

ORDER

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



Competition Commission
of Pakistan

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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



BENCH MEMBERS

Ms. Shaista Bano
Ms. Bushra Naz Malik



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

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

SCN ISSUANCE DATE:
31 May 2019

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.



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.



TO DOWNLOAD THE ORDER

NEWS COVERAGE

