

IN THE HIGH COURT OF SINDH AT KARACHI

(Constitutional Jurisdiction)

Constitution Petition No. D-6264 of 2021

Presented on 18/10/2021

[Signature]
Additional Registrar (Writ)

Shahryar son of Zubair Ahmed
Shahryar Trading as Saleem Mill Store ,
Sole properiator,
Having Office at 42 Brandeth Road Khan
Nishtar Road Lahore, Pakistan.

Through his duly authorized Attorney,
Mr, Kashif Naseem s/o Muhammad Naseem,
Resident of House No. 104, Muhallah
Mirza Kaleege Baig Road, Soldier Bazar,
Karachi

Petitioner

VERSUS

1. ~~Through~~ **Federation of Pakistan,**
Through The Director,
IPR Enforcement (Trade Mark Registry
(Copy Rights) Custom House,
Karachi.

2. The Director IPR ,
Enforcement, Custom House,
11th Floor, Custom House, Karachi,

3. Sheikh Muhammad Iqbal,
Sole proprietor) M/S S.M.Iqbal & sons
18 Badar Centre, 86-Railway Raod
Having office at Shop No. B-4, Ram
Gali No.6, Muslim Market, Brandreth
Road, Lahore.

4. Hamza Traders
Having office at
Shop No. B-4, Ram Gali No.6,
Muslim Market, Brandreth Road,
Lahore.

Respondents



CONSTITUTION PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-6264 of 2021

Date

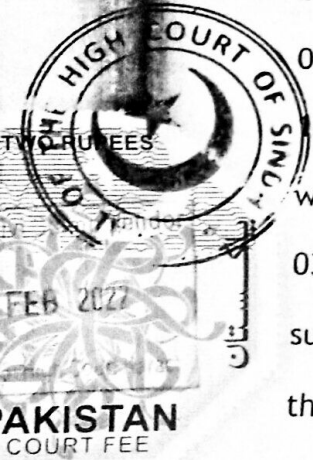
Order with signature of Judge

1. For hearing of CMA No.26598/2021
2. For hearing of main case.

21.02.2022

Ms. Nasima Mangrio, Advocate for the petitioner.
Mr. Kazim Raza, Advocate for the respondent No. 3 & 4.
Ms. Afsheen Awan, Advocate for the respondent No.2.
Mr. Kafeel Ahmed Abbasi, DAG.

Learned counsel for the petitioner submits that petitioner is proprietor of a trademark duly registered *inter alia* in class 7 issued by Trade Marks Registry, Karachi available at page 21 dated 02.02.2021 along with registration in class 12 dated 21.03.2020 and 08.09.2020 and has even registered copyright in the said artistic work as evident from the certificate attached at page 19 dated 03.03.2021 whereas learned counsel for the respondent No. 3 & 4 submits that the said trade mark was in fact originally registered by the respondent No.3 in class 7 by filing an application on 15.06.2007 which was duly registered on 18.02.2016 available at page 15 under registration No. 237760 after completing all codal formalities. Learned counsel contends that petitioner is subsequent in time and has allegedly registered a deceitfully similar trade mark and now using force of law to stop import of goods bearing a prior trade mark, which act is against the intent of the legislation.



Learned counsel contends that while both the parties have submitted their arguments/counter arguments before the respondent No.2, however, no final order has been passed. Learned counsel representing the said respondent states that the said respondent has made inquiries and sought information from the Trade Mark Registry which are available along with her comments, however admits that no final orders have been passed by the respondent No.2 on the application of the petitioner.

This petition is accordingly disposed of with the directions to respondent No.2 to pass a speaking order on the application made by the petitioner available at page 105 strictly in accordance with the provisions of Trade Mark and Copyright Laws keeping intents and framework of these legislations in mind within three weeks preferably.

Dr. Zeeshan Ahmad (Counsel)
JUDGE

Dr. Adnan Iqbal Chaudhary
JUDGE

THE HIGH COURT OF SINDH, KARACHI
CERTIFIED TO BE TRUE COPY

Aadil Arab

(MUHAMMAD SARFARAZ)

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