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

% *Date of Decision: 15th May, 2026*

\+ CS(COMM) 403/2025

GLAXOSMITHKLINE PHARMACEUTICALS LIMITED .....Plaintiff

Through: Mr. Urfee Roomi, Ms. Janaki Arun, Mr. Ayush Dixit and Ms. Angela Arora, Advocates.

versus

WALTER HEALTHCARE PRIVATE LIMITED AND ANR .....Defendants

Through: None.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. This suit is instituted on behalf of the Plaintiff *inter alia* seeking a decree for permanent injunction restraining Defendants and all others acting on their behalf from manufacturing, offering for sale, selling, displaying, advertising, marketing, whether directly or indirectly any tablets and/or other medicinal or pharmaceutical products bearing Defendants' WALPOL mark and/or any other mark deceptively similar to Plaintiff's CALPOL and CALPOL FAST marks.

2. It is stated in the plaint that Plaintiff is a company incorporated under the Companies Act, 1913 and is a member of GSK group of companies, of which GSK plc ('GSK') is the parent company. Headquartered in United

Kingdom, GSK traces its roots to the year 1715 and since then it has grown immensely with a significant global presence in more than 150 markets, a network of manufacturing sites and research and development network with strategic global hubs in US, UK, Belgium and key expert facilities in Italy and Spain. GSK is an international science-led global healthcare company that researches and develops a broad range of innovative specialty medicines, namely, pharmaceuticals and vaccines and has numerous subsidiaries around the world, one of them being the Plaintiff. GSK's worldwide turnover has shown increases over the years and at least since 2001, the annual turnover has exceeded Rs. 2,00,000 Crores, which is evident from the Annual Reports filed as Document-8 with the plaint. Substantial amount has been invested by GSK towards promotion and advertisement of its products and it has garnered formidable goodwill and reputation globally and in India.

3. It is stated that GSK first entered the Indian market through its distributors in 1919 and direct trade with India commenced in 1924. On 13.11.1924, company named H. J. Foster & Company, Limited was incorporated in Mumbai, which changed its name to Glaxo Laboratories (India) Private Limited and in 1968, this company became a public company under the name Glaxo Laboratories (India) Limited, which became known as GlaxoSmithKline Pharmaceuticals Limited, the Plaintiff herein.

4. It is stated that Plaintiff has been and continues to be one of the market leaders in many therapeutic areas and in preventive health care in India and its sales turnover figures have exponentially increased to Rs.3,57,629/- (in lakhs) in 2024. Over the years, Plaintiff has received several awards as detailed in Document-14 in the List of Documents.

5. It is stated that Plaintiff first adopted and used the mark CALPOL in 1991 and has since then sold and continues to sell pharmaceutical preparations including tablets, syrups and oral drops till date under the said mark, through a network of distributors and stockists throughout India, both online and offline. Owing to long and continuous use of CALPOL marks, consumers in India associate the CALPOL marks with the Plaintiff only. The mark CALPOL is inherently distinctive and entitled to highest degree of protection under the Trade Marks Act, 1999 ('1999 Act'). The sales figures pertaining to sales of products under the CALPOL marks as also the expenditure on marketing and promotion reflect the enviable reputation and goodwill earned by the Plaintiff. The sales figures have been placed in a sealed cover to preserve their confidentiality and the marketing expenditure, is as follows:-

Year Ending	**Marketing Spend (in '000 INR)**
2014	More than 12,000.00
2015	More than 21,000.00
2016	More than 38,000.00
2017	More than 45,000.00
2018	More than 42,000.00
2019	More than 85,000.00
2020	More than 50,000.00
2021	More than 63,000.00
2022	More than 28,000.00
2023	More than 38,000.00

2024	More than 41,000.00

6. It is stated that medicinal and pharmaceutical preparations under the CALPOL marks have received extensive coverage over the years in renowned and widely circulated publications, pharmacy guides and medical journals in India as also the online platform. Search for Plaintiff's CALPOL marks on search engines, GOOGLE.CO.IN generates only Plaintiff's mark CALPOL, as can be seen from the search results appended as Document-20 in the list of documents.

7. It is stated that Plaintiff is the proprietor of two valid and subsisting trademarks for Plaintiff's CALPOL marks in India i.e., CALPOL and CALPOL FAST, as follows:-

Reg. No.	**Mark**	**Goods**	**Registration Date**	**Valid Until**
230069	CALPOL	Pharmaceutical preparations	July 13, 1965	July 13, 2027
5249980	CALPOL FAST	Pharmaceutical and medicinal preparations and substances; vaccines	December 16, 2021	December 16, 2031

8. It is stated that Plaintiff has been extremely vigilant in protecting and enforcing its intellectual property rights and has filed law suits, where *ex parte* interim injunctions have been granted and infringing parties have been

permanently injuncted.

9. It is stated that in September, 2024, Plaintiff learnt about Defendant No.2, when it came across his trademark Application No. 5753703 for the mark WALPOL. It was found that Defendant No.2 is also a Director in Defendant No.1 company and they are selling/offering for sale/advertising their pharmaceutical preparations through their own interactive websites www.walterhealthcare.in and www.walterhealthcare.co.in using the mark WALPOL, which was nearly identical/deceptively similar to Plaintiff's CALPOL marks, so much so that only the first letter 'C' was replaced with 'W'. Both rival marks comprise of six letters of which five are the same and both end with 'POL' and considering that the marks are deceptively similar and products are identical and sold through common trade channels with common consumers, confusion amongst members of public and potential customers was inevitable and this led the Plaintiff to file the present suit after issuing cease and desist notice dated 10.09.2024 to Defendant No.2.

Proceedings in the Suit

10. Summons were issued in the suit on 02.05.2025 and on the same date Court granted *ex parte* ad interim injunction restraining Defendants and all others acting on their behalf from using the WALPOL mark and/or any other mark identical or deceptively similar to Plaintiff's CALPOL trademarks. However, during the pendency of the suit, parties have amicably settled their *inter se* disputes as recorded in the order dated 30.04.2026 and Defendants have agreed to give up use of the impugned mark/any mark deceptively similar to Plaintiff's marks and suffer injunction as also pay a sum of Rs.2,00,000/- as damages within three months. Accordingly, the Court decreed the suit in favour of the Plaintiff and against the Defendants

in terms of paragraphs 54(a) to (c) and (f) as also (h) to the extent of agreed damages, in light of the settlement between the parties, recording that there was no existing stock in the market or elsewhere with the Defendants and that Defendants shall withdraw application no. 5753703 for registration of the mark WALPOL, if not already withdrawn. Court is now only to consider prayer 54(g) of the plaint for declaration of mark CALPOL as a well-known trademark.

Well-known trademark

11. Learned counsel for the Plaintiff submits that Plaintiff's CALPOL trademark be declared as a well-known trademark in terms of Section 2(1)(zg) of the 1999 Act as per relief sought in paragraph 54(g) of the plaint as it satisfies all the requisite criteria in this respect. It is submitted that Section 11(6) of the 1999 Act deals with five factors which are required to be taken into consideration by the Registrar of Trade Marks while determining whether a trademark can be declared as a well-known trademark and as per the Scheme of the 1999 Act, Section 11(7) provides the factors that Registrar must consider while deciding whether the trademark is known or recognised in the relevant section of the public for the purpose of sub-Section (6). It is urged that Plaintiff has placed on record relevant data with corroborating and supporting documents which amply demonstrates that the mark CALPOL fulfils all the five parameters/factors to be declared a well-known mark. Broadly, the data furnished in respect of each of the five factors is as follows:-

(i) **Factor 1 Section 11(6)(i)**: Knowledge and recognition in relevant section of the public in India obtained because of promotion:

(a) Plaintiff adopted the trademark CALPOL in 1991 and has been using the same since then continuously, uninterruptedly and extensively in respect of tablets, syrups and oral drops containing the active ingredient *Paracetamol* in combination with other ingredients such as *Tramadol,* as an antipyretic for the treatment of mild-to-moderate pain, common cold, headache and fever in India. Documents evidencing use of the mark such as sales invoices from 28.11.1991 etc. are filed as Document-15. (pdf pages 150-167);

(b) Plaintiff's products under CALPOL marks have been continuously and extensively marketed through advertisements/marketing material and different kinds of promotional campaigns. (Document-18: pdf pages 299-327);

(c) Medicinal and pharmaceutical preparations under CALPOL marks have received extensive coverage in renowned and widely circulated publications, pharmacy guides and journals in India as also on online platforms. (Document-19: pdf pages 328-344); and

(d) Plaintiff's products sold under the CALPOL mark have generated huge revenues and illustratively, in the year 2024 alone the sales have exceeded Rs. 300 crores. Copies of invoices reflecting sales are filed as Document-15, however, sales figures have been filed in sealed cover for the sake of confidentiality. (pdf pages 150-159).

(ii) **Factor 2 Section 11(6)(ii)**: Duration, extent and geographical area of any use of that trademark:

(a) In India, Plaintiff first used the CALPOL mark in 1991 and since then has sold and continues to sell medicinal and pharmaceutical preparations including tablets, syrups and oral drops, bearing Plaintiff's CALPOL mark. (Document 15: pdf pages 150-167); and

(b) Plaintiff's products bearing CALPOL mark are sold through a network of distributors and stockists throughout India as well as through online pharmacies. Extracts from webpages of online pharmacies are filed as Document-16. (pdf page 168-175). Invoices for the period 1991 to April, 2024 are filed as Document-17. (pdf pages 176-298).

(iii) **Factor 3 Section 11(6)(iii)**: The duration, extent and geographical area of any promotion of the trade mark, including advertising or publicity and presentation, at fairs or exhibition of the goods or services to which the trade mark applies:

(a) Marketing material showing extensive marketing and promotion of products under CALPOL mark all over India. (Document-18);

(b) Copies of articles with extensive coverage on CALPOL mark and products sold thereunder highlighting the increasing popularity and growth of the brand, are placed as Document-19;

(c) Online search for Plaintiff's CALPOL mark on the search engine GOOGLE.CO.IN generates numerous hits to

Plaintiff's CALPOL mark and no similar mark appears. Search results are filed as Document-20. (pdf pages 345-348).

(iv) **Factor 4 Section 11(6)(iv):** The duration and geographical area of any registration of or any application for registration of that trademark under this Act to the extent they reflect the use or recognition of the trademark:

(a) Plaintiff is the proprietor of valid and subsisting registrations of CALPOL marks in India in Class 05, with the oldest registration dating back to 13.07.1965, which is valid upto 13.07.2027. Registration Certificates as also Renewal certificates evidencing that registrations are valid and subsisting and certificates for use in legal proceedings are filed as Document-21. (pdf pages 349-360).

(v) **Factor 5 Section 11(6)(v):** The record of successful enforcement of the rights in that trademark, in particular, the extent to which the trademark has been recognised as a well-known mark:

(a) Plaintiff has been extremely vigilant in protecting and enforcing its intellectual property rights including the mark CALPOL and have filed several law suits against third parties infringing the trademark and/or passing off their goods such as:-

(i) CS(COMM)713/2024 where *ex parte* ad interim injunction was granted in favour of Plaintiff on 23.08.2024. (pdf pages 361-368);

(ii) CS (COMM) 874/2024 where *ex parte* ad interim injunction was granted in favour of Plaintiff on 04.10.2024. (pdf pages 369-376);

(iii) CS(COMM) 301/2025 where consent decree of permanent injunction was granted in favour of Plaintiff on 04.04.2025. (pdf pages 400-401);

(iv) CS(COMM) 322/2025 where *ex parte* ad interim injunction was granted in favour of Plaintiff on 08.04.2025. (pdf pages 402-409);

(v) CS (COMM) 280/2025 where consent decree was passed in favour of Plaintiff vide order dated 11.08.2025; and

(vi) CS (COMM) 967/2024 where consent decree of permanent injunction was granted in favour of Plaintiff on 19.08.2025.

12. Having considered the submissions made by Mr. Urfee Roomi, learned counsel for the Plaintiff and upon examination of the material on record, I am of the view that the trademark CALPOL has acquired extensive recognition and association within the relevant section of the public in the concerned industry with respect to pharmaceutical and medicinal products in its long journey of over 35 years commencing from the year 1991. Plaintiff has achieved several milestones over these years in the form of awards and accolades and as evident from the sales figures placed in a sealed cover, which Court has perused, sales turnover has shown an exponential increase with sales exceeding Rs. 300 crores in the year 2024 alone and number of pack units sold exceeding 20 crores. Investment on marketing/advertising

and promotional material is also reflective of Plaintiff's formidable and enviable reputation and goodwill in the mark CALPOL. Many popular and widely circulated publications such as Print, Business Standard, Economic Times and Pharmacy Journals have covered the mark CALPOL extensively and there is consistent visibility of the mark in almost all pharmacies across the length and breadth of the country as also online on several third-party e-commerce websites. In a recent press release on 30.04.2026 in UK, CALPOL is shown as one amongst public's top 10 Iconic British trademarks.

13. Plaintiff's long standing reputation and extensive, continuous and uninterrupted use of the mark CALPOL across India reflects its significant commercial presence and recognition and is testament of its distinctiveness in the field of medicine and pharmaceutical products, both for adults and children. Having considered the material placed on record by the Plaintiff, I am of the considered view, that trademark CALPOL satisfies the criteria and parameters set out in Sections 11(6) and (7) of the 1999 Act for declaring it as a well-known trademark for medicinal and pharmaceutical products.

14. Accordingly, trademark CALPOL is declared as a well-known trademark in terms of prayer 54(g) of the plaint within the meaning of Section 2(1)(zg) of the 1999 Act.

15. Decree sheet be drawn up accordingly.

16. Suit stands disposed of.

JYOTI SINGH, J

MAY 15, 2026/YA