

Charak Pharmaceuticals Wins Case against Glenmark over Drug Name

HC asks Glenmark to rename its drug Econova within four weeks

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The Bombay High Court has granted relief to ayurvedic drugmaker Charak Pharmaceuticals in a six-year-old case involving its product Evanova, directing Glenmark Pharmaceuticals to rename its drug Econova within four weeks since its name is deceptively similar.

Physicians and pharmacists

could mistakenly prescribe the wrong drug due to similar names, the high court held in its judgment on Thursday. "Very often, many prescriptions are made via telephone to the pharmacist and others are handwritten and frequently handwriting is not legible," Justice SJ Kathawala observed while passing the order.

Mumbai-based Charak Pharma had filed a case for perpetual order restraining Glenmark from infringing its registered trademark of 'Evanova' by use of the mark 'Econova' or any other mark deceptively similar to its registered mark.

"I am prima facie satisfied that the defendant's mark 'Econova' is deceptively similar to the plaintiff's mark 'Evanova',"

the judge said in the order, which was reviewed by ET. The judge added that both the products were entirely different and

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the form of capsules for the treatment of menopause while Glenmark had in May 2006 applied for registration of its

if, as a result of the confusion, the wrong drug was administered, it would lead to disastrous consequences.

According to Charak Pharma, it started making the drug from April 2002 in

mark 'Econova'— used in probiotic capsules for the treatment of bacterial vaginosis.

Glenmark Pharma argued, "Since May 2006, the company has been extensively using the trademark 'Econova' and enjoys immense reputation and goodwill of its own."

Charak Pharma, however, said, "Both the marks are visually and structurally absolutely similar with seven letters words beginning with 'E' and ending with 'nova'. There is likelihood and in any case a possibility of the middle words to be slurred over."

Glenmark will withdraw the trademark application by February 15, the spokesperson said.

Queries to Charak Pharma via email and phone calls remained unanswered.

Company