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

+ C.O. (COMM.IPD-TM) 271/2025

DABUR INDIA LIMITED

.....Petitioner

Through: Ms. Kripa Pandit, Mr. Christopher Thomas and Ms. Visheshta Kalra, Advocates.

versus

WELLFORD PHARMACEUTICAL PRIVATE LIMITED

& ANR.

.....Respondents

Through: Ms. Nidhi Raman, CGSC with Mr. Arnav Mittal and Mr. Om Ram, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

09.12.2025

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I.A. 30712/2025 (Exemption)

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

I.A. 30713/2025 (Extension of time to file Court Fees)

3. The present Application has been filed by the Petitioner under Section 149 read with Section 151 of the Code of Civil Procedure, 1908 (“CPC”), seeking exemption from payment of Court Fees at the time of the filing of the Suit.
4. Considering the submissions made in the present Application, time of two weeks is granted to deposit the Court Fees.
5. The Application stands disposed of.



C.O. (COMM.IPD-TM) 271/2025

6. This is a Petition under Section 57 of the Trade Marks Act, 1999, for removal of the Trade Mark 'WELLFORD PUDIN HARA' ("**Impugned Mark**") bearing Registration No. 5509160 in Class 5 ("**Impugned Registration**") from the Register of the Trade Marks.

7. Issue Notice. The learned Counsel for Respondent No. 2 accepts Notice. Let the Notice be served upon Respondent No. 1 through all permissible modes.

8. Let the Reply be filed within a period of four weeks from date. Rejoinder thereto, if any, be filed within a period of four weeks thereafter.

9. List on 17.03.2026

I.A. 30711/2025 (U/O XI R 1(4) of the CPC)

10. The present Application has been filed on behalf of the Petitioner under Order XI Rule 1(4) of the CPC as amended by the Commercial Courts Act, 2015 ("**CC Act**") read with Section 151 of the CPC, seeking leave to place on record additional documents.

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

12. Accordingly, the Application stands disposed of.

I.A. 30710/2025 (Stay)

13. This is an Application filed under Order XXXIX Rules 1 and 2 read with Section 151 of the CPC for granting stay of the effect of the Impugned Registration.

14. Issue Notice. The learned Counsel for Respondent No. 2 accepts Notice. Let the Notice be served upon Respondent No. 1 through all



permissible modes.

15. The learned Counsel for the Petitioner has made the following submissions:

15.1. The Petitioner, Dabur India Limited, was incorporated in 1884, and is involved in the Trade of a wide range of wellness / healthcare products under the Mark, 'DABUR'. The Petitioner adopted the Mark, 'PUDIN HARA' ("**Petitioner's Mark**") in 1930 for Ayurvedic products and has been continuously using the Petitioner's Mark since then with respect to medicinal, pharmaceutical and other digestive care products. The Petitioner filed it's first Application for the registration of the Petitioner's Mark in 1979 in respect of medicinal, pharmaceutical and other digestive care products falling under Class 5, with a user claim dating back to 01.01.1930. The details of the registration of the Petitioner's Mark are as under:

Trade Mark	Registration No.	Date of Application	User Claim	Status
PUDIN HARA	345857	14-02-1979	01-01-1930	Registered (Valid upto 14-02-2027)
<i>Class 5: Medicinal & Pharmaceutical Preparation</i>				

15.2. A bare perusal of the Trade Mark Register for the word Mark 'PUDIN HARA' reveals 29 registrations, out of which 27 belong to the Petitioner. This demonstrates the Petitioner's consistent efforts to secure and maintain its statutory rights over the



Petitioner's Mark.

15.3. As a result of long and continuous use of the Petitioner's Mark, the Petitioner's Mark has become extremely popular and much in demand amongst the members of trade and consumers at large in India. The Petitioner has become synonymous with excellent quality and is widely recognized in the market today. Furthermore, the Petitioner's Mark possesses formidable goodwill and reputation in the market, trade and amongst consumers which is evident from the statement of sales as well as promotional expenses which are reproduced hereunder:

Year	Sales Figure	Promotional Expenses
2015-16	52.47	11.91
2016-17	38.60	7.55
2017-18	44.39	8.46
2018-19	51.69	11.59
2019-20	53.71	15.47
2020-21	54.95	13.91
2021-22	57.02	14.91
2022-23	62.46	14.15
2023-24	65.23	12.88
2024-25	64.25	11.69

15.4. Upon perusing the register of Trade Marks, the Petitioner discovered that Respondent No. 1, Wellford Pharmaceuticals



Private Limited, has dishonestly obtained registration for the Impugned Mark on a proposed to be used basis for “Pharmaceutical And Veterinary Preparations, Sanitary Preparations For Medical Purposes, Dietetic Substances Adapted For Medical Use, Food For Babies, Plasters, Materials For Dressings, Material For Stopping Teeth, Dental Wax, Disinfectants, Preparation For Destroying Vermin, Fungicides, Herbicides, Animal Feed Supplement, Dermalogy included in class 5.

15.5. The dishonest adoption of the Impugned Mark by Respondent No. 1 is calculated to deceive and cause confusion among unwary consumers, leading them to believe that Respondent No. 1’s products originate from, or are in some manner associated with the Petitioner, when in fact no such association or affiliation exists whatsoever. It is unclear to the Petitioner as to the extent of use of the Impugned Mark in the market today. The Petitioner has been unable to find any use whatsoever in as of filing of the present Application.

15.6. Mere addition of the term ‘Wellford’, does not in any manner distinguish the Impugned Mark from the Petitioner’s Mark. A comparative table of the Petitioner’s Mark and the Impugned Mark is as under:

Petitioner’s trademark	Respondent No. 1’s mark
‘PUDIN HARA’	‘WELFORD PUDIN HARA’



16. Having considered the averments made in the Petition and the accompanying documents, it is evident that the Petitioner has raised substantial challenges to the registration of the Impugned Mark, *inter alia*, on the grounds of dishonest and subsequent adoption of the Impugned Mark by Respondent No. 1. The registration of Impugned Mark by Respondent No. 2 is challenged as Respondent No. 1 has adopted the Impugned Mark which completely subsumes the Petitioner's Mark for the goods in the same Class and having overlapping trade channels and consumers. Accordingly, there exists an irrefutable and real likelihood of confusion in the minds of public.

17. In view of the above, the Petitioner has established a *prima facie* case on the basis of statutory as well as common law rights over the Petitioner's Mark through prior adoption, continuous use since 1930, and valid registration. The Impugned Mark completely subsumes the Petitioner's Mark, thereby creating likelihood of confusion and deception in the trade and among consumers. Such adoption *prima facie* appears to be with *mala fide* intent to capitalize on the Petitioner's established goodwill and reputation. Therefore, allowing the Impugned Registration to operate during the pendency of this Petition would cause grave prejudice to the Petitioner.

18. Hence, the registration granted in favour of the Respondent No. 1 is *prima facie* violative of provision of Section 9(2)(a) and Section 11 of the Trade Marks Act, 1999. Balance of convenience is in favour of the Petitioner and against the Respondent No. 1. Irreparable harm will be caused to the Petitioner, if the operation of the Impugned Mark is not stayed during the pendency of this Petition.

19. For the reasons stated above, the effect of the Impugned Registration of the Impugned Mark 'WELLFORD PUDIN HARA' under Registration No.



5509160 in Class 5 shall remain stayed till the next date of hearing. Further, Respondent No. 1 is restrained from transferring or creating any third-party rights in respect of the Impugned Registration of the Impugned Mark 'WELLFORD PUDIN HARA' under Registration No. 5509160 in Class 5.

20. Let Reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of four weeks thereafter.

21. List on 17.03.2026.

TEJAS KARIA, J

DECEMBER 9, 2025

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