BEFORE THE
COMPETITION COMMISSION OF PAKISTAN

IN THE MATTER OF COMPLAINT FILED BY M/S BUREAU VERITAS AGAINST M/S MCI-BUREAU OF INSPECTION & CERTIFICATIONS

FOR DECEPTIVE MARKETING PRACTICES

(File No.490/BV(VS)MCI-BCI/OFT/CCP/2023)

Date of Hearing:	**20.05.2026**
Bench:	**Mr. Farid Ahmad Tarar** Chairman
	Mr. Saeed Ahmad Nawaz Member
Assisted by:	**Hafiz Naeem** Sr. Legal Advisor
	Meher Jamy Assistant Director (Legal)

Present on behalf of Complainant:

M/s Bureau Veritas	**Mr. Ali Kabir Shah** Partner, Ali & Associates

Present on behalf of Respondent:

M/s MCI-Bureau of Inspection & Certifications	**Mr. Abdul Latif Rana** Advocate High Court

SEAL OF THE COMPETITION COMMISSION OF PAKISTAN

ORDER

1. This Order shall dispose of the proceedings initiated by the Competition Commission of Pakistan (the **Commission**) vide Show Cause Notice No. 08/2025 dated 19.08.2025 (the **SCN**), issued to M/s MCI-Bureau of Inspection & Certifications under Section 30 of the Competition Act, 2010 (the **Act**) for *prima facie* violation of Section 10(1) read with Section 10(2)(d) of the Act.

FACTUAL BACKGROUND

2. The Commission received a complaint from M/s Bureau Veritas (the **Complainant**) on 30.09.2023 against M/s MCI-Bureau of Inspection & Certifications – Pakistan (the **Respondent**) and M/s MCI-Bureau of Inspection & Certifications – United Kingdom (the **MCI UK**). The Complainant alleged that the Respondent and MCI UK were engaged in the fraudulent adoption of the Complainant's registered trademark '**BUREAU VERITAS**' and its associated logo:

3. According to the Complainant, this systematic copying of its trademark/logo by the Respondent and MCI UK increases the likelihood of confusion and deception as the public may be deceived into believing that the services of the Respondent and MCI UK have some nexus with those of the Complainant.

4. Further, as per the Complainant, it is a French organization established in 1828 and is a global leader in testing, inspection and certification services. It has duly registered its trade

mark and logo with the Intellectual Property Office, Government of Pakistan and by virtue of the same all proprietary rights in the '**BUREAU VERITAS**' trade mark and logo vest in it. Therefore, the unauthorized use, marketing and promotion of a deceptively similar logo by the Respondent and MCI UK constitute an infringement of the Act, particularly Sections 10(2)(a) and (d).

ENQUIRY PROCEEDINGS

5. The Authorized Officer initiated an enquiry into the matter under Section 37(2) of the Act on 25.10.2023. The duly constituted Enquiry Committee forwarded the complaint to the Respondent and MCI UK on 06.11.2023. On 29.11.2023, the Respondent filed its written comments, wherein it denied every averment in the complaint and demanded strict proof of the allegations levelled against it. The salient points made in the written reply were as follows:

   (i) That the Respondent is a sole proprietorship, owned and operated by Mr. Ateeq-ur-Rehman Mir, which since 2022 has been engaged in the business of trademark and certification; scientific and technological services and research and design; industrial analysis, industrial research and industrial design services; quality control and authentication services and other allied services under the trade name 'MCI-Bureau of Inspection & Certifications' with the associated logo:

   (ii) That the Complainant lacks a cause of action because the Respondent and MCI UK are neither using the mark/logo/artistic work, trade dress/layout and font of the Complainant nor do they have any intention of using its mark/logo on their certification services at present or in the future;

(iii) That there is no question of deceptive marketing as the Respondent and MCI UK's logo is neither identical nor similar to the Complainant's logo;

(iv) That the trade names of the Respondent and the Complainant are distinct and unlikely to cause confusion or deceive consumers; and

(v) That the Respondent has no concern with the business as well as the trademark/logo design of MCI UK and the latter has been included in the complaint erroneously.

6. The Enquiry Committee shared the Respondent's response with the Complainant on 01.12.2023. The Complainant filed its rejoinder on 20.12.2023, which mainly reiterated the contents of the complaint. However, certain new contentions were also raised in the rejoinder, namely:

(i) That the Respondent and MCI UK have miserably failed to prove with legitimate arguments and evidence that their adoption of the deceptively similar logo is honest;

(ii) That the deceptive adoption of the Complainant's logo by the Respondent and MCI UK is further highlighted by the fact that they recently started using the similar logo within the same industry to mark their services as that of the Complainant and/or with nexus to the Complainant;

(iii) That MCI UK is an associate concern of the Respondent, which can be verified from the latter's website; and

(iv) That even if the Respondent and MCI UK have obtained NTN and licenses from certified companies, it still does not allow them to engage in deceptive marketing practices and/or infringe upon the intellectual property rights of others.

ENQUIRY REPORT

7. The Enquiry Committee after examining the complaint, the reply of the Respondent, the rejoinder filed by the Complainant and the material available on record, finalized the Enquiry Report on 27.03.2025 with the following findings and recommendations against the Respondent:

> *"5.27 The Commission, in its past orders, has established the fact that the protection of trademarks is necessary to secure brand equity and is an important marketing factor that can affect the perception and consequently sales of a good or service. Therefore, it also holds significance in light of the Section 10 of the Act.*

SEAL OF THE COMPETITION COMMISSION

> *5.28 The* ***discussion above proves that Respondent No. 1 has fraudulently adopted a similar trademark/logo that closely resembles the Complainant's registered trademark/logo****. This* ***conduct is, prima facie, in violation of Section 10(1) and specifically Section 10(2)(d) of the Act.***
>
> ...
>
> *5.35 In the instant matter,* ***it seems that the Respondent No. 1 made a misrepresentation concerning its own products/services*** *by fraudulent adopting a similar trademark/logo to that of the Complainant to take advantage of the reputation (goodwill) of the products/services of the Complainant,* ***not concerning the products/services of the Complainant to cause the express or direct harm to the business interests of the Complainant.***
>
> *5.36 Therefore, it* ***can be concluded that Respondent No. 1 has not violated the provision of Section 10(2)(a) of the Act.***"
>
> (*Emphasis supplied*)

8. The Enquiry Committee, however, excluded MCI UK from the scope of enquiry because even though the Complainant had asserted that MCI UK was an associate concern of the Respondent, MCI UK did not operate within the territorial limits of Pakistan. It is clearly stated in Section 1(2) of the Act that '*It shall apply to all undertakings and all actions or matters that take place in Pakistan and distort competition within Pakistan.*' The application of the Act is thus only confined to the actions and matters of those undertakings which conduct economic activities in Pakistan and impact competition within the country. Therefore, no cavil can be taken with the Enquiry Committee's reasoning and the same is endorsed by the Bench.

SHOW CAUSE NOTICE

9. Pursuant to the Enquiry Report, the Commission initiated proceedings under Section 30 of the Act against the Respondent and on 19.08.2025 issued an SCN to it for violating Section 10(1) read with Section 10(2)(d) of the Act in the following terms:

> " *... 6. WHEREAS, in terms of the Enquiry Report in general and paragraphs 5.8 to 5.25 in particular, the Respondent, appears to be involved/engaged in fraudulently adopting a similar trademark/logo closely resembling the registered trademark/logo, including, firm name, product labeling or packaging of the Complainant without any authorization, in violation of Section 10(1) read with Section 10(2)(d) of the Act and*

7. WHEREAS, in terms of the Enquiry Report in general and paragraphs 5.26 to 5.33, due to non-provision of any evidence relating to harming the business interest of the complainant, violation of Section 10, in terms of Section 10(2) (a) of the Act has not been made out against the Respondent; and

8. WHEREAS, in terms of the Enquiry Report in general and paragraphs 5.41 to 5.42 in particular, the effect of anti-competitive behavior is spilling over the territorial limits of other provinces.;..."

10. M/s MCI-Bureau of Inspection & Certifications, the Respondent, was called upon to file its reply to the SCN within fourteen (14) days from the date of receipt of the SCN as well as to avail the opportunity of hearing before the Commission through its duly authorized representative. A copy of the Enquiry Report was enclosed with the SCN.

WRITTEN REPLY OF THE RESPONDENT

11. The Respondent submitted its reply to the SCN on 16.09.2025, wherein it specifically denied that it had copied the Complainant's trademark, name, artistic works, descriptive instruments and portrait images. The Respondent asserted that when considered as a whole, the Complainant's trademark/logo and its own mark/logo were neither identical nor deceptively similar either visually, phonetically, or otherwise. Additionally, the Respondent raised the following points:
    (i) That the Respondent has permanently ceased its business operations upon receipt of the SCN and the entity stands wound up with no ongoing or future commercial inspection or certification activities;
    (ii) That the Respondent is currently undergoing a complete rebranding exercise and is adopting a new and unique trade name/trademark and logo that will be entirely distinct and will not be conflated with any existing entity in the market, including the Complainant;
    (iii) That the allegations of continued deceptive conduct under Section 10 of the Act do not survive against a non-operational entity so the proceedings are liable to be dropped accordingly;
    (iv) That the titled complaint has been instituted by the Complainant with *mala fide* intentions solely to harass and pressurize the Respondent and amounts to abuse of process of law;

(v) That the Enquiry Report has erroneously presumed and concluded that the Respondent has copied the Complainant's trademark, name and logo without undertaking a proper comparison of the services and trade identity of both the parties;

(vi) That the Enquiry Report has failed to appreciate that the Respondent's brand name is entirely different from the Complainant's logo/brand name and that the overall trade dress of the Respondent's logo consists of stylized words with a different model's portrait image, making it distinguishable from the Complainant's logo; and

(vii) That the Enquiry Report itself concedes that no evidence exists regarding the harm caused to the Complainant's business interests. This acknowledgement directly supports the Respondent's position that no violation of Section 10 of the Act has been committed.

12. In light of its above contentions, the Respondent prayed that the Commission should drop and close the proceedings initiated against it vide SCN No. 08/2025 dated 19.08.2025, as no violation of Section 10 of the Act could be made out against a defunct and non-operational entity.

HEARING AND SUBMISSIONS OF THE PARTIES

13. Subsequent to the receipt of written reply of the Respondent, a hearing in the matter was fixed on 20.05.2026 to offer an opportunity to the Complainant and the Respondent to present their detailed arguments before the Bench.

14. Mr. Ali Kabir Shah, learned counsel for the Complainant, addressed the Bench first and stated that owing to the Respondent's admission that it had closed its business, he would not be making detailed submissions on merits. However, he requested the Bench to seek an undertaking from the Respondent regarding the closure of its business and the fact that it had not used the impugned logo in any of its reports or certificates. In case it had used the logo anywhere, it should provide complete details of the same.

15. In response, Mr. Abdul Latif Rana, learned counsel for the Respondent, confirmed that no certificate or inspection report had ever been issued by the Respondent and the impugned logo was not used anywhere in any manner whatsoever. Furthermore, the counsel informed that although the Respondent had applied for the registration of its trademark/logo with the Intellectual Property Organization of Pakistan, it voluntarily withdrew the same after

discovering that its trademark/logo was allegedly similar to the Complainant's registered trademark/logo. He, however, maintained that the trademark/logo of the Complainant and the trademark/logo of the Respondent were not deceptively similar.

16. At this stage, the Bench pointed out the contradictory stance taken by the Respondent's counsel i.e., that there was no similarity between the logos of the Complainant and the Respondent but the latter still withdrew its application for registration of its trademark/logo due to its alleged similarity with the Complainant's trademark/logo. The Bench directed the counsel to take one clear stance before the Commission and submit verifiable proof that the Respondent was no longer in business and had not issued any certificate or inspection report with its trademark/logo. The Bench also directed the counsel to submit local or international accreditations, if any, held by the Respondent authorizing it to provide testing, inspection and certification services.

17. The Respondent filed its reply to the queries of the Bench on 17.06.2026, wherein it reiterated that it had closed its business and started a new commercial operation. The Respondent also provided a copy of the Certificate of Accreditation issued to it by the United States Accreditation Council for Management System Certification for ISO 9001:2015 Quality Management Systems, ISO 14001:2015 Environmental Management Systems and ISO 45001:2018 Occupational Health and Safety Management Systems.

18. During the hearing, the Bench directed the counsel for the Complainant to highlight the similarities between the two logos as the color scheme for both was distinct; the Complainant's logo was grey and the Respondent's logo was red. In reply, the counsel submitted the following similarities between the two logos:

(i) Vertically elongated oval device;

(ii) Central symbolic figures; and

(iii) Wording incorporated around the perimeter.

19. In respect of the distinct color scheme, the learned counsel asserted that the same was insignificant because in practice documents, reports and inspection certificates are routinely reproduced and circulated in black and white, rendering any difference in color scheme irrelevant for the purposes of assessing similarity between the two logos. He stated that when viewed in black and white, the overall impression conveyed by the two logos was identical and could cause consumer deception and confusion. He argued that according

to the Hon'ble Supreme Court of Pakistan's judgment in ***A. Rahim Foods (Pvt.) Limited vs K&N's Foods (Pvt.) Limited*** (2023 CLD 1001) and the past precedents of the Commission, the Bench had to apply the 'overall similarity' test and the 'net general impression' standard to determine whether the impugned trademark/logo had fraudulently copied the Complainant's trademark/logo.

ISSUES

20. The Bench, after carefully examining the contents of the complaint, the Enquiry Report and the written submissions and arguments of the Complainant and the Respondent, framed the following issues for determination:

    I. **Whether the Respondent has violated Section 10(1) read with Section 10(2)(d) of the Act by fraudulently using the trademark/logo of the Complainant?**

    II. **Whether the Respondent has violated Section 10(1) read with Section 10(2)(a) of the Act?**

ISSUE I: Whether the Respondent has violated Section 10(1) read with Section 10(2)(d) of the Act by fraudulently using the trademark/logo of the Complainant?

21. The primary allegation against the Respondent in the present matter is the apparent violation of Section 10(1) read with Section 10(2)(d) of the Act. For ease of reference, the said provisions are 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–*
>
> ...
>
> *(d) fraudulent use of another's trademark, firm name, or product labeling or packaging.*"

22. We have carefully considered the arguments of the parties and perused the material available on record. The Complainant has alleged that the Respondent deceptively copied its registered trademark/logo. In order to assess the merits of this allegation, it is important to first examine the logo of the Complainant and that of the Respondent:

Complainant's Logo

Respondent's Logo

23. A perusal of the two logos reveals that the word 'Bureau' is used in the brand names and trademarks/logos of both the undertakings and the logos have a somewhat similar vertically elongated oval shape, a striking human figure in the center and the names written around the perimeter. However, whether these similarities are sufficient to constitute an infringement of Section 10(2)(d) of the Act can only be decided after determining whether these features are exclusive to the Complainant or other undertakings are also using the same, and viewing the jurisprudence developed by the Commission and the Superior Courts with respect to this provision.

24. In this respect, an important decision of the Commission is ***In the Matter of Messrs DHL Pakistan (Pvt.) Ltd.*** (2013 CLD 1014), wherein it was held:

> "*52. As for the fraudulent use of Complainant's trademark, we are aware that there is no definition of the term 'fraudulent' or 'fraud' in the Act nor can one perhaps attempt to give one single definition. However, while interpreting section 10 of the Act; one needs to be conscious that the interpretation of fraudulent use of trade mark has to be in the context of deceptive marketing and would thus have a broader scope. Rather than making it too complex by focusing on subjective 'intentions' of the Respondents, in our considered view, it is best if we adopt simplistic approach i.e. if it can be demonstrated that the Respondents by use of the trade mark, intended to deceive the customer/consumer to gain an advantage. Keeping in view the nature of contravention, it is not the subjective intent but the objective manifestation of that intent that will establish the fraudulent use.*"
>
> (*Emphasis supplied*)

25. The aforementioned reasoning was later reaffirmed by the Commission ***<u>In the Matter of Show Cause Notice issued to M/s Options International (SMC-PVT.) Limited</u>*** *on a Complaint filed by M/s Starbucks Corporation, USA*[1] in the following manner:

> "*25. Therefore, the <u>Commission is least concerned with the "subjective intention" of the contravening party. What matters is the "objective manifestation" of the practice in question</u> to examine whether the contravening party has indulged into "fraudulent use" of another's trademark, firm name, or product labelling and packaging. The <u>prohibition under Section 10(2)(d), applies to all forms of marks, including</u> words, numbers, <u>logos</u>, pictures <u>that function as source-identifier of a product or service</u>...*"
>
> (***<u>Emphasis supplied</u>***)

26. Looking at the facts of this case, it is not disputed that the Complainant is a market leader in the field of testing, inspection and certification services, having been in the same business for nearly two centuries, whereas the Respondent only entered the testing, inspection and certification market in 2022. The Respondent must, therefore, have been aware of the Complainant's business and the goodwill and popularity attached to its tradename and trademark/logo. It cannot thus be ruled out that the Respondent's intention was to adopt the word and expression Bureau from the Complainant's name and trademark/logo to take advantage of the Complainant's reputation in the market and to attract its customer base. This intention is further established by the Respondent's own admission before the Bench that after receipt of the SCN it permanently ceased business operations and withdrew the application for registration of its trademark/logo pending with the Intellectual Property Organization of Pakistan due to alleged similarity with the Complainant's registered trademark/logo. This conduct of the Respondent proves that it was aware that its name and trademark/logo are similar to the Complainant's trademark/logo (at least to the extent of the unique word Bureau), however, it only discontinued the deceptive practice once the Commission intervened.

27. Be that as it may, not every similarity between two logos will meet the threshold of Section 10(2)(d) of the Act as the similar features identified by the learned counsel for the Complainant are being widely used by undertakings across the globe. However, the assertion of learned counsel for the Complainant, that it is the 'overall similarity' of a mark/logo with an established trademark/logo and the 'net general impression' that the

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[1] <u>https://appadmin.ccp.cc.gov.pk/ccporders/f7c7f17d-37c1-4ed8-91f6-8be81ee0f89d/show_cause_issued_to_ms_options_by_starbucks.pdf</u>

mark/logo creates in the minds of the consumers, is in accord with the jurisprudence developed by the Commission and the Superior Courts. This view is expressly supported by the Hon'ble Supreme Court of Pakistan in ***Mehran Ghee Mills (Pvt.) Limited*** *vs.* ***Chiltan Ghee Mill (Pvt.) Limited*** (2001 SCMR 967), wherein the Court observed:

> "*15. ... 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...*"
> (***Emphasis supplied***)

28. From the afore-referred dictum of law, it becomes clear that it is the dominating features of a mark/logo and the net general impression left by the same on the mind of a consumer that must be appreciated when deciding whether an undertaking has copied the trademark/logo belonging to another undertaking, in violation of Section 10(2)(d) of the Act. If the trademark/logo of the Complainant is examined, it becomes evident that its dominating features are the words '**BUREAU VERITAS**', the central human figure, the vertically elongated oval device and the name of the undertaking around the perimeter. It is these characteristics that attract the attention of the consumer and with which they associate the logo. These characteristics are also present, to a substantial extent with some minor variations, in the Respondent's mark/logo, with the word 'Bureau' copied verbatim into the brand name of the Respondent. In these circumstances, the plea of the Respondent that the two logos have a distinct color scheme becomes irrelevant as all the consumers are neither sophisticated/discerning nor do they have the opportunity to compare the two side by side as a matter of routine.

29. Moreover, it is on record that the Complainant provides services in a variety of sectors such as building and infrastructure, agri-food and commodities, marine and offshore and different industries. These are sectors in which if an undertaking is allowed to provide testing, inspection and certification services due to a false association with an established undertaking, the consequences may be devastating owing to these sectors' implications for public safety, health and environmental protection. In such cases, there is a higher onus on the Commission to intervene and curb the practice of fraudulent adoption of the trademark/logo of others, not only to protect the consumers in the market but also the public at large, particularly in matters like the present one where the Respondent undertaking has

not furnished any proof to the Commission that it has the appropriate expertise, skills and accreditation, being a sole proprietor, to offer the highly technical services of testing, inspection and certification.

30. The failure of the Respondent to prove its experience in the concerned market is all the more alarming because it has become apparent from the documents submitted by the Respondent during the proceedings that it has commenced a new business under the brand name of 'Inspect Assure', which is providing, *inter alia*, inspection services, control testing, technical monitoring, quality assessments, scientific and technological services, quality control and authentication services. This fact is also confirmed by the Respondent's revamped official Facebook[2] and LinkedIn[3] pages. The new entity 'Inspect Assure' is also a sole proprietorship and as was the case with MCI-Bureau of Inspection & Certifications, there is no credible evidence before the Bench that 'Inspect Assure' has the relevant expertise, skills and accreditation to offer the services mentioned above. It needs no emphasis that by continuing to falsely depict itself as an entity which has the competence to conduct testings and inspections and issue certificates, the Respondent is engaging in an egregious form of deception which can influence unwary consumers into obtaining its services, thereby exposing them to harm in their professional and business dealings.

31. Accordingly, since a comparison of the Complainant's trademark/logo and the Respondent's mark/logo makes it clear that the latter has fraudulently adopted the dominating features of the former's tradename and logo, the Bench holds that the Respondent has contravened Section 10(1) read with Section 10(2)(d) of the Act.

ISSUE II: Whether the Respondent has violated Section 10(1) read with Section 10(2)(a) of the Act?

32. In its complaint, the Complainant emphasized that the Respondent had violated Section 10(2)(a) of the Act because due to the fraudulent adoption of its trademark/logo by the Respondent, it suffered losses in the region of Rs.500 Million. However, before the Enquiry Committee the Complainant was unable to furnish any evidence of the harm caused to it.

[2] https://www.facebook.com/MaestroCompliance
[3] https://www.linkedin.com/company/inspectassure/about

As a result, the Enquiry Committee concluded that the Respondent had not acted in breach of Section 10(2)(a) of the Act.

33. The Bench agrees with the view taken by the Enquiry Committee as the Complainant neither produced evidence of any harm before the Committee nor before us, despite being given an opportunity to do so. Therefore, we are of the considered opinion that the Complainant has not been able to make out a case against the Respondent for violation of Section 10(1) read with Section 10(2)(a) of the Act.

PENALTY AND DIRECTIONS

34. The Bench has found the Respondent guilty of violating Section 10(1) read with Section 10(2)(d) of the Act, necessitating the imposition of a penalty on it for its anti-competitive conduct and to deter it from committing such acts in the future. This is also the tenor of the Guidelines on Imposition of Financial Penalties (Fining Guidelines).

35. Therefore, in light of the discussion above, the Bench, in exercise of its powers under Section 38 of the Act, imposes a penalty of PKR 5,000,000/- (Rupees Five Million only) on Mr. Ateeq-ur-Rehman Mir, who is the owner and sole proprietor of the Respondent, for infringing Section 10(1) read with Section 10(2)(d) of the Act. The said penalty shall be deposited within sixty (60) days from the date of this Order.

36. Mr. Ateeq-ur-Rehman Mir/the Respondent is further directed to:

(i) Cease and desist from using, adopting or otherwise advertising the registered trademark/logo of the Complainant anywhere in any manner whatsoever;

(ii) Ensure that any mark/logo that it uses in the future is distinct in its overall layout, design and shape so as to be easily distinguishable from the Complainant's registered trademark/logo;

(iii) Not provide and offer or advertise to provide and offer any testing, inspection and certification services without acquiring prior competencies such as talent and testing facilities, and proper accreditation and approval from the relevant authorities; and

(iv) File a Compliance Report with the Registrar Office, in respect of the penalty amount and the directions of the Bench, within sixty (60) days from the date of this Order, failing which it shall be liable to pay an additional penalty of PKR 50,000/- (Rupees Fifty Thousand only) per day from the date of this Order and may be subject to initiation of criminal proceedings pursuant to Section 38 of the Act before the court of competent jurisdiction.

37. SCN No. 08/2025 is disposed of in the above terms.

Mr. Farid Ahmad Tarar
Chairman

Mr. Saeed Ahmad Nawaz
Member

ISLAMABAD, THE 15th DAY OF JULY, 2026