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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1266/2025**

HIMALAYA WELLNESS COMPANY & ORS.Plaintiffs
Through: Mr. Pravin Anand, Ms. Prachi
Agarwal & Mr. Manan Mondal,
Advocates.

versus

GREENLAND TRADING COMPANYDefendant
Through:

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

ORDER
27.11.2025

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I.A. 29536/2025

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

I.A. 29537/2025

3. This is an Application filed by the Plaintiffs under Section 151 of the Code of Civil Procedure, 1908 (“**CPC**”) for exemption from service through e-mail to the Defendant and permission to serve through WhatsApp number.
4. For the reasons stated in the Application, the same is allowed.
5. The Application stands disposed of.

I.A. 29533/2025 (Exemption from pre-institution Mediation)

6. This is an Application filed by the Plaintiffs seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015 (“**CC Act**”).
7. As the present matter contemplates urgent interim relief, in light of the

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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.

8. The Application stands disposed of.

I.A. 29535/2025 (Extension of time to file Court Fees)

9. The present Application has been filed by the Plaintiffs under Section 149 read with Section 151 of the CPC, seeking exemption from payment of Court Fees at the time of the filing of the Suit.

10. Considering the submissions made in the present Application, time of two weeks is granted to deposit the Court Fees.

11. The Application stands disposed of.

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12. Let the Complaint be registered as a Suit.

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

14. The Summons shall state that 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 Plaintiffs, without which the Written Statement shall not be taken on record.

15. Liberty is granted to the Plaintiffs to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the Plaintiffs, an Affidavit of Admission / Denial of the documents of Defendant be filed by the Plaintiffs, without which the Replication shall not be taken on record.

16. 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 learned Joint Registrar on 20.01.2026 for completion of service and pleadings.

I.A. 29534/2025 (O-XI R-1(4) of the Code of Civil Procedure, 1908)

19. The present Application has been filed on behalf of the Plaintiffs 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.

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

21. Accordingly, the Application stands disposed of.

I.A. 29532/2025 (U/O XXXIX Rules 1 & 2 of CPC)

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

23. The Plaintiffs have filed the present Suit for permanent injunction restraining infringement of trade mark, infringement of copyright, dilution, tarnishment, passing off, rendition of accounts, damages etc

24. The learned Counsel for the Plaintiffs made the following submissions:

24.1. The Plaintiffs are engaged in the manufacturing and distribution of ayurvedic medicaments and preparations since 1930 and have been continuously and extensively using the Mark 'HIMALAYA' since 1930. By virtue of continuous and extensive use, the Mark



‘HIMALAYA’ has acquired reputation and goodwill across the world.

- 24.2. Under the Mark ‘HIMALAYA’, the Plaintiffs are offering multiple products in the category of nutrition, pharmaceutical, baby care, animal health, personal care, beauty, wellness, organic range etc. The Plaintiffs’ products are sold across the world in over 100 countries under the Mark ‘Himalaya’ and several HIMALAYA

Logos such as ‘’ / ‘’ / ‘’ (“Subject Marks”).

- 24.3. As a result of such extensive and global use and massive consumer base, the Subject Marks, are associated exclusively with the Plaintiffs’ products and have acquired a status of a well-known trade mark within the provisions of Section 11(6) of the Trade Marks Act, 1999 due to the increasing knowledge and recognition amongst the customers and traders in general.
- 24.4. The Plaintiffs’ products bear the Subject Marks along with the Trade Dress which often employ a green and orange colour combination,





(“**Subject Trade Dress**”). The Plaintiffs

have been using the Subject Trade Dress since 2001. There are about 500 products being sold by the Plaintiffs under the Subject Trade Dress.

- 24.5. The Subject Marks are well known to the Indian and global consumers due to the exposure of such consumers to advertisements of the Plaintiffs’ products through various social and audio-visual mediums including advertisements on print, social media, internet presence, prominent magazines. The Plaintiffs’ products under Subject Marks have been widely written about and published in several mediums across the country and worldwide.
- 24.6. The Plaintiffs’ products under the Subject Marks are available over the counter at various neighbourhood drug stores / chemists, general stores, modern trade centres, etc. The Plaintiffs also retail the Plaintiffs’ products at HIMALAYA exclusive stores across India. The Plaintiffs have expanded their reach across mediums and the Plaintiffs’ products are also available for sale online on their interactive website, www.himalayawellness.in and other e-pharmacies and e-commerce websites including www.1mg.com, www.apollopharmacy.in, www.pharmeasy.in , www.amazon.in and www.flipkart.com. The Plaintiffs’ products are also being sold



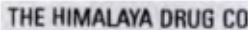
on delivery applications like Zepto, Instamart etc. The Plaintiffs also have several international domain registrations providing an online platform to the consumers for purchasing the Plaintiffs' products.

24.7. By virtue of continuous and extensive use and promotion, association with the high-quality products provided by the Plaintiffs, and global outreach, the Subject Marks along with the Subject Trade Dress command reputation and goodwill that crosses industrial and territorial boundaries.

24.8. The Subject Marks are unique to the Plaintiffs and have acquired a secondary meaning to denote the Plaintiffs' products by virtue of their long-standing use for over almost a century. The Plaintiffs are the prior adopters, users and registered proprietor of the Subject Marks and have been using the same extensively and continuously. The details of registration of some of the Subject Marks are reproduced below:

S.No.	Trade Mark	Reg. No.	User Date	Date of Application	Class and goods description
1.	HIMALAYA DRUGS	973355	01/01/1930	27/11/2000	Class 5: medicinal and pharmaceutical preparations including veterinary.
2.	HIMALAYA	1004753	1930	20/04/2001	class 5: medicinal, pharmaceutical and ayurvedic preparations including veterinary



					included in class 5.
3.		1940878	1975	24/03/2010	Class 3: perfumery cosmetics and hair lotions
4.	THE HIMALAYA DRUG COMPANY	1940877	01/01/1975	24/03/2010	Class 1: chemical products for use in industry, chemical substances for preserving food stuffs, artificial sweetening substances, chemical additives, included in class 1 for food and diagnostic chemicals.
5.	HIMALAYA PURE HERBS 	1039026	01/01/1930	23/08/2001	class 5: medicinal and pharmaceutical preparations including veterinary
6.		1041629	Proposed to be used	03/09/2001	class 3: soaps, perfumery, essential oils, hair oils, shampoo, herbal cosmetics (non-medicated), cosmetics, hair lotions, dentifrices included in class 3
7.		1041624	Proposed to be used	03/09/2001	class 5: medicinal and



					pharmaceutical preparations including veterinary included in class 05.
8.		3319631	23/06/2016	26/07/2016	[CLASS: 5] Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; materials for stopping teeth, dental wax; disinfectants; preparation for destroying vermin; fungicides, herbicides

The Subject Marks have time and again been renewed and are subsisting on the register of the Registrar of Trade Marks. The Plaintiffs by virtue of the statutory protection granted by the Trade Marks Act, 1999 are entitled to exclusive use of the Subject Marks and to restrain unauthorized use of the Subject Marks.

24.9. The artwork involved in the various stylistic representations of the Subject Marks also constitute original artistic works within the



meaning of Section 2(c) of the Copyright Act, 1957 and the Plaintiffs are the first owner of the Copyright in each of the Subject Marks by virtue of Section 17 of the Copyright Act, 1957. The Plaintiffs are the owner of several Copyright registrations in the Subject Marks in India.

24.10. The Subject Marks are identifiable and recognizable by both the members of the trade and public as being exclusively associated with the Plaintiffs' products and act as a source identifier of the Plaintiffs' products.

24.11. The Plaintiffs, in the first week of June 2025, came across the Defendant's nutraceutical and wellness products sold under an identical Mark 'Himalaya', as that of the Subject Marks. The

Defendant has merely removed the orange leaf device '

the letter '

24.12. The Plaintiffs also came across the Defendant's several trade mark applications, the details of which are reproduced below:

S. No	Trademark details	Application No.	Class	Appl. Date	User details	Good / Services
REFUSED						
1.	HIMALAYA	4269778	5	20/08/	Proposed to	medicinal and



				2019	be used	pharmaceuticals preparation and substances included in class 5
REGISTERED						
2.	HIMALAYA EVEREST 	5141445	5	21/09/2021	15/09/2018	Medicinal and pharmaceuticals preparation and substances included in class 5

In addition to the above, the Defendant also has trade mark



registrations for the Mark ‘’ bearing Nos. 4159175 and 4159176 in Class 3 for Non-medicated cosmetics and toiletry preparations, etc. and in Class 5 for pharmaceuticals, medical and veterinary preparations; sanitary preparations for medical purposes etc., respectively.

24.13. The Defendant has adopted / used and / or registered the Marks

‘ **Himalaya** ’ / ‘HIMALAYA’ / ‘Greenland HIMALAYA’ /



‘HIMALAYA EVEREST’ / ‘  ’ (“**Impugned Marks**”) and is also using a deceptively similar Trade Dress



containing green colour combination as that of the Subject Trade Dress (“**Impugned Trade Dress**”).

- 24.14. The Plaintiffs in an effort to amicably resolve the present dispute, issued a cease and desist notice to the Defendant on 11.06.2025 informing them of the Plaintiffs’ rights in the Subject Marks and calling upon the Defendant to cease using the Impugned Mark ‘ **Himalaya** ’, which is identical to the Subject Marks. The Plaintiffs further requested the Defendant to destroy all infringing materials bearing the Impugned Mark ‘ **Himalaya** ’, intended for sale or distribution and to tender an undertaking confirming that the Defendant will not use the Impugned Mark ‘ **Himalaya** ’, / ‘HIMALAYA’ or any formative mark thereof in the future. However, the Plaintiffs have received no response from the Defendant to the cease and desist notice dated 11.06.2025 till date.
- 24.15. The Plaintiffs, in order to ascertain the nature of the Defendant’s business operations and its *modus operandi* also conducted a market investigation in September 2025. During the investigation, the Investigator visited the Defendant’s premises in Delhi, which was found to be a four storeyed residential building. At the Defendant’s premises, the Investigator met a girl aged around 14-15 years, who informed that the Defendant’s premises is also the residence of Ms. Kamini Goel, the sole proprietor of the Defendant.
- 24.16. Thereafter, on 18.09.2025 the Investigator purchased sample product of the Defendant namely, HIMALAYA MESHASHRINGI



from www.amazon.in and was issued invoices bearing the product name as 'GREENELAND HIMALAYA MESHASHRINGI'. On 07.10.2025, the Investigator contacted Ms. Kamini Goel on the number as reflected on the said invoices. During the telephonic conversation, Ms. Kamini Goel confirmed that she operates a proprietorship firm under the name *M/s. Greenland Trading Company* in Delhi, engaged in the online supply of ayurvedic supplement products. It was further stated that Ms. Kamini Goel's business is run entirely from her residence and that she does not maintain any separate store or office. Upon being questioned regarding the use of the Mark 'HIMALAYA', Ms. Kamini Goel admitted that she uses the Mark 'HIMALAYA' as the Trade Name for her ayurvedic supplement products, which are procured in unbranded form from the open market and subsequently repackaged

and sold under the Impugned Mark '**Himalaya**'. Ms. Kamini Goel further disclosed that she has been using the Impugned Mark '**Himalaya**' for approximately past 5-6 years, that her sales are limited to online platforms such as www.amazon.in and www.flipkart.com, and that she does not operate any physical retail outlet. Ms. Kamini Goel further admitted that the business is small in scale and further requested the Investigator to purchase her products online through the aforesaid platforms.

24.17. Despite the cease and desist notice dated 11.06.2025, the Defendant has continued to manufacture, offer for sale, advertise, and market products, identical to that of the Plaintiffs, under the Impugned



Mark ‘ **Himalaya** ’, along with Impugned Trade Dress, on the e-commerce websites namely- https://www.amazon.in/s?k=GREENELAND&ref=bl_dp_s_web_0, <https://www.flipkart.com/greenland-natural-gurmar-powder-gymnema-sylvestre-400-gm/p/itm9e318d154f8ef>. Some of the Defendant’s products are as below:



24.18. The deception and confusion are also compounded by the fact that the Impugned Trade Dress as well as the Impugned Marks



incorporate a green colour scheme identical to the dominant colour used by the Plaintiffs for the Plaintiffs' products, giving an impression that the Defendant's products are originating from the Plaintiffs and is another of the Plaintiffs' products under the Subject Marks.

- 24.19. The Defendant has blatantly imitated the fundamental identity of the Plaintiffs' products sold under the Subject Marks registered in favour of the Plaintiffs and are attempting to ride upon the Plaintiff's goodwill and reputation established by virtue of continuous and extensive use of the Subject Marks. A naked eye comparison of the Subject Marks and the Impugned Marks reflect that the Impugned Marks lack in originality and are a blatant copy of the essential features forming part of the Subject Marks indicating the *mala fide* intention of the Defendant.
- 24.20. Despite carrying on a parallel business of ayurvedic and wellness products identical to that of the Plaintiffs, under the Mark 'GREENLAND', the Defendant has deliberately chosen to adopt and use the Impugned Mark ' **Himalaya** ' in relation to identical category of products, evidently with the intent to come close to the Plaintiffs' well-known Subject Marks, thereby causing deception and confusion in the minds of the public.
- 24.21. The Defendant was evidently aware of the Subject Marks operating in the field of nutraceuticals, wellness, and ayurvedic products and deliberately chose to introduce identical products under deceptively similar Impugned Marks. Such adoption was not coincidental but an



attempt to ride upon and exploit the established reputation and goodwill of the Plaintiffs.

- 24.22. The confusion is also apparent from the fact that when a consumer that is looking to buy the Plaintiffs' products would search for 'Himalaya' on the google search engine, the search results would show the Defendant's products as well as the Plaintiffs' products.
- 24.23. The adoption and use of the Impugned Marks by the Defendant in connection with identical business or services which already belongs to the Plaintiffs under the Subject Marks in conjunction with the slavish imitation of the Subject Trade Dress results in confusion increasing the likelihood of propensity of diverting the Plaintiffs' customers to the Defendant and thereby resulting in injury which in case of products meant to promote and protect the overall well-being of individuals, can be life-threatening.
- 24.24. By misrepresenting its product as that of the Plaintiffs', the Defendant is also misrepresenting the quality of the Plaintiffs' products and the same will cause grave harm and injury to the goodwill and reputation of the Plaintiffs' business as the Plaintiffs have no control over the quality of the Defendant's products. It is, therefore, apparent that the Defendant is seeking to reap the benefits of the Plaintiffs' goodwill and reputation, which the Plaintiffs have built over the years.
- 24.25. The unauthorized and indiscriminate use of the Impugned Marks and the Impugned Trade Dress by the Defendant for identical products as those of the Plaintiffs would be an act of



misrepresentation on the part of the Defendant amounting to passing off its products as that of the Plaintiffs.

24.26. The loss of reputation that the Plaintiffs are suffering owing to the Defendant's alleged activities is causing significant irreparable losses to the Plaintiffs. The Defendant's actions are self-inducing as they clearly evidence the *mala fide* intention of increasing sale of its products by riding on the goodwill and reputation established by the Subject Marks and the Subject Trade Dress.

25. This is a case of triple identity, where one of the Impugned Marks, ' **Himalaya** ' / 'HIMALAYA' is identical, the product category is identical and the trade channel as also the consumer base is identical. *Prima facie*, one of the Impugned Marks, ' **Himalaya** ' / 'HIMALAYA' adopted and used by the Defendant is visually, phonetically, structurally and deceptively similar to the Subject Marks. To an unwary consumer of average intelligence and imperfect recollection, one of the Impugned Marks, ' **Himalaya** ' / 'HIMALAYA' and the Subject Marks are likely to appear identical, thereby leading to confusion regarding the source or origin of the products sold thereunder.

26. The material placed on record shows that the Plaintiffs are the prior adopters and long-standing users of the Subject Marks, having used the Subject Mark 'HIMALAYA' since 1930 in connection with ayurvedic, wellness, pharmaceutical and personal care products. The range of the Plaintiffs' products, consistent use of the Subject Trade Dress, together with the Plaintiffs' market presence across physical retail outlets, exclusive stores,



and multiple online platforms, have enabled the Subject Marks to acquire goodwill and considerable public recognition. The details of registrations placed on record, and continuous commercial use, indicate that the Subject Marks have come to be identified exclusively with the Plaintiffs' products by consumers and the members of the trade.

27. The material placed on record also shows that the Defendant has adopted and used one of the Impugned Marks, ' **Himalaya** ' / 'HIMALAYA' in a manner that resembles the Subject Marks. The overall impression created by one of Impugned Marks, ' **Himalaya** ' / 'HIMALAYA' is deceptively similar to that of the Subject Marks giving rise to a likelihood of confusion enabling the Defendant to ride upon the reputation associated with the Subject Marks.

28. Having considered the material placed on record and the submissions made on behalf of the Plaintiffs, a *prima facie* case is made out in favour of the Plaintiffs. The balance of convenience lies in favour of the Plaintiffs, as continued use of one of the Impugned Marks, ' **Himalaya** ' / 'HIMALAYA' would erode the distinctiveness of the Subject Marks and dilute the Plaintiffs' goodwill built over decades. The Plaintiffs are likely to suffer irreparable injury, particularly given that the competing products relate to health and wellness, where consumer confusion may have serious consequences and where loss of reputation cannot be compensated monetarily.

29. Accordingly, till the next date of hearing, the Defendant, its partners, proprietors, affiliates, franchisees, officers, distributors, servants, agents,



assigns, representatives, and anyone acting for and on its behalf directly or indirectly, as the case may be, are restrained from manufacturing, selling, offering for sale, advertising, directly or indirectly dealing in any manner with regard to products and services, under the Marks ‘ **Himalaya** ’ / ‘HIMALAYA’ by itself or with other words or variant or any other trade mark / trade name which is deceptively similar to the Subject Marks leading to infringement and / or passing off of the Subject Marks, and the copyright subsisting therein.

30. 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.

31. The Prayer regarding the remaining Impugned Marks shall be considered after the Reply has been filed.

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

33. List before this Court on 12.03.2026.

TEJAS KARIA, J

NOVEMBER 27, 2025/ ‘A’