



BEFORE THE
COMPETITION COMMISSION OF PAKISTAN

IN THE MATTER OF COMPLAINT FILED BY SYED QASIM BUKHARI CEO
OF M/S SHAHUJEE HERBAL PHARMA AGAINST M/S ATZAN NATURAL
PRODUCTS AND OTHERS FOR DECEPTIVE MARKETING PRACTICES

(File No.476/COLCOREX/OFT/CCP/2023)

Date of Hearing:

13.05.2026

Bench:

Mr. Farid Ahmad Tarar
Chairman

Ms. Bushra Naz Malik
Member

Assisted by:

Mr Hafiz Naeem
Senior Legal Advisor

Hassan Raza
Legal Advisor

Haider Afzal Khan
Legal Advisor

Fatima Zahra Khan
Assistant Director (Legal)

Present on behalf of:
M/s Shahujee Herbal Pharma
Complainant:

Mr. Syed Qasim Bukhari CEO,
Shahujee Herbal Pharma

Dr. Muhammad Rauf
Regulatory Affairs Pharmacist

Present on behalf of:
M/s Atzan Natural Products
(Respondent 1)

Mr. Muhammad Sohail Akhtar
Sheikh
Advocate

M/s HerBBeck Nutraceuticals
(Respondent No.2)

Mr. Syed Sohail Raza



Ms. Deeba Niaz

M/s Muslim Herbal and Nutraceuticals
(Respondent No.3)

Mr. Ijaz Ahmad
(Sole Proprietor)

Mr. Ikrama Ejaz

M/s Vital Mark Laboratories (Pvt.) Limited
(Respondent No.4)

Mr. Syed Ahsan Raza
Advocate

M/s. S-Asia Oriental Pharma
(Respondent No.5)

Nemo

M/s Izfaar Nutraceuticals Industries
(Respondent No.6)

Mr. Muhammad Aslam Javed
Advocate

M/s Hi-Vet Nutraceuticals Pharma
(Respondent No.7)

Mr. Usman Yaseen
(representative via Zoom)

M/s Blessco International
(Respondent No.8)

Mr. Qasim Ali
(Legal Consultant)

Mr. Hasnat Bullar
(Legal Consultant)

Mr. Abdul Rauf
(Marketing Manager)

Mr. Abdul Rehman
(Production Manager)

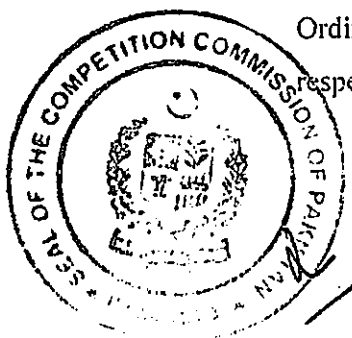


ORDER

1. This Order shall dispose of the proceedings initiated by the Competition Commission of Pakistan (the "Commission") under Section 30 of the Competition Act, 2010 (the "Act") pursuant to the Show Cause Notices No.9 to 16/2025 all dated 20-08-2025 (the "SCN"), issued to M/s Atzan Natural Products (Respondent No.1), M/s HerBBeck Nutraceuticals (Respondent No.2), M/s Muslim Herbal and Nutraceuticals (Respondent No.3), M/s Vital Mark Laboratories Private Limited (Respondent No.4), M/s S-Asia Oriental Pharma (Respondent No.5), M/s Izfaar Nutraceuticals Industries (Respondent No. 6), M/s Hi-Vet Nutraceuticals Pharma (Respondent No.7), and M/s Blessco International (Respondent No.8) (hereinafter collectively referred to as the "Respondents"). The SCNs were issued for *prima facie* violation of Section 10(1) read with Section 10(2)(d) of the Act, which prohibits deceptive marketing practices, including the fraudulent use of another's trademark, firm name, or product labeling or packaging.

FACTUAL BACKGROUND

2. Syed Qasim Bukhari conducting business under the name & style of M/s Shahujee Herbal Pharma (the "Complainant") filed a complaint before the Commission dated 06-06-2023, against the Respondents. The Complainant stated that it has been engaged in the business of manufacturing and selling veterinary herbal medicines since 1999. At the time of its inception, the Complainant coined and adopted the word "COLCOREX" as the brand name for its product formulated to treat stomach ailments in animals, and has been continuously and exclusively using the said brand name since that time.
3. The Complainant has developed a distinctive trademark "COLCOREX" to distinguish its high-quality products from those of its competitors, and has been continuously using and advertising the said trademark. The said trademark has been duly registered with the Intellectual Property Organization of Pakistan ("IPO") under the Trade Marks Ordinance, 2001, bearing Registration No. 465002 dated 31-07-2017, in Class 5, in respect of veterinary preparations. Furthermore, the Complainant has enlisted the said



product with the Drug Regulatory Authority of Pakistan ("DRAP"), bearing Enlistment No. 012101121795. The Complainant has also adopted a unique packaging design — comprising a unit carton and label — which has acquired distinctiveness and become synonymous with the identity of "COLCOREX" in the market. The said packaging features distinctive color patterns and labeling that enable consumers to readily identify and verify the authenticity of the product. The said packaging is reproduced below:



4. As per the complaint, the Respondents are using the Complainant's registered and distinctive trademark "COLCOREX" in relation to similar goods, namely syrup for colic relief for veterinary use, thereby distorting competition in the market. The Complainant alleged that the Respondents have adopted deceptively similar brand names, including "COCCLOREX FORTE", "COLCOREX C", "TM-CALCOREX", "CALCOJEX", "COLCOREX-M", "CALCOREX T", "COLCOREX V", "GOLD COLCOREX", "AR CALCOREX", "SUPER COLCOREX", "HI-CALCOREX", and "KALCOREX", for similar veterinary products. It was further alleged that the Respondents have also imitated the Complainant's distinctive packaging, including its



color scheme, font, and style of text, thereby creating a likelihood of confusion among consumers and passing off their products as those of the Complainant.

ENQUIRY PROCEEDINGS & SHOW CAUSE NOTICES

5. Based on preliminary fact-finding, an enquiry was initiated on 21-02-2024 in accordance with Section 37(2) of the Act, through the appointment of an Enquiry Committee. The Enquiry Committee was directed to examine the issues raised in the complaint and to submit an enquiry report setting out its findings and recommendations.
6. Upon examining the complaint, the replies of the Respondents, the rejoinder of the Complainant, and all other material available on record, the Enquiry Committee submitted its Enquiry Report dated 11-02-2025 (the "Enquiry Report") with the following findings and recommendations:

"6.1 in view of the analysis drawn in this report, the products manufactured by the Respondents except Respondent No.7 does create a visual similarity that could mislead consumers into thinking the product actually belongs to that of the Complainant. Hence, prima facie, were found to be fraudulently using the Complainant's registered trademark/tradename "Colcorex" in violation of Section 10 of the Act in terms of Section 10(2)(d) of the Act..."

7. Accordingly, the Enquiry Report found that the Respondents were, *prima facie*, fraudulently using the Complainant's registered trademark "COLCOREX" in violation of Section 10(2)(d) of the Act. On the basis of these findings, the Enquiry Report recommended that the Commission may consider initiating formal proceedings under Section 30 of the Act against the Respondents by issuing Show Cause Notices.

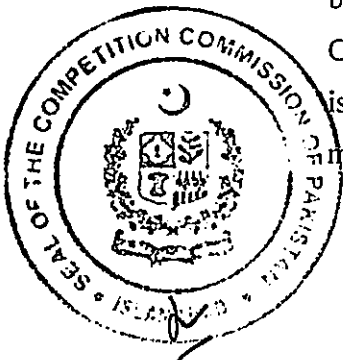


8. Pursuant to the Enquiry Report, the Commission initiated proceedings under Section 30 of the Act against the Respondents by issuing SCN's dated 20-08-2025 for *prima facie* violations of Section 10(1) read with Section 10(2)(d) of the Act.
9. The Respondents were also called upon to file their replies to the SCN's as well as to avail the opportunity of hearing before the Commission through their duly authorized representative. A copy of the Enquiry Report was enclosed with the SCN's.

SUBMISSIONS OF THE PARTIES

10. Subsequent to the issuance of the SCNs, the Respondents filed their written replies. Upon receipt of the said replies, the Commission fixed the matter for hearing on 13-05-2026, affording both the Complainant and the Respondents an opportunity to present their respective submissions. The submissions made by the parties in their written replies and during the course of the hearing are summarized below:

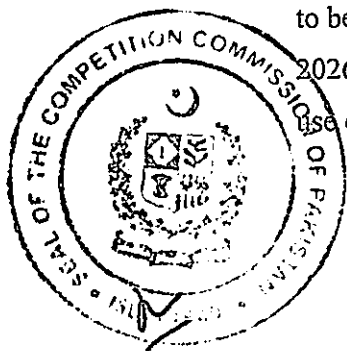
- i. **The Complainant:** Mr. Syed Qasim Bukhari, Chief Executive Officer of M/s Shahujee Herbal Pharma, appeared in person along with Dr. Muhammad Rauf, Regulatory Affairs Pharmacist. The Complainant commenced his arguments by briefly outlining the facts of the case and reiterating the contents of the complaint. It was submitted that the Complainant has been conducting business since 1999 under the name and style of "Shahujee Herbal Pharma" and that his well-known brand "COLCOREX" is duly registered as a trademark with the IPO under the Trade Marks Ordinance, 2001. It was further submitted that the said veterinary herbal medicine is also duly enlisted with DRAP. The Complainant alleged that the Respondents were engaged in deceptive marketing practices in violation of Section 10(2)(d) of the Act by fraudulently using the Complainant's trademark and seeking to unfairly derive benefit from the goodwill and reputation associated therewith. Furthermore, the Complainant submitted that it had filed a complaint before DRAP regarding the similarity in brand names. The Enlistment Evaluation Committee, Division of Health and OTC, Drug Regulatory Authority of Pakistan, issued Show Cause Notices to the Respondents and conducted hearings in the matter, following which it concluded that the brand names of the Respondents are



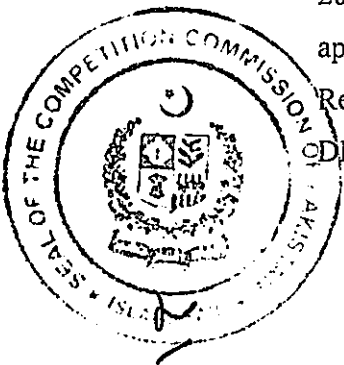
indeed deceptively similar to the Complainant's registered trademark "COLCOREX". Consequently, the said Committee, vide its order dated 19-10-2023 suspended the Form-7 enlistments of the Respondents and directed them to change their respective brand names accordingly.

ii. **M/s Atzan Natural Products (Respondent No. 1)** Respondent No.1 challenged the Jurisdiction of the Commission and contended that the Enquiry Committee failed to appropriately consider the provisions of the DRAP Act, 2012 and the Trade Marks Ordinance, 2001. It was alleged that the Complainant had submitted enlistment documents which were not in compliance with the applicable laws and regulations, and that the Complainant failed to furnish any evidence of the manufacturing or sale of the disputed product prior to 03-11-2022, thereby indicating that the said product was neither being manufactured nor marketed before that date. Respondent No.1 further argued that although the Complainant obtained trademark registration from the IPO on 31-07-2017, it only secured the DRAP enlistment on 03-11-2022, whereas the Respondent had already obtained the relevant DRAP approval on 11-12-2019. On this basis, Respondent No.1 relied upon its DRAP enlistment to justify its use of the brand name "COLCOREX FORT" and submitted that since DRAP had permitted the Respondent to use the said trademark, the Complainant had failed to make out a case for deceptive marketing practices.

iii. **M/s HerBBeck Nutraceuticals (Respondent No.2)** Respondent No.2 stated that upon becoming aware that the brand name "Colcorex" was already registered, and following the Commission's cognizance of the matter, it had stopped manufacturing the said product. It was further submitted that only a single batch of the product had ever been manufactured and that no production had taken place for the preceding four years. The Respondent additionally undertook to accept responsibility and to be held answerable in the event that the said product is found to be available in the market. Respondent No.2 also filed a statement dated 14-05-2026 (filed on 18-05-2026), along with a formal undertaking to discontinue the use of the impugned mark.



- iv. **M/s Muslim Herbal and Nutraceuticals (Respondent No.3)** Respondent No.3 submitted that the Complainant's claim is not maintainable. It was further contended that Respondent No.3 had not altered its product name and that both products, "COLCOREX" and "COLCOREX-M", were duly registered and enlisted by DRAP. Respondent No.3 further alleged that the Complainant had obtained its trademark registration under the Trade Marks Ordinance, 2001 through fraudulent means by furnishing incorrect facts and information to the IPO. Respondent No.3 further stated that it had filed Appeal No.21/2024 before the Drug Appellate Board against the order dated 19-10-2023 passed by the Enlistment Evaluation Committee. The Drug Appellate Board decided the appeal in favour of the Respondent and set aside the order of the Enlistment Evaluation Committee. Accordingly, Respondent No.3 submitted that its DRAP enlistment remains valid and subsisting.
- v. **M/s Vital Mark Laboratories (Pvt.) Limited (Respondent No.4)** Respondent No.4, in its written reply to the SCN, stated that the Complainant does not possess any valid registration or enlistment for "COLCOREX" from DRAP and holds only a trademark registration, which does not legally authorize the manufacture or sale of the product under the DRAP Act, 2012. On this basis, Respondent No.4 contested the matter. However, during the course of the hearing, Respondent No.4 submitted that it has reached a compromise settlement with the Complainant, pursuant to which it ceased the manufacturing of the product in question and has undertaken not to use the trademark "COLCOREX". After the hearing, the Respondent No.4, filed an affidavit to the effect that it has discontinued the use of the impugned trademark and shall not do so in future.
- vi. **M/s S-Asia Oriental Pharma (Respondent No.5)** No one appeared on behalf of Respondent No.5, during the hearing. However, Respondent No.5, in its written reply to the SCN, stated that its product had been registered with DRAP and was manufactured following receipt enlistment by DRAP and Form-7 approval in June 2022. It was submitted that the use of the said brand name was based on DRAP approval and full compliance with the applicable regulatory procedures. Respondent No.5 further stated that it had ceased production upon receipt of DRAP's Show Cause Notice and had subsequently changed its brand name to

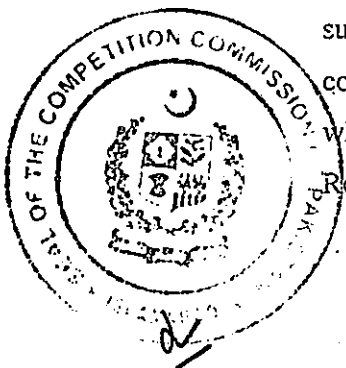


"COLCONOL (Oral Liquid)". Furthermore, Respondent No.5 denied having manufactured or registered the products "GOLD COLCOREX" or "AR CALCOREX" and submitted that unknown third parties may be responsible for the same.

vii. M/s Izfaar Nutraceuticals Industries (Respondent No.6) Respondent No.6 submitted that its initial application had been filed through the proper DRAP process in 2018, following which DRAP directed a change of name and subsequently approved "COLCORX LIQUID" in January 2023. The Respondent argued that the said name is sufficiently distinct from the Complainant's registered trademark "COLCOREX". Thus, the complaint is not maintainable. Further, the Commission lacks jurisdiction over the matter as DRAP is the designated sector regulator for pharmaceutical products. The Respondent further relied upon the decision of the DRAP Appellate Board in support of its defense. Subsequent to the hearing, Respondent No.6 filed written arguments dated 25-06-2026, reiterating the submissions made earlier.

viii. M/s Hi-Vet Nutraceuticals Pharma (Respondent No.7) The Respondent No.7 stated that upon receipt of communication from DRAP regarding the deceptive similarity of the brand name "HI-CALCOREX", as well as upon receipt of the Show Cause Notice from the Commission, it had immediately ceased the use of the said mark and stopped manufacturing the product. The Respondent further undertook to refrain from manufacturing the said product in the future.

ix. M/s Blessco International (Respondent No.8) Respondent No.8 categorically denied having manufactured, distributed, or sold the product "KALCOREX". It submitted that the mere existence of packaging material does not constitute sufficient proof of its involvement and contended that its company name has been misused by unknown third parties. The Respondent further argued that the Complainant had failed to provide any prior legal notice or supporting evidence, such as invoices, bills, or warranties, to substantiate its claims. It was also submitted that the Respondent manufactures herbal products intended for human consumption and is not engaged in the manufacturing of veterinary products, whereas the Complainant is exclusively a veterinary product manufacturer. The Respondent stated that it had previously reported the misuse of its company name



to DRAP and the Chief Drug Controller, Khyber Pakhtunkhwa. The Respondent expressed its willingness to publish public disclaimer notices in newspapers disowning the said product and undertook to fully cooperate with the inquiry.

11. The Bench heard the parties at length. The Bench acknowledged the compliance-oriented approach adopted by the Respondents and their willingness to respect the norms of fair competition. Accordingly, the Bench encouraged those Respondents who claimed to have discontinued the use of deceptively similar brand names to submit formal commitments in accordance with Regulation 30 of the Competition Commission (General Enforcement) Regulations, 2007 (the "Regulations"). The Respondents were further directed to file all documents relied upon, a timeline of the use of the impugned marks, details of any settlement reached, and any other supporting documents relevant to the matter.

12. Arguments heard, record perused. The following issues are framed for deliberation by this Bench:

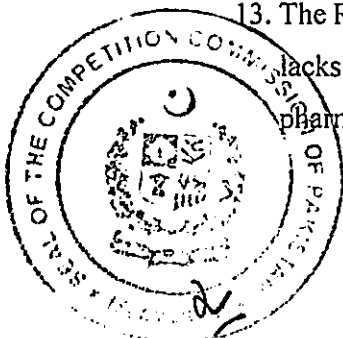
ISSUES

- A. Whether the Commission is vested with jurisdiction to adjudicate upon the instant complaint, particularly in view of the fact that the Drug Regulatory Authority of Pakistan (DRAP) has issued enlistments in favour of the Respondents?
- B. Whether the Respondents have engaged in Deceptive Marketing Practices by fraudulently using the Complainant's trademark, product labeling and packaging, in violation of Section 10(1) read with Section 10(2)(d) of the Act?

ANALYSIS

ISSUE A: Whether the Commission is vested with jurisdiction to adjudicate upon the instant complaint, particularly in view of the fact that the Drug Regulatory Authority of Pakistan (DRAP) has issued enlistments in favour of the Respondents?

13. The Respondents have raised a preliminary objection to the effect that the Commission lacks jurisdiction to adjudicate upon the instant complaint, primarily on the ground that pharmaceutical products are regulated by DRAP under the DRAP Act, 2012, and that

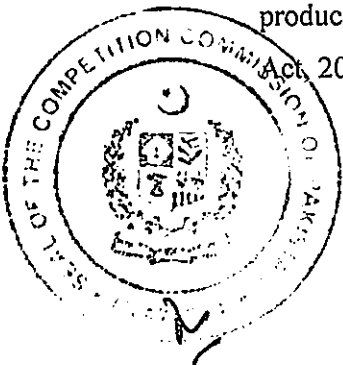


the Respondents' use of the impugned brand names is sanctioned by their respective DRAP enlistments. This objection is misconceived and is hereby repelled for the reasons set out below.

14. The Commission derives its jurisdiction from the Competition Act, 2010, which is a special statute enacted to promote free competition in all spheres of commercial and economic activity and to prohibit anti-competitive conduct, including deceptive marketing practices. Section 10(1) of the Act, read with Section 10(2)(d), expressly prohibits the fraudulent use of another's trademark, firm name, or product labeling or packaging. The present complaint squarely falls within the ambit of these provisions, and accordingly, the Commission is fully vested with the jurisdiction to adjudicate upon the instant matter.

15. The Respondents' contention that DRAP, as the designated sector regulator for pharmaceutical and veterinary products, has exclusive jurisdiction over the matter and that the Commission is thereby precluded from exercising its mandate, does not bear scrutiny. The mandate of DRAP, is confined to ensuring the safety, efficacy, and quality of drugs and regulating their manufacture, import, export, storage, and sale. DRAP's enlistment process is a product-specific regulatory mechanism designed to verify compliance with prescribed standards and does not extend to adjudicating upon questions of fair competition, trademark misuse, or deceptive marketing practices. These are matters that fall exclusively within the Commission's statutory mandate under the Competition Act, 2010.

16. It is a well-settled principle that the jurisdiction of two regulatory bodies may operate, provided each body acts within its own distinct sphere of authority. The Commission and DRAP operate under separate statutory frameworks with distinct mandates, and the exercise of jurisdiction by one does not oust or curtail the jurisdiction of the other. DRAP regulates the product; the Commission regulates the conduct. Accordingly, the fact that the Respondents have obtained DRAP enlistments for their respective products does not, in any manner, immunize them from scrutiny under the Competition Act, 2010.



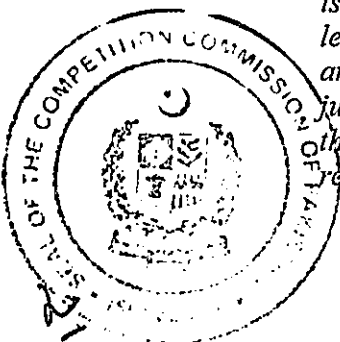
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17. Crucially, a DRAP enlistment is a regulatory approval that permits a product to be manufactured and marketed in compliance with prescribed pharmaceutical standards. It does not, and cannot, confer upon the Respondents any right to adopt brand names that are deceptively similar to the Complainant's registered trademark "COLCOREX", nor does it authorize conduct that amounts to deceptive marketing practices under Section 10(2)(d) of the Act. To hold otherwise would be to allow a regulatory approval of limited and specific scope to override a special statute enacted for the protection of competition and general public — a proposition that is legally untenable.

18. DRAP is the regulatory authority for pharmaceutical drugs in Pakistan, the IPO is the regulatory authority for intellectual property rights, and the Commission is the regulatory authority for competition matters. Each of these bodies operate within its own distinct statutory framework and exercises jurisdiction over a separate and well-defined sphere of regulatory activity. The Respondents, in raising the present objection, have conflated the mandates of these distinct regulators and sought to curtail the Commission's jurisdiction while correspondingly expanding that of DRAP beyond its prescribed statutory limits. Such an argument is without legal foundation and amounts to an attempt by the Respondents to place themselves beyond the reach of the applicable regulatory framework — a proposition that this Commission is unable to countenance.

19. The Commission has also previously addressed the question of its jurisdiction in the matter titled *"In the Matter of Proceedings in International Clearing House Agreement Among LDI Operators under Section 30 of the Competition Act, 2010"*, wherein the Commission elaborated upon the scope and application of the Act in the following terms:

"36.....the issue of jurisdiction can be best understood with reference to which law is relevant and applicable to an entity in a given context. ...consider an entity engaged in the LPG sector; as far as this entity's regulation regarding, incorporation, filing of accounts, issuing of prospectus etc., is concerned, the relevant law will be the companies legislation and the sector specific regulator i.e., Securities and Exchange Commission of Pakistan will have jurisdiction. In relation to this entity's filing of tax returns, the Federal Board of Revenue will be the relevant regulatory body and the relevant law will be the tax code of



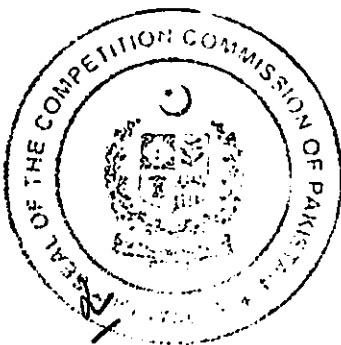
Pakistan. Similarly, any trademarks or intellectual property of the concerned undertaking will be subject to the intellectual property laws and the relevant regulatory body shall be the Intellectual Property Organization. Similarly, in relation to its licensing requirements and other related matters, the relevant law will be the licensing legislation in LPG sector and OGRA will be relevant regulator. Accordingly, if and when this entity indulges in practices or enters into agreements that allegedly prevents, restricts or reduces competition within the relevant market then the relevant and the applicable law will be the competition related legislation. In our considered view that the instant matter involves an issue of competition which falls expressly within the purview of the [2010 Act], we feel it ought to be abundantly clear that the matter falls squarely within the jurisdiction of the Commission and the concerned enforcement agency in our considered view can be no other than the Competition Commission of Pakistan (2012 CLD 767)."

20. The Commission also draws guidance from the reported judgment of the Hon'ble High Court of Sindh at Karachi in *The Wellcome Foundation Limited v. Industries (Private) Limited*, cited as 2000 YLR 1376, wherein it was held that mere drug registration does not immunize an infringer from claims under the Trade Marks law. The relevant extract of the said judgment is reproduced below:

"The learned counsel for the defendants contended that KAYPOL has been registered under the Drugs Act. I am of the opinion that mere registration of medicine with Ministry of Health under Drugs Act, 1976 could not immunise the defendants against claims of the plaintiffs under Trade, Marks Act."

21. Similarly, the Commission further draws guidance from the reported judgment of the Hon'ble High Court of Sindh at Karachi in *Sandoz Limited v. Pakistan Pharmaceutical Products Limited*, cited as 1987 CLC 1571, wherein it was held as follows:

".....Mere registration of the drug with the Ministry of Health under the Drugs Act cannot immunise the Defendants against claims of aggrieved parties under the Patent Act."

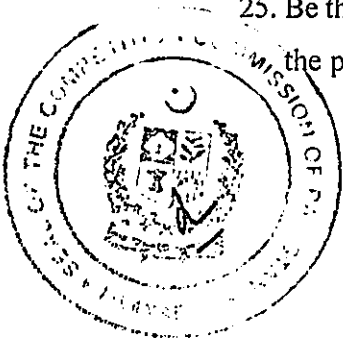


22. Drawing an analogy from the abovementioned judgments of the Hon'ble High Court of Sindh, the Commission finds no plausible reason to permit the Respondents to rely upon their DRAP enlistments as a defense to, or justification for, conduct that *prima facie* constitutes a violation of Section 10(2)(d) of the Act. As the Hon'ble High Court declined to allow drug registration or enlistment to serve as a shield against liability for infringement of intellectual property rights, this Commission holds that DRAP enlistments cannot be invoked to circumvent the provisions of the Competition Act, 2010 or to legitimize the fraudulent use of the Complainant's registered trademark "COLCOREX".

23. In view of the foregoing, the Commission holds that it is fully vested with jurisdiction to adjudicate upon the instant complaint and that the preliminary objection raised by the Respondents on this ground is without merit and is accordingly dismissed.

24. The Complainant and the Respondents have also raised an issue concerning the validity of the DRAP enlistments in light of the pending litigation between the parties. The Complainant submitted that it had filed a complaint before the Enlistment Evaluation Committee, Division of Health and OTC, Drug Regulatory Authority of Pakistan, which, vide order dated 19-10-2023, suspended the enlistments granted to the Respondents. Aggrieved thereby, the Respondents filed an appeal before the Drug Appellate Board, which, vide order dated 01-11-2024, set aside the order of the Enlistment Evaluation Committee. The Complainant, being aggrieved of the said order, filed a petition before the Hon'ble Islamabad High Court, which, vide order dated 06-05-2025, allowed the petition and remanded the matter back to the Drug Appellate Board for fresh consideration. Pursuant to the said order of the High Court, the Drug Appellate Board, vide order dated 18-07-2025, disposed of the appeal of the Respondents on the ground that the parties are engaged in litigation before the Intellectual Property Tribunal and that it is the exclusive mandate and jurisdiction of the said Tribunal to hear and decide matters relating to intellectual property rights. Accordingly, the determination of the matter was left to the Intellectual Property Tribunal.

25. Be that as it may, the Commission is of the considered view that the litigation between the parties before the DRAP authorities, the Hon'ble High Court, and the Intellectual



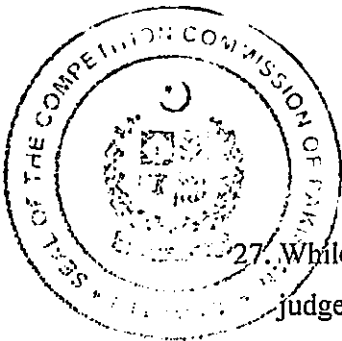
Property Tribunal has no bearing whatsoever on the instant proceedings before this Commission for deceptive marketing practices under Section 10 of the Act. The Complainant has duly established its ownership of the trademark "COLCOREX" through its trademark registration certificate as well as prior and continuous use. The DRAP enlistments obtained by the respective parties are of no relevance for the purposes of adjudicating the complaint under Section 10(2)(d) of the Act, as the question before this Commission is not one of regulatory compliance but of anti-competitive conduct. Accordingly, the determinative question before this Bench is whether the Respondents have fraudulently used the Complainant's registered trademark "COLCOREX" in violation of Section 10(2)(d) of the Act.

ISSUE B: Whether the Respondents have engaged in Deceptive Marketing Practices by fraudulently using the Complainant's trademark, product labeling and packaging, in violation of Section 10(1) read with Section 10(2)(d) of the Act?

26. The fraudulent use of another's trademark, product labelling, or packaging constitutes a deceptive marketing practice within the meaning of Section 10 of the Act. For ease of reference, Section 10 of the Act is reproduced below:

10. Deceptive marketing practices.—

- (1) No undertaking shall enter into deceptive marketing practices.
- (2) The deceptive marketing practices shall be deemed to have been resorted to or continued if an Undertaking resorts to—
 - (a) the distribution of false or misleading information that is capable of harming the business interests of another undertaking;
 - (b) the distribution of false or misleading information to consumers, including the distribution of information lacking a reasonable basis, related to the price, character, method or place of production, properties, suitability for use, or quality of goods;
 - (c) false or misleading comparison of goods in the process of advertising; or
 - (d) fraudulent use of another's trademark, firm name, or product labeling or packaging.

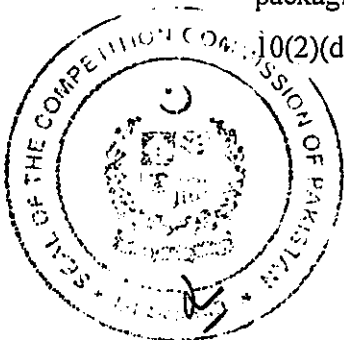


27. While interpreting the Act, the Hon'ble Supreme Court of Pakistan in reported judgement *A. Rahim foods (Pvt.) Limited and another vs K&N's Foods (Pvt.) Limited*

and others. cited as 2023 CLD 1001, has held that Section 10(2)(d) codifies the common law principle of passing off, with the purpose of providing a coherent and clear system of laws governing deceptive marketing practices. The Hon'ble Apex Court has further held that Section 10(2)(d) of the Act requires intentional and dishonest use of another's trademark, as prescribed by the term "fraudulent use". Furthermore, such fraudulent use of a trademark may be established where the impugned mark is either identical to, or confusingly or deceptively similar to, the registered trademark of the aggrieved party. Accordingly, the criterion for determining whether a trademark is identical or confusingly similar is whether an unwary and ordinary purchaser is likely to be misled or deceived upon encountering the impugned mark.

"15.Further, to determine the confusing or deceptive similarity from the point of view of an unwary ordinary purchaser, the leading characteristics, not the minute details, of the two marks, names or get-ups (labelling or packaging) are to be considered. As the competing marks, names or get-ups when placed side by side, may exhibit many differences yet the overall impression left by their leading characteristics on the mind of an unwary purchaser may be the same. An unwary ordinary purchaser acquainted with the one and not having the two side by side for comparison, may well be confused or deceived by the overall impression of the second, into a belief that he is buying the article which bears the same mark, name or get-up as that with which he is acquainted."

28. The Complainant has established that it is the prior user, original proprietor, and registered trademark holder of the trademark "COLCOREX" and its associated packaging, which vests in the Complainant exclusive proprietary rights to use and exploit the said trademark to the exclusion of all others. The Complainant further holds a valid DRAP enlistment for its product. It is alleged that the Respondents have adopted identical and/or deceptively similar brand names, product labelling, and packaging, thereby committing a deliberate and intentional violation of Section 10(2)(d) of the Act. The instant complaint has accordingly been filed on this basis.



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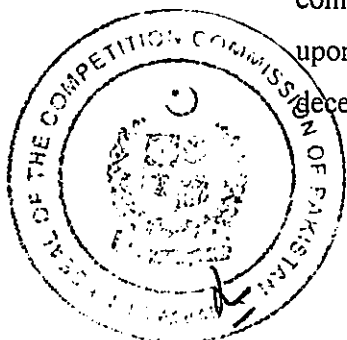
29. The Commission draws guidance from the principles established by the Hon'ble Apex Court and shall apply the same while adjudicating upon the instant complaint. Accordingly, the claims and submissions of each Respondent shall be deliberated upon separately in the paragraphs that follow.

M/s. Atzan Natural Products ("Respondent No.1")

30. The Respondent No. 1 primarily submitted that it holds a valid DRAP enlistment which permits it to manufacture and market its product under the brand name "COLCOREX FORTE", and that its DRAP enlistment predates that of the Complainant. On this basis, the Respondent contended that the Complainant has no right to object to the Respondent's use of the said brand name and packaging, and that the DRAP enlistment constitutes a valid justification for such use. The packaging of Respondent is depicted below.



31. The Bench is unable to accept this contention. As has been elaborated upon in the preceding paragraphs, a DRAP enlistment is a regulatory approval of limited and specific scope, confined to permitting the manufacture and sale of a product in compliance with prescribed pharmaceutical standards. It does not, and cannot, confer upon the Respondents any right to adopt a brand name that is identical to, or deceptively similar to, the Complainant's registered trademark "COLCOREX". The



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question of priority of DRAP enlistment is equally irrelevant to the determination of the instant complaint, as the Complainant's rights in the trademark "COLCOREX" are founded upon prior use since 1999 and trademark registration with the IPO bearing Registration No. 465002 dated 31-07-2017 — both of which substantially predate the Respondent's DRAP enlistment.

32. The Bench notes that Respondent No.1 has adopted and used the brand name "COLCOREX FORTE", which incorporates the Complainant's registered trademark "COLCOREX" in its entirety. The incorporation of an identical trademark constitutes fraudulent use within the meaning of Section 10(2)(d) of the Act. The fraudulent intent of Respondent No.1 is further substantiated by the fact that it has also adopted a deceptively similar color scheme and packaging, such that the overall trade dress and general impression of the Respondent's product is likely to mislead and deceive an unwary and ordinary purchaser into believing that the said product originates from, or is associated with, the Complainant.

33. The Hon'ble Supreme Court of Pakistan, in its reported judgment in *Messrs Mehran Ghee Mills (Pvt.) Limited v. Messrs Chiltan Ghee Mill (Pvt.) Limited*, cited as 2001 SCMR 967, held that where the trademarks in question are identical, no further probe or inquiry is required to establish infringement. The relevant extract of the said judgment is reproduced herein below:

"15.....The question that whether there has been an infringement or not is to be decided by comparing and placing the two marks together and then to determine about their similarity or distinctiveness. If the two marks are absolutely identical no further probe is needed and infringement is established. Essential features of the marks shall be looked into for effectively deciding the issue of infringement. To constitute infringement it is not necessary that whole of the mark be adopted. The infringement will be complete if one or more dominating features of a mark are copied out. If there is a striking resemblance, ex facie, it would lead towards the conclusion that the mark has been infringed."

34. The facts of the instant case are squarely identical with the principle enunciated by the Hon'ble Supreme Court. Respondent No.1 has fraudulently used a trademark identical



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to the Complainant's registered trademark "COLCOREX" with the manifest intention to deceive and confuse unwary and ordinary purchasers. Accordingly, in view of the settled legal position that no further probe or detailed scrutiny is required where the trademarks in question are identical, the Commission is therefore satisfied that Respondent No.1 has committed a violation of Section 10(2)(d) of the Act by fraudulently using the Complainant's registered trademark "COLCOREX".

M/s. HerBBeck Nutraceuticals ("Respondent No.2")

35. The Respondent No.2 contested on the ground that it holds valid DRAP enlistments, which permits it to manufacture and market its products, and that its DRAP enlistments predate that of the Complainant. It contended that the Complainant has no right to object to the Respondent's use of the said brand names and packaging. However, during the hearings, the Respondent asserted that it has stopped the manufacturing of the impugned products and it also filed undertaking dated 14-05-2026 (filed on 18-05-2026) to this extent, with the Commission.

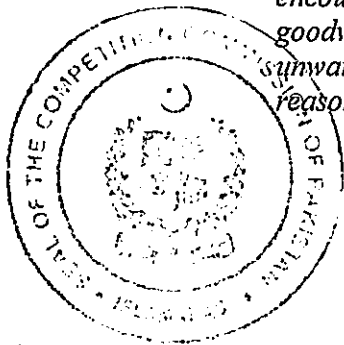


"COLCOREX". The only difference between the two marks is the substitution of the letter "O" with the letter "A", a change so minor and inconspicuous that it is unlikely to be noticed by an unwary and ordinary purchaser upon first encounter. Furthermore, Respondent No.2 has compounded this deceptive similarity by adding the prefix "TM" to one variation of the packaging and the suffix "C" to another, resulting in the brand names "TM-CALCOREX" and "CALCOREX-C" respectively. Both of these variations bear a close and unmistakable resemblance to the Complainant's registered trademark "COLCOREX" and are a clear manifestation of the Respondent's fraudulent intention to free-ride upon the goodwill and reputation associated with the Complainant's trademark.

38. The Bench further notes that the brand name is prominently displayed on the product's packaging in a bold yellow typeface, which is strikingly similar to the Complainant's distinctive packaging, thereby further reinforcing the likelihood of confusion and deception among unwary and ordinary purchasers.

39. The Hon'ble Supreme Court of Pakistan, in its reported judgment in *Messrs Farooq Ghee and Oils Mills (Pvt.) Ltd. v. Registrar of Trade Marks, Trade Mark Registry*, cited as 2015 CLD 1245, held that the addition of a prefix or suffix to an already existing and registered trademark does not save an infringer from liability under the law. The relevant extract of the said judgment is reproduced hereinbelow:

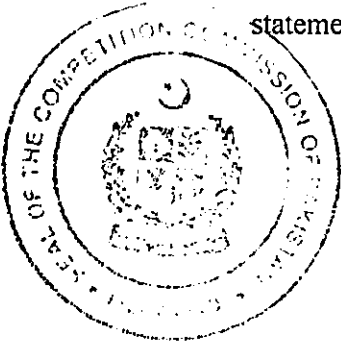
"10.....In instant case adoption of dominant feature being "HAYAT" is not only strikingly similar but is identical as noted above, merely adding prefix of "FAROOQ'S" in inconspicuous manner to the dominant or striking feature of the existing trademark HAYAT is of no consequence. The prefix "FAROOQ'S" as used by the petitioner in instant case does not eclipse, overshadows or obscures the dominating mark HAYAT in a way that may distinguish his goods with that of the goods of the IFFCO. If the competing trade mark of the petitioner is allowed registration, it would not only be encouraging unscrupulous traders to steal some one else's goodwill and (intellectual) property, but at the same time unwary purchaser would be exposed to more than reasonable probabilities of confusion and deception....."



40. As regards the brand name "CALCOJEX", the Bench notes that this mark is yet another variation of the Complainant's registered trademark "COLCOREX", achieved through the substitution of a single letter. The mere alteration of one letter in an existing registered trademark does not, in law, amount to the creation of a distinct and distinguishable mark. On the contrary, the structural and phonetic similarity between "CALCOJEX" and "COLCOREX" is so striking that it is conceptually and virtually impossible for an unwary and ordinary purchaser to distinguish between the two marks. Such superficial modification of a registered trademark is precisely the kind of conduct that Section 10(2)(d) of the Act is designed to prohibit, and the Bench, thus, holds that the adoption of the brand name "CALCOJEX" constitutes fraudulent use of the Complainant's registered trademark "COLCOREX" within the meaning of Section 10(2)(d) of the Act. However, in view of the undertaking given before this Commission, the same shall be taken into consideration while determining the appropriate penalty in the instant matter.

M/s. Muslim Herbal and Nutraceuticals ("Respondent No.3")

41. The Respondent No.3 primarily submitted that it holds a valid DRAP enlistment which permits it to manufacture and market its product under the brand name "COLCOREX-M" and that it has fulfilled all requisite formalities under the DRAP Act, 2012. The Respondent further submitted that it had started using the brand name COLCOREX after fulfillment of all the codal formalities under DRAP Act. However, after launch of the complaint in DRAP, it had applied in DRAP for a change of its brand name from "COLCOREX" to "COLCOREX-M". It was additionally contended that the Respondent's DRAP enlistment predates that of the Complainant and, on this basis, the Complainant has no right to object to the Respondent's use of the said brand name and packaging. Moreover, subsequent to the hearing, the Respondent No.3 filed its statement dated 14-05-2026 (filed on 18-05-2026) and reiterated its submissions.

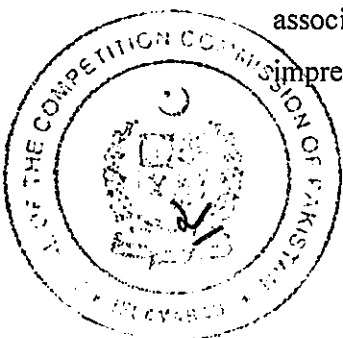




42. The Bench is unable to accept this contention for the reasons already elaborated upon in the preceding paragraphs.

43. The Bench notes that Respondent No.3 initially reproduced the Complainant's registered trademark "COLCOREX" in its entirety, along with a deceptively similar color scheme and an identical tagline. The Respondent has since sought to distinguish its mark by appending the letter "M", resulting in the brand name "COLCOREX-M". However, as elaborated upon in the preceding paragraphs and as affirmed by the Hon'ble Supreme Court of Pakistan, the mere addition or deletion of a letter from an already existing and registered trademark does not suffice to create a distinct and distinguishable mark capable of establishing an independent identity in the market.

44. The Commission further finds that the subsequent revision of the impugned mark through slight variations in color scheme, font, and size — rather than a wholesale adoption of an entirely distinct brand name — is itself indicative of the Respondent's fraudulent intention to continue deriving benefit from the goodwill and reputation associated with the Complainant's registered trademark "COLCOREX". The overall impression created by the Respondent's product is therefore such as to be likely to



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mislead and deceive an unwary and ordinary purchaser. Accordingly, the Commission holds that Respondent No.3 has committed a violation of Section 10(2)(d) of the Act.

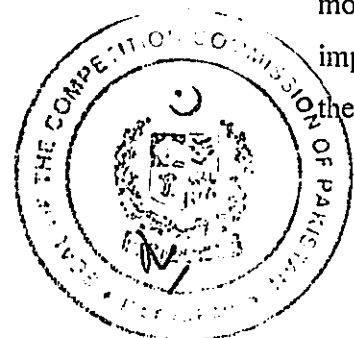
M/s. Vital Mark Laboratories (Pvt.) Limited ("Respondent No.4")

45. The Respondent No.4 contested the matter on the ground that it holds a valid DRAP enlistment which permits it to use the impugned brand name and packaging, and further contended that its DRAP enlistment predates that of the Complainant. The Commission is unable to accept this contention for the reasons already elaborated upon in the preceding paragraphs. However, during the course of the hearing, Respondent No.4 submitted that it had reached a settlement agreement with the Complainant, pursuant to which it had undertaken not to use the brand name "CALCOREX-T".



46. The Bench observes that the brand name "CALCOREX-T" is deceptively similar to the Complainant's registered trademark "COLCOREX", achieved through the substitution of the letter "O" with the letter "A" and the addition of the suffix "T" — modifications so minor and inconspicuous as to be incapable of distinguishing the impugned mark from the Complainant's registered trademark. In particular, in light of the dicta laid down by the Hon'ble Supreme Court of Pakistan as elaborated upon

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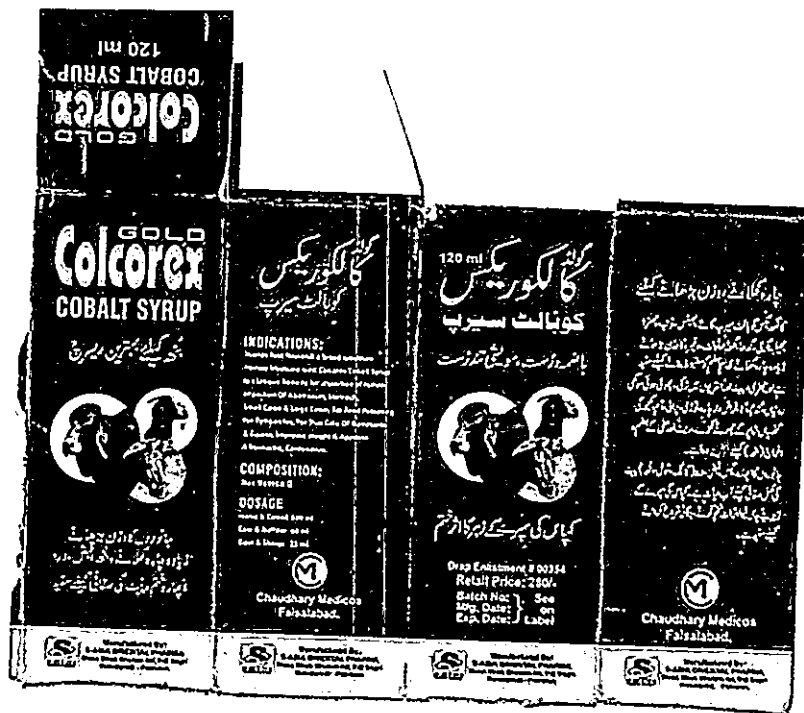
hereinabove, it is clear that the minor and superficial changes made by Respondent No.4 to the Complainant's registered trademark "COLCOREX" do not suffice to save the Respondent from liability under the law and amount to fraudulent use of the Complainant's registered trademark within the meaning of Section 10(2)(d) of the Act.

47. Accordingly, the Commission holds that Respondent No.4 has committed a violation of Section 10(2)(d) of the Act. However, in view of the settlement agreement reached between the parties and the undertaking given before this Commission, the same shall be taken into consideration while determining the appropriate penalty in the instant matter.

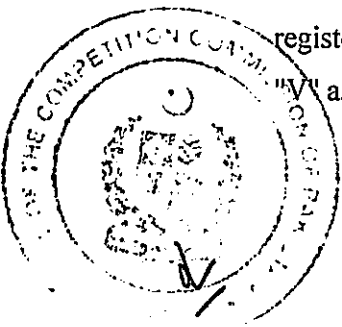
M/s. S-Asia Oriental Pharma ("Respondent No.5")

48. No one appeared on behalf of Respondent No.5. However, the Bench will decide the matter based on the material available on record. In its reply to the SCN, the Respondent stated that its brand was registered with DRAP and thus, it has permission from DRAP to use the impugned trademark.





49. The Commission is unable to accept the contentions of Respondent No.5. It is pertinent to note that the brand name "COLCOREX-V" incorporates the Complainant's registered trademark "COLCOREX" in its entirety, with the mere addition of the letter "V" as a suffix. As has been elaborated upon hereinabove and affirmed by the Hon'ble



Supreme Court of Pakistan, the addition of a single letter to an already existing and registered trademark does not suffice to create a distinct and distinguishable mark. Similarly, the use of prefixes such as "GOLD" and "AR" in conjunction with the Complainant's registered trademark "COLCOREX" — resulting in the brand names "GOLD COLCOREX" and "AR COLCOREX" respectively — does not save Respondent No.5 from liability under the law. The structural, visual, and phonetic similarity between the impugned marks and the Complainant's registered trademark "COLCOREX" is such as to be likely to mislead and deceive an unwary and ordinary purchaser into believing that the said products originate from, or are associated with, the Complainant. Accordingly, the Commission holds that Respondent No.5 has committed a violation of Section 10(2)(d) of the Act.

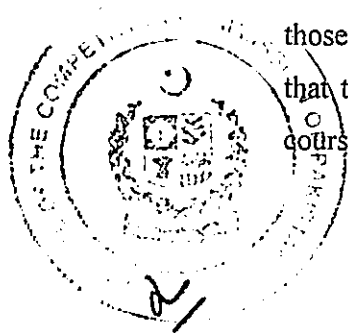
M/s. Izfaar Nutraceuticals Industries ("Respondent No.6")

50. The Respondent No.6 contended that its product is distinct from that of the Complainant and that it holds a valid DRAP enlistment which permits it to manufacture and market its product under the brand name "SUPER COLCOREX". The Respondent further argued that its subsequently approved brand name "COLCORX LIQUID" is sufficiently distinct from the Complainant's registered trademark "COLCOREX".





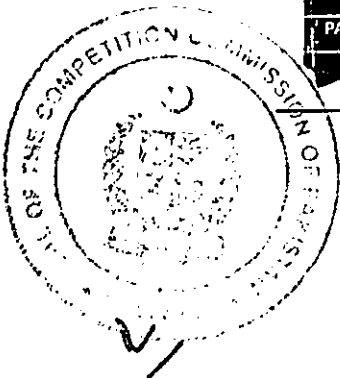
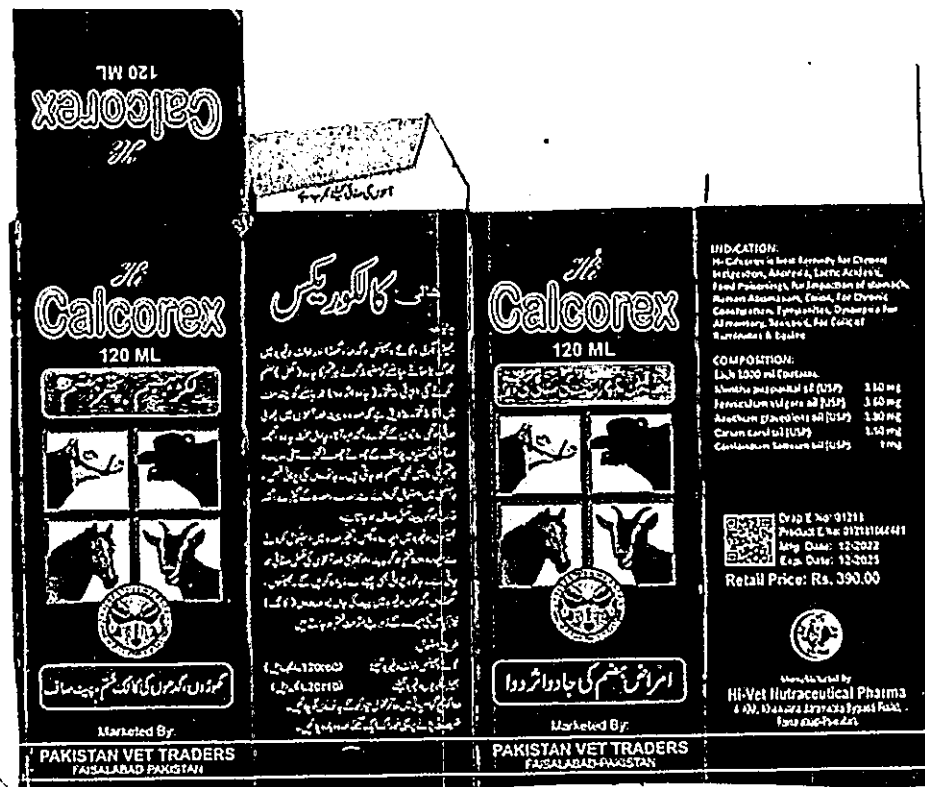
51. The Commission is unable to accept either of these contentions. As regards the defense of DRAP enlistment, the same is hereby repelled for the reasons already elaborated upon in the preceding paragraphs.
52. A bare examination of the impugned marks "COLCOREX", "SUPER COLCOREX", and "COLCORX LIQUID" reveals that each of these marks are identical to, or a near-identical reproduction of, the Complainant's registered trademark "COLCOREX". The mere addition of the prefix "SUPER" or the suffix "LIQUID" to the Complainant's already existing and registered trademark does not constitute a valid defense, nor does it afford the Respondent any ground to exploit the Complainant's exclusive proprietary rights in the said trademark. As has been affirmed by the Hon'ble Supreme Court of Pakistan in the judgments cited hereinabove, such superficial modifications to a registered trademark do not suffice to create a distinct and distinguishable mark. Furthermore, the adoption of an identical tagline by Respondent No.6 is a further and significant indicator of the Respondent's fraudulent intention to pass off its products as those of the Complainant and to free-ride upon the hard-earned goodwill and reputation that the Complainant has built in its registered trademark "COLCOREX" over the course of several decades.



53. In light of the foregoing, the Commission is satisfied that Respondent No.6 has imitated the Complainant's registered trademark "COLCOREX", label design, and packaging, and has thereby fraudulently used the Complainant's registered trademark within the meaning of Section 10(2)(d) of the Act. Accordingly, the Commission holds that Respondent No.6 has committed a violation of Section 10(2)(d) of the Act.

M/s. Hi-Vet Nutraceuticals Pharma ("Respondent No.7")

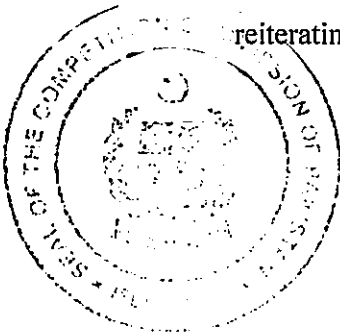
54. The representative of Respondent No.7, appearing via video link, stated that upon receipt of communication from DRAP concerning the deceptive similarity of the brand name "HI-CALCOREX", the Respondent had immediately ceased the use of the said mark. The Respondent expressed willingness to file an affidavit before the Commission and to provide details of its use of the impugned mark. However, it has filed no undertaking or commitment before the Commission.



55. The Commission notes that the brand name "HI-CALCOREX" incorporates the Complainant's registered trademark "COLCOREX" in its entirety, with the mere addition of the prefix "HI" and the substitution of the letter "O" with the letter "A". As has been elaborated upon hereinabove, such minor and superficial alterations do not suffice to create a distinct and distinguishable mark and amount to fraudulent use of the Complainant's registered trademark "COLCOREX" within the meaning of Section 10(2)(d) of the Act. The Commission further notes that the Respondent's decision to cease the use of the impugned mark upon receipt of DRAP's communication is itself a tacit acknowledgment of the deceptive similarity between the said mark and the Complainant's registered trademark. Accordingly, the Commission holds that Respondent No.7 has committed a violation of Section 10(2)(d) of the Act, and the Respondent's compliance oriented approach shall be taken into consideration while determining the appropriate penalty in the instant matter.

M/s. Blessco International ("Respondent No.8")

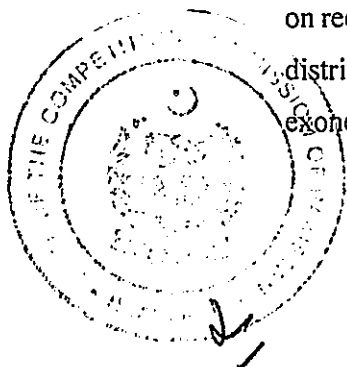
56. The Respondent No.8 categorically denied having ever manufactured, distributed, or sold any product under the brand name "KALCOREX" and asserted that an unknown third party has been unlawfully using the Respondent's name and logo without its knowledge or consent. In support of its position, Respondent No.8 expressed willingness to fully cooperate with the Bench and provide all evidences and details. The Respondent also filed a statement dated 20-05-2026 (filed on 02-06-2026), reiterating its stance along with evidence.





57. The Commission takes note of the categorical denial of Respondent No.8 and its assertion that its name and logo have been misappropriated by an unknown third party. The statement dated 20-05-2026 reaffirms that Respondent No.8 is exclusively engaged in manufacturing of herbal products intended for human consumption and is not involved in the manufacturing of veterinary products. The Respondent also placed on record its DRAP enlistments, in which the impugned brand name "KALCOREX" does not appear. Furthermore, Respondent No.8 produced evidence of complaints filed before DRAP concerning various products unlawfully manufactured by unknown third parties, including the impugned product "KALCOREX".

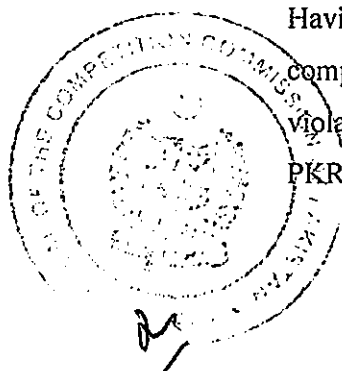
58. In view of the foregoing, the Commission is satisfied that no sufficient evidence exists on record to establish the direct involvement of Respondent No.8 in the manufacturing, distribution, or sale of the product "KALCOREX". Accordingly, the Commission exonerates Respondent No.8 from the charge of fraudulent use of the Complainant's



registered trademark "COLCOREX" in violation of Section 10(2)(d) of the Act, and the proceedings against Respondent No.8 are hereby dropped.

PENALTY/DIRECTIONS

59. The Commission's Guidelines on the Imposition of Financial Penalties (the "Fining Guidelines") stipulate that the primary objective of financial penalties is to deter undertakings from engaging in anti-competitive conduct and to reflect the severity of the infringement. In accordance with the Fining Guidelines, the quantum of the penalty to be imposed is determined on the basis of several factors, including the gravity of the violation, its duration, and any aggravating or mitigating circumstances relevant to the case.
60. The Respondent No.1, M/s Atzan Natural Products, vehemently contested the proceedings and filed no undertaking, commitment, or request for concession. Having regard to the findings recorded hereinabove and the absence of any compliance-oriented conduct, the Commission holds Respondent No.1 guilty of violating Section 10(1) read with Section 10(2)(d) of the Act and imposes a penalty of PKR 1,000,000/- (Rupees One Million only).
61. The Respondent No.2, M/s HerBBeck Nutraceuticals, although initially contested the proceedings, demonstrated a compliance-oriented approach, confirmed that it has stopped manufacturing the impugned products, and filed a formal undertaking not to resume manufacturing in the future. Having regard to the compliance-oriented conduct and the undertaking filed before the Commission, the Commission takes a lenient view, holds Respondent No.2 guilty of violating Section 10(1) read with Section 10(2)(d) of the Act, and imposes a token penalty of PKR 500,000/- (Rupees Five Hundred Thousand only).
62. The Respondent No.3, M/s Muslim Herbal and Nutraceuticals, vehemently contested the proceedings and filed no undertaking, commitment, or request for concession. Having regard to the findings recorded hereinabove and the absence of any compliance-oriented conduct, the Commission holds Respondent No.3 guilty of violating Section 10(1) read with Section 10(2)(d) of the Act and imposes a penalty of PKR 1,000,000/- (Rupees One Million only).



63. The Respondent No.4, M/s Vital Mark Laboratories Private Limited, although initially contested the proceedings, demonstrated a compliance-oriented approach, confirmed that it has stopped manufacturing the impugned products, and filed a formal undertaking not to resume manufacturing in the future. Having regard to the compliance-oriented conduct and the undertaking filed before the Commission, the Commission takes a lenient view, holds Respondent No.4 guilty of violating Section 10(1) read with Section 10(2)(d) of the Act, and imposes a token penalty of PKR 500,000/- (Rupees Five Hundred Thousand only).
64. The Respondent No.5, M/s S-Asia Oriental Pharma, contested the proceedings by filing a reply to the SCN but failed to appear at the hearing and filed no undertaking, commitment, or request for concession. Having regard to the findings recorded hereinabove and the absence of any compliance-oriented conduct, the Commission holds Respondent No.5 guilty of violating Section 10(1) read with Section 10(2)(d) of the Act and imposes a penalty of PKR 1,000,000/- (Rupees One Million only).
65. The Respondent No.6, M/s Izfaar Nutraceuticals Industries, vehemently contested the proceedings and filed no undertaking, commitment, or request for concession. Having regard to the findings recorded hereinabove and the absence of any compliance-oriented conduct, the Commission holds Respondent No.6 guilty of violating Section 10(1) read with Section 10(2)(d) of the Act and imposes a penalty of PKR 1,000,000/- (Rupees One Million only).
66. The Respondent No.7, M/s Hi-Vet Nutraceuticals Pharma, although initially contested the proceedings, demonstrated a compliance-oriented approach, confirmed that it has stopped manufacturing the impugned products, and filed a formal undertaking not to resume manufacturing in the future. Having regard to the compliance-oriented conduct and the undertaking filed before the Commission, the Commission takes a lenient view, holds Respondent No.7 guilty of violating Section 10(1) read with Section 10(2)(d) of the Act, and imposes a token penalty of PKR 500,000/- (Rupees Five Hundred Thousand only).
67. The Respondent No.8, M/s Blessco International, is hereby exonerated by the Commission, and no penalty is imposed upon it.

68. The Respondents are hereby directed to:

- (i) Cease and desist from carrying out deceptive marketing practices by fraudulently using identical or deceptively similar trademarks to the trademark "Colcorex" of the Complainant.
- (ii) Modify all advertisements and promotional materials, whether through newspapers, TV campaigns, in electronic or digital media, social media posts or on their official websites.
- (iii) File Compliance Report with respect to the implementation of the aforementioned directions not later than 30 days from the date of this Order, failing which, additional penalty of PKR 100,000/- (Rupees One Hundred Thousand only) per day will be imposed.

69. In the above terms, the Show Cause Notices referred to in paragraph No.1 of this Order dated 20-08-2025 issued to the Respondents, are hereby disposed of.

70. It is so ordered.



(Mr. Farid Ahmad Tarar) —

Chairman



(Ms. Bushra Naz Malik)

Member



ISLAMABAD, THE 15th DAY OF JULY, 2026