

## **Delhi High Court declines Cadila Healthcare's plea to restrain use of 'Sugar Free'**

The Delhi High Court in its interim order rejected Cadila Healthcare's plea to restrain Dabur India and Shree Baidyanath Ayurved Bhawan from using 'Sugar Free' in their products.

Dabur India was using the mark 'Sugar Free Chyawanprakash' and Shree Baidyanath Ayurved Bhawan was using the mark 'Sugar Free Chyawanprash Granules' in their Chyawanprakash and Chyawanprash Ganules respectively.

Cadila Healthcare that controls a major sugar substitute business in India, had approached Delhi High Court to restrain Dabur India as well as Shree Baidyanath Ayurved Bhawan from using its trademark Sugar Free or any other mark that is identical or deceptively similar to "Sugar Free".

Justice Badar Durej Ahmed rejected Cadila's claim against use of mark 'Sugar free' by Dabur India and Shree Baidyanath Ayurved Bhawan on the ground that same is likely to cause confusion or deception among consumers about the origin of goods.

India allows fair use of the marks as a defence to any infringement action and if the same principle is taken into consideration the chances of Cadila succeeding in its claim are very remote. Both Dabur India as well as Shree Baidyanath Ayurved Bhawan could take the defence that their use of expression "sugar free" is for fair description of goods.