

ORDER

In the Matter of M/s. Hilal Foods (Pvt) Limited on complaint filed by M/s. Dabur Pakistan (Pvt) Limited



Competition Commission of Pakistan

www.cc.gov.pk

BACKGROUND



- ⇒ The Complainant filed a complaint against the Respondent for distribution of false and misleading information through its letters addressed to the Pakistan Broadcasters Association and through two publications carried in daily DAWN and Jang.
- ⇒ It was stated that the brand name of the Complainants' product, 'Dabur Hajmola' (an ayurvedic digestive tablet), is a registered trademark. The Complainants and the Respondent had been in litigation concerning the use of the trademark 'Hajmola'. The Complainants alleged that the Respondent has issued false/misleading statements stating inter alia that the Respondent is the registered, exclusive owner of the trademark and no one else is permitted to use the same.



DATE OF ORDER

26 August 2021



BENCH MEMBERS

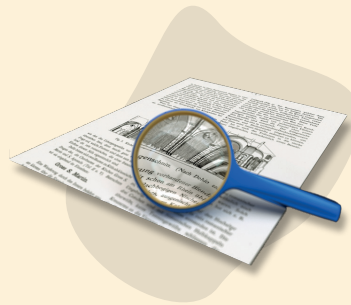
Ms. Rahat Kunain Hassan
Mr. Mujtaba Ahmad Lodhi

After considering the findings and recommendation of the Enquiry Report, the Commission initiated proceedings under Section 30 of the Act and issued a show-cause notice to the Respondent.

SCN ISSUANCE DATE:
6 November 2020

FINDINGS OF ENQUIRY REPORT

Enquiry Report finalised on: 08 October 2020



- ⇒ Enquiry Committee concluded that the Respondent was disseminating false and misleading information in newspapers and through PBA, which also had the potential to damage or inflict harm upon the goodwill and business interest of the Complainants. This was a, *prima facie*, violation of Section 10(1) read with Section 10(2)(a) & (b) of the Act.



SECTOR/MARKET

Fast-Moving Consumer Goods (FMCG)



NATURE & SECTION VIOLATION

Section 10 of the Act pursuant to Deceptive Marketing Practices violated



FINDINGS OF THE BENCH & CONCLUSION

- ⇒ The Bench, after hearing the parties and reviewing the material on record, observed that the foundation of the issue was an interim order of the Honourable Division Bench of the Sindh High Court, granting both parties the right to use the registered trademark 'Hajmola'.
- ⇒ The ownership and use of the trademark were still under dispute and the matter was sub-judice.
- ⇒ In this connection, it was observed that the Commission is not a declaratory forum or appropriate authority to declare the legal status/ownership of the trademark, and the scope of Section 10(2)(d) of the Act is limited to the protection of registered/undisputed trademarks.
- ⇒ The Enquiry Report and SCN were, therefore, set aside.



PARTIES

Complainant:
1. Dabur India Ltd and Dabur Pakistan (Pvt.) Ltd

Respondent:
1. Hilal Foods (Pvt.) Ltd



SCAN ME

TO DOWNLOAD THE ORDER