

Latest Trademark Cases in 2021 – Part 14

December 1, 2021

Sun Pharma Laboratories Limited vs D.D.Pharmaceuticals Private Limited.

In this case, Sun Pharma filed three trademark infringement suits against DD Pharma with respect to adoption of similar trademarks. One of the trademarks of the Plaintiff was BUPRON, and the Defendant was using BUPRO.

DD Pharma primarily argued that its trademarks are not infringing because the trademarks were adopted by both parties from the names of active ingredients. With respect to BUPRON, the active ingredient was Bupropion Hydrochloride. It also argued that the marks are prescription drugs, which can be differentiated by doctors and pharmacists.

The Court disagreed with DD Pharma, and held that the likelihood of confusion required a lower standard of proof with respect to pharmaceutical products as confusion in drug marks is likely to cause harm to the general public. It also pointed out that patients are likely to be easily confused if the names are similar. Though the marks of both Sun and DD Pharma were adopted from the names of active ingredients, the Court stated that there is likelihood of confusion and granted a permanent injunction in favour of Sun Pharma prohibiting DD Pharma from using the marks in question.

Citation: Sun Pharma Laboratories Limited vs D.D.Pharmaceuticals Private Limited., available at: <https://indiankanoon.org/doc/40229201/>, visited on 25th

November, 2021.

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