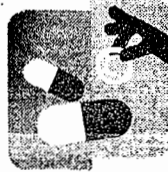


Restraint on drug trademark



The Bombay High Court last week restrained Themis Medicare Ltd and Ciron Drugs and Pharmaceuticals Ltd from using certain trademarks for anaesthetics on an application by Neon Laboratories. The court stated that the two companies have adopted a family of marks with 'Xylox', which was deceptively similar to Neon's 'Lox' family of marks. "Any such confusion between products that deal with the same spectrum of health issues, even if sold under prescription, might well be life-threatening," the judgment said and added that "it is human to err; doctors, like the rest of us, are no exception. An incorrect product mistakenly used might well be fatal. There is an overarching public interest that requires a lower threshold of proof of confusing or deceptive similarity where the trademarks in question are applied to pharmaceutical products."

Regulatory