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

% *Date of Decision: 7th April, 2026*

+ CS(COMM) 675/2024, I.As. 36095/2024, 36097/2024, 46038/2024,
3084/2025

HIMALAYA GLOBAL HOLDINGS LTD & ANR.....Plaintiffs

Through: Mr. Vishal Nagpal, Mr. Debjyoti
Sarkar and Mr. Bal Krishan Singh, Advocates.

versus

MS AB ALLCARE HERBAL & ORS.Defendants

Through: Mr. Abhimanyu Yadav and Mr.
Prannoy Dey, Advocates for D5.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. This suit is instituted by the Plaintiffs *inter alia* for a decree of permanent injunction restraining the Defendants and all others acting on their behalf from selling, manufacturing, distributing, advertising, exporting, offering for sale or in any other manner dealing with goods/ packaging bearing infringing mark Liv-40 and/or any other mark identical/deceptively similar to Plaintiffs' registered Liv.52 trademarks resulting in infringement.

2. On 09.08.2024, by an *ex parte* ad interim order, Court restrained the Defendants from selling, distributing, advertising etc., products bearing infringing mark Liv-40 and/or any other mark deceptively similar to



Plaintiffs' registered Liv.52 trademarks and the trade dress/packaging related thereto, so as to amount to infringement and/or passing off. Defendants were also restrained from manufacturing, selling, distributing etc., their products using HIMALAYA trademark/logo and the trade dress/packaging associated therewith, more particularly, the color combination of green, orange and white, so as to resulting in passing off *albeit* Defendants were permitted to carry on their business without using the impugned trademarks and/or trade dress/packaging. Interim order has continued till date.

3. Summons were served on Defendants No. 1 to 3 on 16.09.2024 and they filed written statement on 15.01.2025, which was beyond 120 days, which expired on 14.01.2025. Accordingly, the written statement was not taken on record. Right of Defendant No. 4 to file written statement was closed vide order dated 23.04.2025 and pleadings *qua* Defendant No. 5 are complete. None appears on behalf of Defendants No. 1-4 and as per record, there has been no appearance on their behalf continuously since 23.05.2025. Even the cost imposed on Defendants No. 1-3 has not been paid. It appears that Defendants No. 1-4 are not interested in contesting the suit and are set *ex parte*.




4. Learned counsel for Defendant No. 5, on instructions, submits that if Plaintiffs do not press for costs, said Defendant has no objection in suffering a decree of permanent injunction.

5. Learned counsel for the Plaintiffs, on instructions, submits that Plaintiffs shall not press their claim for costs against Defendants No. 4 and 5 but would do so against Defendants No. 1-3 and also give up the relief of rendition of account and damages against all Defendants.



6. Heard learned counsel for the Plaintiffs and counsel for Defendant No. 5.

7. Present suit is filed by the Plaintiffs for permanent injunction restraining Defendants from infringing their registered trademark Liv.52 and its variants as also its attendant trade dress/packaging and the HIMALAYA trademarks/logos in respect of identical goods i.e., capsules and syrup for liver care and healthcare goods sold by Defendants, respectively. For ready reference, registrations in respect of trademark Liv.52 and its variants in Class 05 are as follows:-

Sl. No.	Registration No.	Application Date	Trade Mark
1.	180564	10/07/1957	LIV. 52 (Word Mark)
2.	290061	10/08/1973	
3.	401959	25/02/1983	
4.	839263	01/02/1999	LIV.52 PROTEC (Word Mark)
5.	1115539	01/07/2002	
6.	1813135	30/04/2009	LIV.52 HB (Word Mark)
7.	5738547	26/12/2022	Liv.52 HAEMOTEC

8. As stated in the plaint, the aforesaid registrations are valid and subsisting. Plaintiffs have placed on record copies of certificate as also



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invoices showing sales of products under trademark Liv.52 and its variants reflecting exponential increase in yearly turnover and have also demonstrated that in the year 2023-2024, the sale value was Rs. 634.73 crores. Plaintiffs have made significant investments towards promotion and advertisement of their goods bearing trademark Liv.52 and its variants through electronic and print media globally including India. The trademark has acquired immense goodwill and reputation and is exclusively associated with the Plaintiffs as a source identifier. Liv.52 is the signature brand of the Plaintiffs and was included in the Limca Book of Records as India's highest selling herbal drug and as on the date of the filing of the suit, Plaintiffs were selling around 1 billion tablets and 13 million syrup bottles under the trademark Liv.52 every year across the globe. Plaintiffs have placed on record copy of the judgment of the Division Bench of this Court in ***The Himalaya Drug Company v. M/s. SBL Limited, RFA(OS) No. 90/2010***, decided on 09.11.2012, whereby the Respondent therein was restrained from using the mark 'LIV' as part of its trademark 'LIV-T' in respect of medicinal preparations observing that even in isolation, use of the impugned mark was an infringement of prominent feature of Plaintiff's trademark. Hence, by using the impugned mark Liv-40, Defendants have infringed the registered mark Liv.52 of the Plaintiffs, as the impugned mark is deceptively similar and is used for identical goods being capsules and syrup for liver care. The rival marks being deceptively similar and goods being identical, it is inevitable that there will be confusion amongst members of public and potential consumers and as held by the Supreme Court in ***Cadila Healthcare Ltd. v. Cadila Pharmaceuticals Ltd., (2001) 5 SCC 73***, public interest would support lesser degree of proof showing confusing similarity in case of



trademarks in respect of medicinal products as against non-medicinal products. Plaintiffs also assert and rightly so, common law rights in the trademark and seek restraint against Defendants from passing off their goods as those of the Plaintiffs, since Defendants have been misrepresenting to the public that their goods have some association with the Plaintiffs, in order to encash on their formidable reputation and goodwill, thereby causing irreparable harm and injury to the goodwill of the Plaintiffs. Defendants are thus liable to be restrained from infringing Plaintiffs’ trademarks as also from passing off.



9. Insofar as HIMALAYA trademarks/logo is concerned, the same was conceived, developed and adopted by the Plaintiffs in 2001 and has a unique style and distinctive get-up, including its colour combination of green, orange and white with the device of orange leaf. Over

the time, Plaintiffs have made some variations  ,  ,



albeit the distinctive elements have remained unchanged and the logo  has been a constant along with green and orange colour combination. Plaintiffs have placed on

record documents in the form of Chartered Accountant’s certificates to reflect Plaintiff No. 2’s turnover of the products sold under HIMALAYA brand since 2001 as also expenses incurred on promotion as follows, which indicates their growing goodwill and reputation:-



Financial Year	Plaintiff No.2 Turnover (in ₹ Crore)	Plaintiff No.2's total expenses incurred on advertisement and promotion
2001-2002	230.12	26.88
2002-2003	285.85	44.15
2003-2004	317.94	36.93
2004-2005	306.74	46.10
2005-2006	293.05	39.89
2006-2007	347.34	45.18
2007-2008	416.57	39.84
2008-2009	530.68	57.05
2009-2010	642.57	63.29
2010-2011	729.80	105.99
2011-2012	886.81	89.10
2012-2013	1,083.50	101.7
2013-2014	1,334.36	133.74
2014-2015	1,664.77	193.22
2015-2016	2,034.67	226.51
2016-2017	2,413.20	267.88
2017-2018	2,462.18	273.38
2018-2019	2,843.99	314.47
2019-2020	3,228.16	397.03
2020-2021	3,567.19	301.72
2021-2022	3,763.19	324.99
2022-2023	4,086.51	364.76
2023-2024	4,676.69 (Provisional)	438.72 (unaudited)



10. Basis the immense goodwill and reputation, Plaintiffs assert common law rights in HIMALAYA trademarks. Defendants have dishonestly imitated the HIMALAYA trademarks so as to come as close as possible to the Plaintiffs in respect of identical goods. As brought out in the plaint, the impugned logo is deceptively similar to Plaintiffs’ trademark/logo in terms of stylization, get-up, appearance, colour combination of green, orange and white and also includes the leaf device. For ready reference, the rival trademarks are as follows:-

Plaintiffs’ trademarks/logos	HIMALAYA	Defendants Impugned Logo
		

11. As can be seen from the comparative, Defendants have adopted deceptively similar trademark in respect of identical goods i.e., healthcare goods. The consumer base and trade channels being common, there is every likelihood of confusion amongst members of public and hence, Defendants are liable to be restrained from passing off the goods of the Plaintiffs by mispresenting to the public that their goods have any association with those of the Plaintiffs as this is leading to irreparable damage to reputation and goodwill of the Plaintiffs, which they have successfully demonstrated from the sales figures by way of invoices and Chartered Accountant’s certificates.

12. In light of the aforesaid, this suit is decreed in favour of the Plaintiffs and against the Defendants in terms of paragraph 70(a), (b), (c), (d) and (i),



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save and except, the relief of costs which the Plaintiffs do not press against Defendant No. 5.

13. Registry is directed to draw up the decree sheet.

14. Suit stands disposed of along with pending applications.

15. Plaintiffs shall file their bill of costs before 20.04.2026, on which date the matter will be placed before the Taxing Officer for computation of costs in terms of Commercial Courts Act, 2015 and 2018 Rules read with Delhi High Court Intellectual Property Division Rules, 2022.

JYOTI SINGH, J

APRIL 7, 2026/YA