#### ORDER

In the Matter of complaint filed by OLX Classifieds Pakistan against Pak Wheels (Pvt.) limited





## **BACKGROUND ISSUE AND COMPLAINT**

The Complainants filed a formal complaint against the Respondent alleging that the Respondent had resorted to deceptive marketing practices by copying several advertisements/listings from the Complainant's website and photographs bearing the Complainant's logo and placing them on the Respondent's website.



DATE OF ORDER

26 January 2021

Considering the findings and recommendation of the Enquiry Committee, a show cause notice was issued to the Respondent.

SCN ISSUANCE DATE: 31 May 2019



**BENCH MEMBERS** 

Ms. Shaista Bano Ms. Bushra Naz Malik



- FINDINGS OF ENQUIRY REPORT
- The Respondent has prima facie fraudulently used the Complainants' registered trademark, descriptions and photographs from the Complainants' listings without consent or authorization, in violation of Section 10(1) read with Section 10(2)(d) of the Act.
- Similarly, the Respondent was prima facie found to be engaged in the distribution of false and misleading information to consumers related to the properties and place of production in violation of Section 10(1) read with Section 10(2)(b) of the Act.
- Furthermore, the Respondent's conduct was also found to be capable of harming the business interests of the Complainants, in violation of Section 10(1) read with Section 10(2)(a) of the Act.



SECTOR/MARKET

Online Classified Advertisement Service Provider



NATURE & SECTION VIOLATION

Deceptive Marketing Practices in violation of **Section 10** of the Act



PARTIES

### Complainant:

- 1. OLX B.V. Netherlands
- 2. OLX Classifieds Pakistan (SMC-Pvt.) Limited

#### Respondent:

1. Pak Wheels (Pvt.) Limited

# ISSUES FRAMED BY THE BENCH

In view of the findings of the Enquiry Report and detailed submissions of the parties, following issues were framed by the Bench:

Whether the Respondent violated Section 10 of the Act by copying listing/advertisements from the Complainant's website and posting it on its own website?



#### FINDINGS OF THE BENCH

- Given the technical nature of the evidence available on record, the Bench constituted a Technical Committee to ascertain the facts pertaining to the matter and give an expert opinion. The Technical Committee concluded that the Respondent was not involved in copying and reproducing any material originally posted on the Complainant's website.
- The Complainant objected to the findings of the Technical Committee, however, after its dismissal, the Complainant requested to withdraw its complaint. This request was denied as the Bench deemed it appropriate to conclude the case on merits.
- The Bench observed that there was a strong likelihood that the objectionable data had been uploaded by individual users of the Respondent's website. Hence, the Respondent was not found liable under Section 10 of the Act.



# REMEDIES & PENALTY

In view of the finding of the Technical Report and absence of reliable evidence, the Bench set aside the enquiry report and disposed of show cause notices against the Respondent with no order as to cost.



# **NEWS COVERAGE**



control to rakwheels and hearings plainant could disposes of show-cause notices against PakWheels

from the reputation, goodwill and customer base of OLX by insistion falsely implying and promote the same or connected to market be the same or connected to online platforms posting classified advertisements usual classified advertisement usual classified advertisement usual classified advertisem of OLX PakWheels was a violation of ). Section 10 orising Act, 2010.

reged use of its trademark by and anonymity to the users in matter pakWheels was a violation of posting their advertisements opinion section 10 of the Competition even on more than one web-

matter an vis the tech

ACK OF EVIDENCE CCP clears PakWhee infringing OLX trade

SLAMABAD: The Competition 2
Commission Pakistan (CCP) has f
absolved PakWheels (Pvt) Limited
from the charges of fraudulently
using the trademark of OLX Classified Pakistan (OLX), it said on

By Mehtab Halder

Section 10 of the Competition Act, Section 10 of the Competition Act

# tive marketing practices': OLX complaint against PakWheels d

MABAD

n order deciding the matreprive marketing prac-cels (Pvt) Limited for

oramission of Pakistan

the trademark of OLX ench, compris parties, and in cyclence, set a depend of the dr "Wheel," saul a

issued by the commission on Thursday issued by the commission on Thursday.

OLX had complained that PakWheels had been copying advertisements/listings and photographs bearing its watermarked logical posting on their website without authorisation. By doing 90, PakWheels was allegedly gaining commercial benefits from the reputation, greefwill and customer base of OLX.

Such an unauthorised.

که پاک ومیلو کی اشتباری مم اورویر

اسلام آباد (ارساف نیزد) کمپیشی آنیش آن | خارج کردیا۔اور کر ایکس نسختای کی کوشائے سے کا کی

without its authorisation or consent. Consequently, PakWheels was found, prima facie, to have been engaged in distributing false and misleading information to the consumers related to properties and place of production in violation of Section 10.

On the inquiry's recommendations, a show cause notice swarehood to PakWheels

bly, due to lack of knowledge or awareaess of the relevant laws, the users/faird parties of the relevant laws, are users and paired might have inadvertently posted OLX water-marked photos on its website.

marked photos on its website.

Moreover, the old online content relied upon by OLX as evidence would be difficult to judge as true or false because a listing/adat is generally removed from the

After visite and conducting systems, the te copying or ref

كتان (ى كى لى) فى پاك و ماد (پرائيديد) لیند کی جانب ہے او ایل ایمن کا سیفائید / کرمات نے ہاک وسلز (پرائویٹ) (QLX) کےٹریڈ مارک کو صفحہ پریقی نبرہ پاکتان(OLX) کرد د .