM) No.101 & 102 of 2023

Sumit Nigam
Trading as Vertex India Healthcare
202, Vasundhara Colony, Tonk Road,
Jaipur – 302015, Rajasthan

Petitioner

Vs

1.Vertex Pharmaceuticals Incorporated
130 Waverly Street, Cambridge,
Massachusetts - 02139, U.S.A

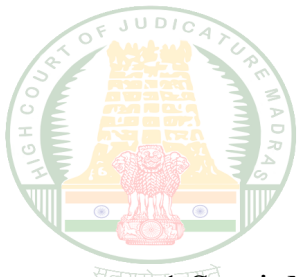
2.Registrar of Trade Mark
Trade Mark Registry, Chennai – 32.

Respondents

(T)OP(TM) No.21 of 2024

Vertex Pharmaceuticals Incorporated
130 Waverly Street, Cambridge,
Massachusetts 02139, U.S.A

Petitioner



Vs.

1. Sumit Nigam trading as,
Vertex India Healthcare
202, Yasundhara Colony
Tonk Road, Jaipur – 302 015,
Rajasthan.

2. Registrar of Trade Marks,
Trade Mark Registry,
Ahmedabad.

Respondents

For petitioner in
(T)OP(TM)/101 &
102/2023
& 1st Respondent in
(T)OP(TM)/21/2024:

Ms.S.Suba Shiny

For petitioner in
(T)OP(TM)/21/2024
and 1st Respondent in
(T)OP(TM)/101 &
102/2023 :
For the 2nd
Respondent in both
the Petitions:

M/s. Anand And Anand

Mr.M. Karthikeyan For R2

ORDER

The learned counsel appearing on either side have submitted the draft issues. For the sake of convenience, the petitioner in (T)OP(TM) Nos.101 of



2023 will be referred to by its company name viz., Sumit Nigam. Likewise, the petitioner in (T)OP(TM) No.21 of 2024 will be referred to by its company name

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viz., Vertex Pharmaceuticals.

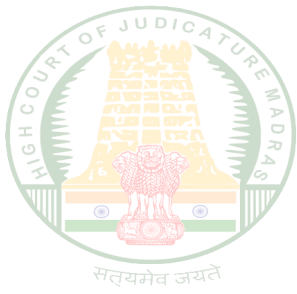
2.The issues filed by the learned counsel for Vertex Pharmaceuticals is not disputed by the learned counsel for Sumit Nigam, except the Issue No.5.

3.However, the learned counsel for Vertex Pharmaceuticals submits that she is not pressing the issue no.5. Therefore the other issues filed by Vertex Pharmaceuticals is framed. With regard to the issues submitted by Sumit Nigam, the issue nos.2 and 3 are clubbed together and the issue no.4 thereof is also framed.

4.Altogether twelve issues are framed. They are extracted hereunder;

“1.Whether Vertex Pharmaceuticals is the prior user of the mark VERTEX in India?

2.Whether Sumit Nigam has proved use of the mark VERTEX in India since 2001 which is prior to the alleged use of the mark VERTEX by Vertex Pharmaceuticals in



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India?

3. Whether Vertex Pharmaceuticals has proved actual use of the mark VERTEX in India till date? If so from when in India?

4. Whether Vertex Pharmaceuticals has proved that it had/has any transborder reputation in India? If so, from when?

5. Whether Vertex Pharmaceuticals has proved that Sumit Nigam had adopted the mark with dishonest/malafide intention?

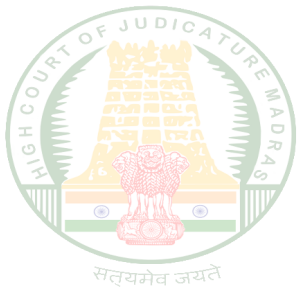
6. Whether Vertex Pharmaceuticals has proved that their mark satisfies all the requirements under Section 11 of the Trademarks Act to call it to be a well-known mark?

7. Whether Vertex Pharmaceuticals has proved that the trading channels and class of customers of both Vertex Pharmaceuticals and Sumit Nigam are identical?

8. Whether there exists any likelihood of deception or confusion in the minds of trade and public?

9. Whether Vertex Pharmaceuticals mark registered under nos.1522439 and 1522440 both in class 5 are liable to be rectified on account of non-use under Sec.47 of the Act?

10. Whether Vertex Pharmaceuticals mark registered under nos.1522439 and 1522440 both in class 5 are wrongly remaining on the register and without sufficient cause and are liable to be rectified?



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(T)OP(TM) Nos. 101 & 102
2023 & (T)OP(TM) No.21 of 2023



11. Whether the trademark of Sumit Nigam under registration no.1072666 in class 05 is wrongly remaining on the Trade Marks Register? Whether the Sumit Nigam's trademark registered under No.1072666 in class 05 is liable to be removed or expunged from the Register of trademarks?

12. Whether the rectification petition filed by Sumit Nigam against Vertex Pharmaceuticals trademark VERTEX and



is maintainable?

4. For filing the case management schedule, Post the matter on 18.11.2025.

30-10-2025

Tsg

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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N.SENTHILKUMAR J.

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