

Sun Pharmaceutical Industries Ltd vs Dr. Reddys Laboratories Ltd. & Anr on 24 December, 2025

Author: Manmeet Pritam Singh Arora

Bench: Manmeet Pritam Singh Arora

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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(COMM) 1414/2025 & I.A. 32623-32625/2025
SUN PHARMACEUTICAL INDUSTRIES LTD.Plaintiff
Through:

versus

DR. REDDYS LABORATORIES LTD.
& ANR.

.....Defenda

Through: Mr. J. Sai Deepak, Senior Adv.
Mr. Ranjan Narula, Mr. Shakti
Nair, Mr. Parth Bajaj, Ms. Pur
Vashishtha, Advs. and Ms. Paya
Kalhan, AR of D-1

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA
ORDER

% 24.12.2025 I.A. 32623/2025(seeking exemption from instituting pre-litigation mediation)

1. This is an application filed under Section 12A of the Commercial Courts Act, 2015 read with Section 151 of the Code of Civil Procedure, 1908 ['CPC'] seeking exemption from instituting pre-litigation mediation.

2. Having regard to the facts that the present suit contemplates urgent interim relief and in light of the judgement of the Supreme Court in Yamini Manohar v. T.K.D. Keerthi¹, exemption from the requirement of pre- institution mediation is granted to the Plaintiff.

3. Accordingly, the application stands disposed of.

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The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 29/12/2025 at 20:33:01 I.A. 32624/2025(seeking exemption from filing clear, legible, translated copies of the documents)

4. This is an application filed under Section 151 of CPC seeking exemption from filing clear, legible, translated copies of the documents.

5. Subject to the Plaintiff filing the clear, legible, translated copies of the documents within a period of thirty (30) days, exemption is granted for the present, failing which the Plaintiff will not be entitled to rely upon these documents.

6. Accordingly, the application is disposed of.

CS(COMM) 1414/2025

7. The present suit has been filed seeking permanent injunction restraining infringement of trademark, passing off, and other ancillary reliefs against the Defendants.

8. Let the plaint be registered as a suit.

9. Summons be issued to Defendants by all permissible modes on filing of process fee. Affidavit of service be filed within two (2) weeks.

10. The summons shall indicate that the written statement(s) must be filed within thirty (30) days from the date of receipt of the summons. The Defendants shall also file affidavit(s) of admission/denial of the documents filed by the Plaintiff, failing which the written statement(s) shall not be taken on record.

11. The Plaintiff is at liberty to file replication thereto within thirty (30) days after filing of the written statement(s). The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by Defendants, failing which the replication shall not be taken on (2024) 5 SCC 815 This is a digitally signed order.

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12. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

13. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

14. List before Court on 23.01.2026.

I.A. 32625/2025(under Order XXXIX Rule 1 and 2 CPC)

15. This is an application filed under Order XXXIX Rules 1 and 2, read with Section 151 CPC seeking interim injunction against the Defendants.

16. Mr. Sachin Gupta, learned counsel for the Plaintiff has set up the case of the Plaintiff as follows:

Factual matrix

17. The Plaintiff and its group companies are engaged in marketing, manufacturing, trading pharmaceutical and medicinal preparations, drugs and formulations in more than 100 countries of the world under its extensive range of well-known and distinctive trademarks/ brand names and has been referred in the trade circle as SUN / SUN PHARMA / SUN PHARMACEUTICAL ['Plaintiff's marks']. Plaintiff is the registered proprietor of its marks which it has been using continuously and extensively since 1978. Details of the various trademark registrations and applications are mentioned at paragraph '14' and '15' of the plaint. 17.1 Plaintiff's sales turnover for its goods under its mark for the F.Y. 2024-2025 is recorded at Rs. 52,041,125 lakhs. Details of the sales figures from the F.Y. 1992- 93 to the F.Y. 2024-2025 is mentioned at paragraph '20' of the plaint.

17.2 Plaintiff's mark SUN/SUN PHARMA has been declared a well-

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Knowledge of the infringing activity by Defendants

18. It is stated that in the first week of June 2025, the Plaintiff discovered that the Defendants have launched a sunscreen under the labels where the word 'SUN' has been used on the Defendants' VENUSIA label ['impugned label']. As per the packaging of the Defendants' product, the Defendant No. 1 is the marketer of the products bearing the impugned label and the Defendant No. 2 is the manufacturer of the products bearing the impugned labels.

19. It is stated that immediately after knowing about the infringing acts of Defendants, the Plaintiff sent a legal notice dated 09.06.2025 objecting the use of 'SUN' as an identifier in Defendants impugned labels.

20. After several email correspondence between the parties, Defendant No. 1 on 27.10.2025 finally stated that it would modify the packaging by changing the placement and font of the mark 'SUN'. On 04.12.2025 the said Defendant sent a response, proposing 36% reduction in the SUN font and an increase in the VENUSIA font, while asserting that it would continue manufacturing with the impugned packaging until March 2026 and would not cease use of the current artwork before April

2026.

21. It is stated that, upon perusal of the proposed label of the Defendants This is a digitally signed order.

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22. It is stated that on 08.12.2025, the Plaintiff responded to the Defendants by rejecting the proposal for the first proposed label, pointing out that the revised depiction was even more striking than before and fell far outside the conditions set out in the cease-and-desist notice dated 09.06.2025. It also objected the Defendants' intent to keep manufacturing the impugned packaging until March 2026.

Submissions by the Plaintiff

23. Learned counsel for the Plaintiff submits that Plaintiff in its legal notice dated 09.06.2025 had acknowledged the necessity of using 'SUN' descriptively for sunscreen, however, the Defendants' use of the trademark 'SUN' is neither bona fide nor descriptive in nature. The Defendants' have placed the word 'SUN' in a bold and visually dominant manner, thereby going beyond the permissible use of the word as a description. 23.1 He states that the Plaintiff received an email dated 19.12.2025 wherein the Defendants had produced an even further revised label This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 29/12/2025 at 20:33:01 ['second proposed label'] stating that the 'SUN' font size is significantly reduced and is smaller than the Defendants' mark VENUSIA. Also, the entire logo is in a single colour (as earlier 'SUN' was standing out due to contrast colour), however, the Plaintiff still objected to the same as the word 'SUN' was still standing out. The email dated 19.12.2025 is directed to be taken on record. 23.2 He states that the Defendants are fully aware of the reputation of the Plaintiff's 'SUN' trademarks and that the use of the word 'SUN' on the impugned labels is not a mere coincidence.

23.3 He states that the other terms such as Sun Protect, Sun Block, Sun Lotion, Sun Care etc. could have been used as a product descriptor, however, the impugned use of 'SUN' in the most prominent form in the impugned labels is clear attempt to ride piggyback on the goodwill and reputation of the Plaintiff's marks.

23.4 He states that the Plaintiff also deals in sunscreen products under its brand SUNCROS, the prefix of which is derived from the Plaintiff's well-known trademark 'SUN' and the use of the word 'SUN' on the impugned labels is likely to suggest that the products offered under the impugned

labels could be an extension of the Plaintiff's existing sunscreen range of This is a digitally signed order.

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23.5 He states that Defendant No. 1 also offers sunscreen products under different brand names, such as SPER, SHADOWZ etc., however, Defendants have chosen to use of the impugned labels that feature the Plaintiff's mark 'SUN', which is an attempt to confuse customers, leading them to believe that the Defendants' products originate from the Plaintiff. 23.6 He submits that the Plaintiff is aggrieved by the Defendants' use of the mark 'SUN' on their packaging, and contends that the manner in which the word 'SUN' is depicted thereon amounts to use of the same as a trade mark.

Submissions by the Defendants

24. Learned Senior Counsel appearing on behalf of the Defendants submits that the Defendants rely upon the defence taken in their replies to the legal notices, namely, that the word 'SUN', as appearing on its labels, constitutes a mere descriptive use. He further places reliance on the correspondence exchanged between the parties, wherein the Plaintiff has acknowledged that the Defendants are entitled to a descriptive use of the word 'SUN'. He submits that the Defendants are willing to reconsider its labels and will re-position the word 'SUN' thereon in a manner that satisfies the requirements of Section 30(2)(a) of the Trade Marks Act, 1999['Act of 1999'].

FINDINGS AND DIRECTIONS Proceedings on 23.12.2025

25. This Court had first heard this matter on 23.12.2025.

26. The Defendants' products in question are sunscreen/sunscreen gel sold under the brand name VENUSIA.

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27. Learned counsel for the Defendants submitted that they are not disputing that the Plaintiff is the proprietor of the word 'SUN' as a trademark and the Defendants are using the word 'SUN' on their impugned labels as a mere product descriptor and are willing to modify the labels to assuage the concerns of the Plaintiff.

28. Upon a perusal of the impugned label, the Court found prima facie merit in the submission of the Plaintiff that the word 'SUN' was being used with significant prominence as a mark and not as a product descriptor, as the product separately describes the content as sunscreen gel/sunscreen

respectively.

29. On the label of its product(s), the Defendants are using its brand name 'VENUSIA' and are using the marks 'SUN TINT', 'SUN MINERAL' and 'SUN AQUA' to name its product variations. However, in the impugned labels the mark 'SUN' appears prominently in a different colour, with the largest font and the boldest print giving it an appearance of a trade mark and not a mere descriptor, as contended by the Defendants. The mark 'SUN' is a striking feature of the impugned labels. In fact, the Defendants brand mark VENUSIA is itself eclipsed by the 'SUN' mark in the label.

30. The Defendants sought an adjournment to bring before the Court revised labels on 24.12.2025 wherein the name of the product variant 'SUNAQUA', 'SUNTINT', 'SUNMINERAL' would appear as a single word and the brand VENUSIA shall appear more prominently.

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31. At the hearing today, learned Senior Counsel for the Defendants submits that the artwork for the revised label is still under preparation and that there is presently no proposal available to be placed before this Court and requested for an adjournment until re-opening of the Court. The said request for an adjournment was opposed by the Plaintiff and it prayed for ad-interim orders.

During the course of arguments, Defendants contradicted themselves and produced before this Court a revised proposal for its labels, which is marked as Exhibit A, attached along with order, and is directed to be taken on record. This revised proposal is not in conformity with the submissions made on 23.12.2025.

32. In addition, learned counsel for the Plaintiff has also raised a grievance that, despite having reached out to counsel for the Defendants in the evening of 23.12.2025 and on the morning of 24.12.2025 for seeking the proposed mock-up, no such mock-up was furnished until the matter was taken up for hearing today, so as to enable the Plaintiff to examine the newly proposed revised labels.

He states that the Defendants have failed to respond to all the reasonable requests made by the Plaintiff over the past six (6) months for resolving the issue amicably and therefore, presses for an ad-interim injunction of status quo to be maintained by the Defendants with respect to any further manufacturing under the impugned labels.

33. This Court has heard the learned counsel for the parties and has perused the record.

34. This Court finds that the parties have been in correspondence for the This is a digitally signed order.

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35. This Court has considered the submissions advanced on behalf of the Plaintiff and has perused the Defendants' impugned labels filed with the plaint.

36. The only submission raised by the Defendants during arguments is that the use of the mark 'SUN' in its label is in terms of Section 30(2)(a) of the Act of 1999 as a product descriptor. The Defendants have relied upon the use of the mark 'SUN' by other third parties while selling identical products i.e., sunscreen.

37. Prima facie, this Court does not find that the use of the mark 'SUN' on the impugned labels is descriptive in nature. The placement of the said marks in the impugned labels gives significant prominence to the mark 'SUN'. The said mark is clearly being used in a manner suggestive of a trademark, particularly since the word "sunscreen" "sunscreen gel"

otherwise appears separately and specifically on the product.

38. Ostensibly, the mark 'SUN' forms part of the name of the product variant 'SUN TINT', 'SUN MINERAL' and 'SUN AQUA' which is intended to be used as a trade mark in the course of trade to enable the consumer to identify the product variant. However, as noted above, the mark 'SUN' as printed on the label is in the largest size, boldest font and in a different colour from the remaining marks making it the most striking feature of the label. The manner of the lay out of the label is bound to leave an initial impression in the mind of the consumer that the product may have This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 29/12/2025 at 20:33:01 an association with the Plaintiff's registered mark 'SUN'. It is a matter of record that the Plaintiff also sells sunscreens under its mark 'SUN' and therefore, there is likelihood of creating confusion in the minds of the consumer given the identical goods and the identical trade channels.

39. Counsel for the Plaintiff has rightly placed reliance on the judgement of the Coordinate Bench titled Zydus Wellness Products Limited VS. Cipla Health Ltd. and Another², which held as under:-

"205...The benefit of Section 30(2)(a) of the Trade Marks Act is not available to a part of the mark. The benefit ensures only if the entire mark of the defendants, impugned in the suit, is used in a descriptive fashion.' (Emphasis Supplied)

40. The use of the mark 'SUN' by the Defendants in its labels is prima facie not descriptive and therefore, the benefit of Section 30(2)(a) of the Act of 1999 is not available to the Defendants.

41. Accordingly, until the next date of hearing, the Defendants are directed to main status quo and not undertake any further manufacturing under the impugned labels.

42. Reply be filed within two (2) weeks. Rejoinder thereto, if any, be filed within two (2) weeks.

43. At this stage, learned senior counsel for the Defendants, on instructions from Ms. Payal Kalhan, Authorised Representative of the Defendants, submits that the Defendants shall create a fresh mock-up wherein the expressions 'SUNTINT', 'SUNMINERAL' and 'SUNAQUA' shall appear as a single, continuous word under its brand 'VENUSIA', in the same overall structure, font, size and lettering.

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44. He also states that the Defendants shall transition to the revised packaging within fifteen (15) days from today.

45. He states that the Defendants shall file a stock statement of the existing stock bearing the impugned labels within three (3) days, and shall exhaust such stock on or before 31.03.2026. He states that with the stock statement, the Defendants will file the manufacturing details and the batch release details.

46. In response, learned counsel for the Plaintiff states that the Plaintiff reserves its rights in the suit for all its claims.

47. Mr. Sai Deepak, learned senior counsel for the Defendants stated that the modified label will be placed before the Court at 04:30 P.M and requested for another hearing.

The hearing was again held at 04:45 P.M and 05:30 P.M. respectively, and the proposed modified label was handed over which is marked as Exhibit B, however the same is again not in consonance with the submissions made at the earlier hearings, as in the proposed label the words 'SUN TINT', 'SUN MINERAL' and 'SUN AQUA' appeared as separate words and is therefore, not permitted by the Court. In addition, the Defendants sought to withdraw from its statement pertaining to exhausting the existing stock. The Defendants sought permission to continue further manufacturing under the impugned labels until 31.03.2026, which was opposed by the Plaintiff and also failed to persuade this Court.

48. The overall impression the Court gets from the flip flop stands taken 2023 SCC Online Del 3785.

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49. Therefore, this Court reiterates its direction that the Defendants are directed to main status quo and not undertake any further manufacturing under the impugned labels.

50. List before Court on 23.01.2026.

51. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J DECEMBER 24, 2025/msh/IB This is a digitally signed order.

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EXHIBIT A This is a digitally signed order.

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EXHIBIT - B This is a digitally signed order.

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