If proprietor proves extensive and continuous use of mark over a long period, substantial sales and promotional expenditure, wide geographical presence, and broad public recognition in the relevant trade and consumer segment, such may be declared a well-known trademark within the meaning of Section 2(1)(zg) of the Act

The **Delhi High Court** in the case of **Glaxosmithkline Pharmaceuticals vs Walter Healthcare [CS(COMM) 403/2025] dated May 15, 2026**, has held that where the proprietor of a trademark proves, by cogent documentary material, extensive and continuous use of the mark over a long period, substantial sales and promotional expenditure, wide geographical presence, valid and subsisting registrations, broad public recognition in the relevant trade and consumer segment, and a consistent record of successful enforcement, the mark satisfies the criteria under Sections 11(6) and 11(7) of the Trade Marks Act, 1999 and may be declared a well-known trademark within the meaning of Section 2(1)(zg) of the Act. Accordingly, the Court declared "CALPOL" to be a well-known trademark for medicinal and pharmaceutical products under Section 2(1)(zg) of the Trade Marks Act, 1999.

The Court noted that the plaintiff had placed material showing continuous, uninterrupted and extensive use of the CALPOL mark since 1991 in relation to tablets, syrups and oral drops containing paracetamol and related ingredients, supported by invoices and documentary evidence of use. The Court also took note of the plaintiff's evidence that CALPOL products had been continuously and extensively marketed through advertisements, promotional campaigns, print and online coverage, and that search engine results generated numerous hits only for the plaintiff's mark.

The Court observed that the plaintiff had demonstrated the duration, extent and geographical area of use of the mark in India, including sales through distributors, stockists and online pharmacies across the country, with invoices spanning the period from 1991 to April 2024. The Court also considered the plaintiff's evidence of extensive promotion of the mark throughout India and found that the materials on record reflected increasing popularity and growth of the CALPOL brand.

The Court further observed that the plaintiff had valid and subsisting trademark registrations in Class 05, with the oldest registration dating back to July 13, 1965, and that these registrations reflected the use and recognition of the mark. It also took into account the plaintiff's record of successful enforcement, including multiple ex parte injunctions and consent decrees against infringing parties in prior proceedings.

Upon examining the material on record, the Court formed the view that the trademark CALPOL had acquired extensive recognition and association within the relevant section of the public in the pharmaceutical and medicinal products industry over a long journey of more than 35 years commencing from 1991. It specifically noted the exponential increase in sales, with sales exceeding Rs. 300 crores in 2024 alone and pack units sold exceeding 20 crores, along with substantial investment in marketing and advertising, extensive coverage in popular publications, and visibility of the mark across pharmacies throughout India and on e-commerce platforms.

The Court finally observed that the plaintiff's long-standing reputation and extensive, continuous and uninterrupted use of the mark CALPOL across India reflected its significant commercial presence and recognition and was testament to its distinctiveness in the field of medicinal and pharmaceutical products for adults and children. On that basis, the Court held that CALPOL satisfied the criteria and parameters under Sections 11(6) and 11(7) of the Trade Marks Act, 1999 for declaration as a well-known trademark.

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