

COMPETITION COMMISSION OF PAKISTAN

ENQUIRY REPORT

(Under the provisions of Section 37(1) of the Competition Act, 2010)

**IN THE MATTER OF ENQUIRY INITIATED AGAINST M/S ROOTS IVY
INTERNATIONAL SCHOOLS (PRIVATE) LIMITED FOR *PRIMA FACIE* VIOLATION
OF SECTION 10 OF THE COMPETITION ACT, 2010**

BY

 
Noman Laiq & Faiz-ur-Rehman

Dated: June 23, 2021



1. BACKGROUND

- 1.1 The Competition Commission of Pakistan (the “**Commission**”) took suo moto action against M/s Roots Ivy International Schools (the “**Respondent**”) under Section 37(1) of the Competition Act, 2010 (hereinafter referred to as the ‘**Act**’) for *prima facie*, violation of Section 10 of the Act, which prohibits deceptive marketing practices.
- 1.2 It has been observed that the Respondent has been involved in fraudulent use of the registered trademark and logo of “The Ivy League” in its own trade name and promotional material, thereby deceiving the general public by inferring a connection between the two entities. It has been further observed that the Respondent is using other claims and terminologies like “*IVY LEAGUE OF DREAMS*” to promote their institution.
- 1.3 Keeping in view the above, the Competent Authority, after the preliminary investigation, initiated an enquiry under the provisions of Section 37(1) of the Act, by appointing Mr. Noman Laiq, Director General (C& TA) and Mr. Faiz-ur-Rehman, Deputy Director (OFT), as the enquiry officer. The Enquiry Committee was directed to conduct an enquiry and submit report by giving its findings and recommendations, *inter alia*, on the following:
- (i) *Whether the conduct of the Respondent is capable of harming the business interest of other undertakings in, prima facie, violation of Section 10(2)(a) of the Act?*
 - (ii) *Whether the Respondent is disseminating false or misleading information to the consumers that lacks a reasonable basis, related to character, properties, suitability for use, or quality of goods in, prima facie, violation of Section 10(2)(b) of the Act?*
 - (iii) *Whether the Respondent is engaged in Fraudulent use of another's trademark, firm name, or product labeling or packaging in, prima facie, violation of Section 10(2)(d) of the Act?*

2. CORRESPONDENCE WITH THE RESPONDENT

- 2.1 A letter dated December 03, 2018 was sent to the Respondent for comments. The Respondent submitted its reply vide letter dated January 02, 2019, wherein the following submissions were made:

- 2.2 The Respondent submitted that neither does it have the intention to, nor is it in fact in any manner violating the provisions of Section 10 of the Act, in particular Section 10 (1) read with Section 10(2) (a), (b) and (d). It has neither entered in deceptive marketing practices by resorting to distribution of false or misleading information that is capable of harming the business interests of another undertaking nor it is distributing false or misleading information to consumers, or fraudulently using another's trademark.
- 2.3 The Respondent further submitted that with respect to use of the term "IVY" in the name of the school, it is emphasized that, as specified in the enquiry notice and in view of common public knowledge, **the relevant phrase used by the group of universities in the United States of America is that of "The IVY League" and not merely "IVY" alone, as incorporated by Roots IVY.**
- 2.4 Therefore, the question of fraudulent use of another's trademark as envisaged under Section 10(2) (d) does not arise, as the relevant phrase i.e. "*The IVY League*" has neither been incorporated in the name of the school, nor has it ever been used to assert any affiliation or connection whatsoever with the IVY League.
- 2.5 It is also a matter of common knowledge that it is "The IVY League" that is the relevant phrase referring to only the 8 universities situated in the USA, having no offshore campus (i.e. Harvard University, Cornell University, University of Pennsylvania, and Columbia University). Such phrase is visibly distinct from the sole term "IVY", used by Roots IVY. Therefore, drawing any link with the IVY League seems farfetched and unconvincing.
- 2.6 It was submitted that in this respect, reliance is also placed on a recent decision of the Commission in the matter of *Show Cause Notice issued To M/s Neucon Pakistan Ltd On Complaint filed By M/s Ferozsons Laboratories Ltd*, whereby the Commission found that where the registered trademark of the complaint was the term "BIOFREEZE", it did not have the exclusive right for use of the word "FREEZE" or "FREEZE" alone. Hence, the trade name "NEUFREEZE" adopted by the party complained of in conjunction with the design etc. did not appear to be deceptive.

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- 2.7 In view of the above, therefore, "IVY" alone is not the registered trademark and use of it alone cannot be treated as being the exclusive right of the IVY League colleges. That it would, hence, be prejudicial to carve out "IVY" from "*The IVY League*", and treat it as an independent trademark.
- 2.8 It was stated that this Commission has in the past held that for a contravention of Section 10(2) (d) it must be demonstrated that the contravening party "*intended to deceive*" the customer/consumer to gain an undue advantage (Reference: *In the matter of complaint filed by M/s. DHL Pakistan (Pvt.) Ltd & In the matter of Show Cause Notice issued to M/S Options International (Smc-Pvt.) Limited on Complaint filed by M/s Starbucks Corporation, USA*). However, the actions of Roots IVY, a leading chain of private schools imparting quality education, do not reflect such an intention. The name has been used without any intent to benefit from the goodwill of "*The IVY League*".
- 2.9 Rather, it is relevant to appreciate the vision and concept behind use and combination of the term "IVY" with "Roots" by our Client. The ordinary meaning of the term "Roots" refers to the base of a plant, or the organs of any plant on which the whole of the plant rests.
- 2.10 In furtherance to this concept, the term "Roots" represents the school itself, which forms the basis of a student's professional life. Hence, it is the starting point or the foundation for a student's development.
- 2.11 It was submitted that the idea of the term "IVY" also originates from its ordinary meaning, which is that of an evergreen plant growing upwards. The name hence, represents eternity with strong roots.
- 2.12 The ivy plant is also a strong plant, which can grow in harsh environments; therefore, another association of ivy, as an evergreen plant is perennial life and immortality. The name Roots IVY International Schools represents students who shall continue to live and grow in hard and difficult circumstances with strong roots. It symbolizes resistance and longevity. Hence, also connoting academic and professional growth, which are core values of Roots IVY institute.

- 2.13 The Respondent in its reply denied that the use of the term "IVY" has in any manner contravened Section 10(2) (a) by being capable of harming the business interests of another undertaking. In this respect, it is submitted that Roots IVY was incorporated and registered with the Securities and Exchange Commission of Pakistan in the year 2012.
- 2.14 It was stated that since the year 2012 to date, many students of Roots IVY have been accepted into IVY League colleges. Roots IVY submits that if at all any grievance was to be raised regarding of the school, any one of the IVY League colleges, which are well aware of the complete name of our client, could have done so in the last seven (7) years.
- 2.15 The Commission is apprised that, more recently, i.e. in the year 2018, three (3) students of Roots IVY secured IVY League Acceptances. Ms. Sarosh Kayani blazed her way into the Yale Class of 2022 on a scholarship of \$73195 per annum, Mr. Ahmed Afzal Bhatti received the much-coveted offer from Cornell Class of 2022 on a scholarship of \$70,000 per annum and Ms. Zara Shahzad secured admission in the highly selective Brown Class of 2022. Roots IVY facilitated the placement of these students in IVY League universities.
- 2.16 Accordingly, many students of Roots IVY have also attended the summer school programs offered by various IVY League universities, without any issue or concern being raised over the name of Roots IVY.
- 2.17 It was further submitted that in the year 2016, two (2) students attended summer school at Harvard; in the year 2017, twelve (12) students attended summer school at YALE, Harvard, Columbia and UPENN; and in the year 2018, a total of sixteen (16) students of Roots IVY attended summer school at Yale, Harvard, Columbia, UPENN, Brown, and Princeton. Hence, substantiating that the name of Roots has been well known in the circle of IVY League colleges.
- 2.18 It was submitted that correspondence on behalf of students has been addressed to the IVY League colleges on the letterhead of Roots IVY, and no concern or complaint has ever been shared or launched with respect to its name.

- 2.19 The Respondent further submitted that the career counseling team of Roots IVY remains in touch with the admissions team of the IVY League universities every year for facilitating the admissions of its students, including by rendering recommendations to its students.
- 2.20 It was also brought to the knowledge of the Enquiry Officers that Roots IVY has also been designated and is registered as a test center for conducting the SAT examination, which is a standardized test used for college admissions in the United States, administered by the College Board. This yet again demonstrates that the name of Roots IVY has very well been within the knowledge of the relevant colleges.
- 2.21 Importantly, a distinct College Entrance Examination Board (**CEEB**) code has been assigned to four (4) branches of Roots IVY for university application purpose. Through this Common Application Portal, Roots IVY processes a large volume of applications to various US universities, including the IVY Leagues.
- 2.22 Therefore, considering the extensive presence of the name of Roots IVY and the impressive number of students being granted admission in the IVY League universities, to claim that Roots IVY has indulged in deceptive marketing is highly implausible.
- 2.23 It was submitted that use of the term "IVY" coupled with ROOTS International Schools (Private) Limited, in no manner has misled parents or students (i.e. the relevant consumers) under Section 10(2) (b) into believing that they are taking admission in an IVY League college.
- 2.24 The Respondent stated that the Roots IVY, whether through its website or through communication by managements, has always adopted an open and unequivocal approach when it comes to the academics programs it offers, the activities it provides, and its affiliates. Roots IVY has never misused or wrongly guided its students or any other individual.
- 2.25 It was submitted that Roots IVY has never represented or made any sort of claim that it is in some way or the other affiliated with any of the IVY League universities, or is an offshoot

of any of the IVY league institution. Any position taken to the contrary, would remain unfounded and unsubstantiated.

- 2.26 Importantly, it must be appreciated that the Roots School System was founded and established in the year 1988, and over the last 30 years has developed a popular name for itself, in terms of providing an education system of an international standard.
- 2.27 It was further stated that Roots IVY in the year 2012 acquired lawful rights in terms of its incorporation for use of the title/expression (i.e. Roots IVY International Schools (Private) Limited) and its usage neither violates any provision of law nor prejudices anyone's rights.
- 2.28 The choice and preference of parents to opt for Roots IVY is not due to any alleged misrepresentation regarding its name, but it is because of reputation that Roots IVY, and formerly the Roots School System, has gained over the years.
- 2.29 Roots IVY has produced high achieving graduates who not only ace nationally but also excel at global level. The school strongly believes in diversity and global minded individuals. Each year the students qualify for leading universities around the world including Oxbridge, Russell Group of college in UK and the IVY League Universities.
- 2.30 That even otherwise, for the relevant "*ordinary consumer*", i.e. the usual, common or foreseeable user/buyer of private education, as already stated in Paragraphs 2 and 3 above, it is common public knowledge which colleges/universities the "The IVY League" refers to, and at the same time the well-established reputation of Roots IVY.
- 2.31 With respect to the use of terminology such as the "IVY League of Dreamers", the Enquiry Officers may appreciate that the "IVY League of Dreamers" is in fact a school magazine, which celebrates and records the academic achievement of students, including profiles of students who have been granted scholarships/financial aid from foreign universities, including from the IVY League colleges. The magazine is made available to the students of Roots IVY.

- 2.32 It was stated that Roots IVY has never presented itself as a member or representative of the IVY League universities through the school magazine, but rather has only advertised its achievements. It is pertinent to mention that it is not of the ordinary for schools across Pakistan and even worldwide to highlight the success stories of their students.
- 2.33 It was submitted that the title, i.e. the "*IVY League of Dreamers*", has been coined in essence to reflect the dream of students who wish to get admitted in the prestigious IVY League universities, and thus serves as a reasonable and ascertainable basis for the name chosen, thereby dispelling concerns under Section 10(2) (b) of the Act.
- 2.34 Reference in this respect, is also made to the Commission's decision in the matter of *M/s China Mobile Pak Limited*, whereby reliance was placed on the US Court of Appeals (in the matter of *Beneficial Corp v. FTC, 542 F. 2d 611 (3rd Circuit. 1976)*), which observed that "*the tendency of the advertising to deceive must be judged by viewing it as a whole, without emphasizing isolated words or phrases apart from their context.*"
- 2.35 Hence, it was asserted that Roots IVY has not disseminated any kind of information or statement that is capable of giving the wrong impression or idea, is likely to lead into error of conduct, thought, or judgment, or tends to misinform or misguide owing to vagueness or any omission.
- 2.36 It was asserted that Roots IVY has not disseminated any kind of information or statement that is capable of giving the wrong impression or idea, is likely to lead into error of conduct, thought, or judgment, or tends to misinform or misguide owing to vagueness or any omission.
- 2.37 While Roots IVY strongly maintains that its intentions and actions do not contravene the provisions of the Competition Act or disrupt fair competition in any manner, to assure the Commission of its compliance-oriented approach, it is willing to modify the name of the magazine to allay concerns of the Commission.
- 2.38 It is moreover brought to the kind attention of the Enquiry Officers that Roots IVY, within 24 hours of advertising with the slogan "*IVY League of Dreamers*" on a single banner in

Lahore, took down the said banner as soon as it became privy to the concerns of the Commission.

- 2.39 The Enquiry Officers were, requested to positively consider the steps taken and the compliance-oriented approach of Roots IVY, and accordingly decide the matter.
- 2.40 In view of foregoing, it was submitted that Roots IVY has not entered into deceptive marketing practice in contravention of Section 10 of the Competition Act.
- 2.41 As for any violation of Section 10, it is not clear the business interest of which of the undertaking is viewed as being harmed by the Commission (Section 10(2) (a)). Moreover, any alleged fraudulent use of trademark appears to be totally misconceived as Roots IVY is acting in pursuance of its lawful rights (Section 10(2) (d)). Lastly, distributing false or misleading information to consumers (Section 10 (2) (b) has to be seen in the context of the "*ordinary foreseeable users*". The term "consumer" as interpreted by the Commission thus in no manner is capable of even potential deception, leaving aside actual deception, for such foreseeable users.
- 2.42 Appreciating that the main purpose of enforcement of Section 10 by the Commission is to bring about corrective behavior amongst competing undertakings, Roots IVY assures the Commission of its full cooperation to address its concerns (if any) in relation to the subject matter and reserves the right to make further submissions (if the need arise).
- 2.43 In the absence of any specific violation of Section 10 being made out, it cannot be deemed necessary in the public interest to proceed any further under Section 37 of the Competition Act.
- 2.44 In light of the foregoing, it was humbly prayed that the enquiry be concluded without initiating further action.

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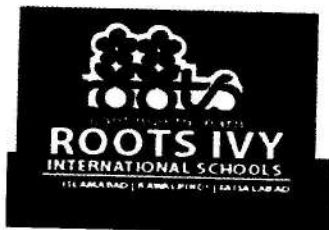
3. ANALYSIS

3.1 As mentioned in para 1.3 above, the mandate of this enquiry is to determine whether *prima facie*;

- (i) *the conduct of the Respondent is capable of harming the business interest of other undertakings in, prima facie, violation of Section 10(2)(a) of the Act?*
- (ii) *the Respondent is disseminating false or misleading information to the consumers that lacks a reasonable basis, related to character, properties, suitability for use, or quality of goods in, prima facie, violation of Section 10(2)(b) of the Act?*
- (iii) *the Respondent is engaged in Fraudulent use of another's trademark, firm name, or product labeling or packaging in, prima facie, violation of Section 10(2)(d) of the Act?*

3.2 The written comments along with documentary evidence have been examined carefully and the following observations have been made:-

- i) The Respondent in its reply while justifying the use of term "IVY" as part of their registered name stated that in United State of America, a group of universities uses the phrase "The IVY League" "whereas we have adopted the term "IVY" only as part of our name. In this regard, it was further stated that there is no question of fraudulent use of another's trademark as envisaged under section 10(2)(d) of the Act. The phrase "The IVY League" is neither the part of registered name of our school nor we have ever used such phrase to assert any kind of affiliation or connection what so ever with the Ivy League of America. It is also a matter of fact that the phrase "The IVY League" is relevant to only few universities situated in the USA like Harvard University, Cornell University, University of Pennsylvania and Columbia University. But the League have no offshore campus in any other country.



Original logo

- ii) It has been noted that the term “IVY” adopted by the Roots International Schools as part of its name is not the registered trademark and it cannot be treated as exclusive right of the IVY League colleges operated in USA. Thus, it cannot be termed as deceptive or prejudicial to the interest of any other undertaking.
- iii) The Respondent in support of their reply produced documentary proof that many students of Roots IVY were accepted by the “The IVY League” colleges USA which indicates that in case of any objection or grievance for using the term IVY by the Roots system of schools in Pakistan, they must have expressed their reservations but no such complaint has been received by the Commission during the last ten years. It is also relevant to mention that the documents supplied by the Respondent also indicates that the student of Roots IVY Pakistan have been successful to seek scholarships on merit and securing admission in the highly selective brown class of 2022. Copies of Acceptance letters are depicted below:

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Yale

November 15, 2024

Dear [Name],

We are pleased to inform you that you have been accepted for admission to the Yale University School of Engineering & Applied Sciences for the fall semester of 2025. Your application was reviewed with great interest, and we believe you will thrive in our rigorous academic environment.

We have reviewed your application materials, including your transcripts, test scores, and essays. Your strong academic record and demonstrated leadership skills are impressive. We are confident that you will contribute significantly to our diverse and talented student body.

As part of our admission process, you will receive a letter of acceptance and a letter of financial aid. We are committed to ensuring that all admitted students have the resources they need to succeed at Yale.

Please contact our Office of Undergraduate Admission at admission@yale.edu if you have any questions. We look forward to welcoming you to the Yale community in the fall.

Yale University, Office of Undergraduate Admission, 360 Prospect Street, New Haven, CT 06511

We will be in touch with you again soon.

Yale University

Office of Undergraduate Admission

admission@yale.edu

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Muhammad Ahmad Bhatti
House 166 Street 10
Phase 8 Rawalpindi PUN 46000
PAK

Dear Muhammad Ahmad:

Congratulations on your acceptance into the Dyson School of Applied Economics and Management at Cornell University. We are very pleased to be welcoming you to the Cornell Class of 2022.

Very soon, you will receive your official letter of acceptance from us in the mail. We are excited that you will be joining the Cornell community and know that you will make a very positive contribution to the university.

Best regards,

Jason C. Locke
Associate Vice Provost for Enrollment
Cornell University

ENROLL AND DEPOSIT ONLINE: Please retain the JRU and PIN provided in the notification email you received, as well as the password you created to view this letter. You will need all three in order to log in again to complete the enrollment process online and submit your enrollment deposit.



March 28, 2017

Dear Mian Muhammad Asad,

Congratulations!

You have been accepted to the Applied Science & Engineering session of the Yale Young Global Scholars Program! Applied Science & Engineering (ASE) will be held on the Yale University campus in New Haven, Connecticut from July 9 - July 20, 2017.

Our selection committee was overwhelmingly impressed by the outstanding achievements, aspirations, and enthusiasm of this year's applicants. The applicant pool was the largest, most diverse, and most competitive group of applicants the Yale Young Global Scholars Program has ever received, representing 150 different countries and all 50 U.S. states. The applicants selected to participate in Applied Science & Engineering represent an extraordinary group of young people from all over the world.

We are also pleased to offer you a \$4,500 tuition discount based on demonstrated financial need, bringing your total cost of tuition to \$1,300. Program tuition includes instruction, room and board, and optional health insurance. Your enrollment deposit will be \$1,300, and your tuition balance will be \$0, reflecting the tuition discount you have received. After paying the deposit, your tuition balance will be waived automatically.

In order to begin the registration process, you will first need to accept your offer of a place in the 2017 Yale Young Global Scholars Program. **Please use the Admission Reply Form to accept your offer of admission by April 11.** You may also access this form directly from your Application Status page at: <https://apply.globalscholars.yale.edu/apply/status>.

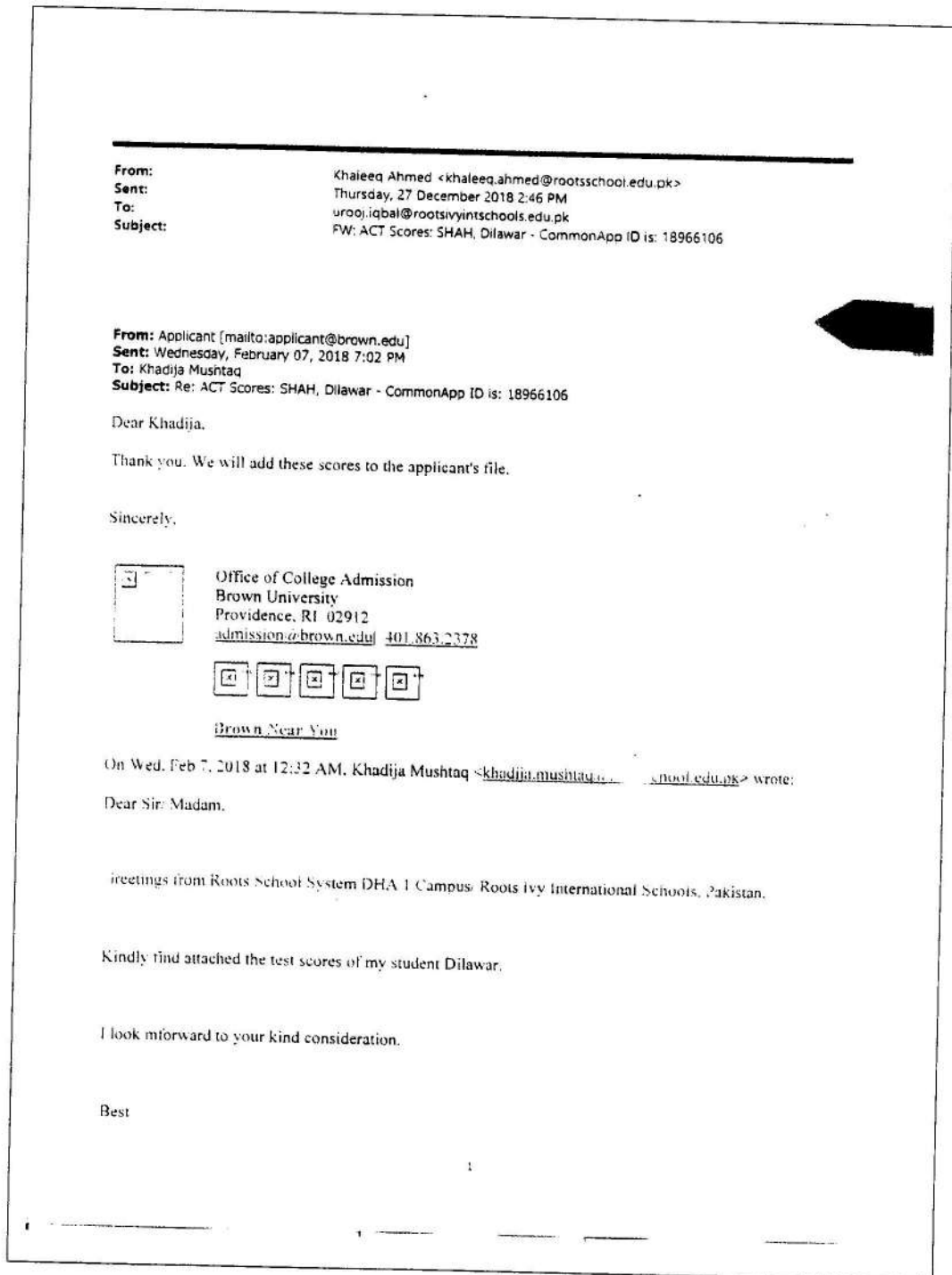
Once you have accepted your offer of admission, you must:

- Pay your enrollment deposit of \$1,300 by April 11.
 - The link to paying the enrollment deposit online will appear automatically on your Application Status page once you have submitted the form accepting your offer of admission. If you are unable to attend the program this summer, please let us know as soon as possible by completing the Admission Reply Form.
- Complete the first part of your online registration form by April 11.
(Registration must be completed by a parent or legal guardian.)

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- vi) Apart from the above, in order to facilitate the admissions of its student the carrier counseling team of the Roots IVY constantly remain in touch with the admission team of IVY League Universities every year and many students accommodated by the IVY League on the basis of mutual correspondence between both the institutions. Copies depicted below:-

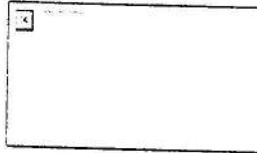


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From: Khaleeq Ahmed <khaleeq.ahmed@rootsschool.edu.pk>
Sent: Thursday, 27 December 2018 2:44 PM
To: urooj.iqbal@rootsivyintschools.edu.pk
Subject: FW: Admission Policy Update

From: admission@brown.edu [mailto:admission@brown.edu]
Sent: Friday, October 05, 2018 12:48 AM
To: khadija.mushtaq@rootsschool.edu.pk
Subject: Admission Policy Update



Dear Khadija,

With the growing number of applicants over the past several years, it has become apparent that changes to how we manage alumni interviews are necessary.

For the year ahead, we will offer applicants the opportunity to request an interview by choosing to "opt-in" via the Brown applicant portal. We make every effort to contact each applicant who opts-in for an alumni interview. In lieu of an interview, students may choose to upload a short "selfie-style" video testimonial to tell us something about themselves. The choice is one or the other - not both.

The video portfolio and alumni interview each provide a wonderful opportunity for us to learn more about your students. The video portfolio and alumni interview are treated equally; we do not prefer one over the other.

Students will have until November 9 to opt-in or upload a video for Early Decision. They will have until January 9 to do the same for Regular Decision.

For more detailed information regarding the video portfolio and alumni interview, please visit our [website](#).

Sincerely,

Logan Powell
Dean of Admission
Brown University

Get connected with Brown!

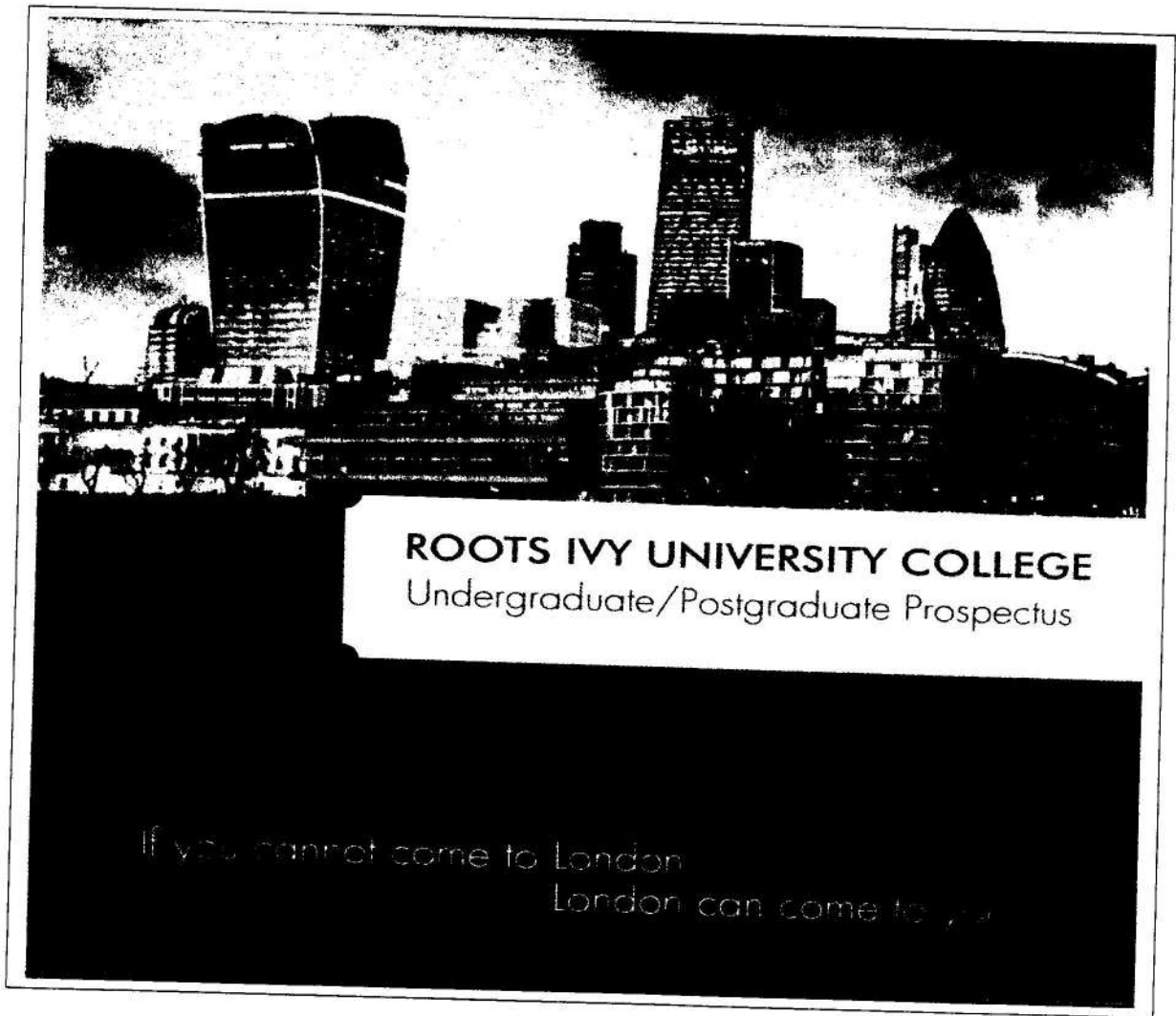


This email was sent to khadija.mushtaq@rootsschool.edu.pk by admission@brown.edu
[Unsubscribe](#) from Brown University

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3.3 Furthermore, the relevant marketing/promotional material of the Respondent is reproduced below for ease of reference:-

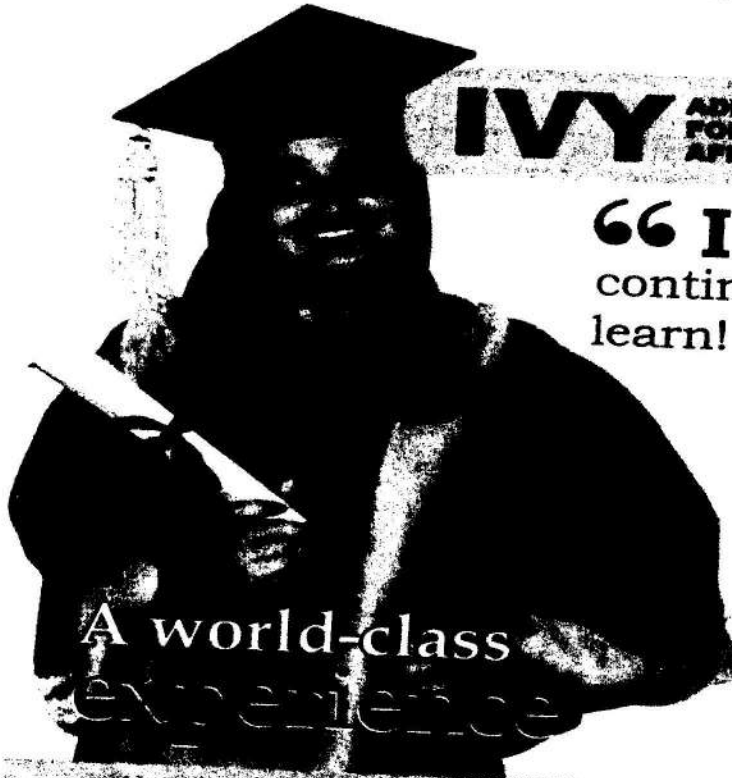


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ROOTS **IVY** INTERNATIONAL SCHOOLS



IVY ADMISSIONS
FORM PACK
APP 001

“ I
continue to
learn! ”

A world-class
experience

www.rootsivyintschools.edu.pk

Dubai | Riyadh | Lahore | Islamabad | Karachi







ROOTS IVY Pakistan



Islamabad | Rawalpindi | Lahore | Faisalabad | Bahawalpur

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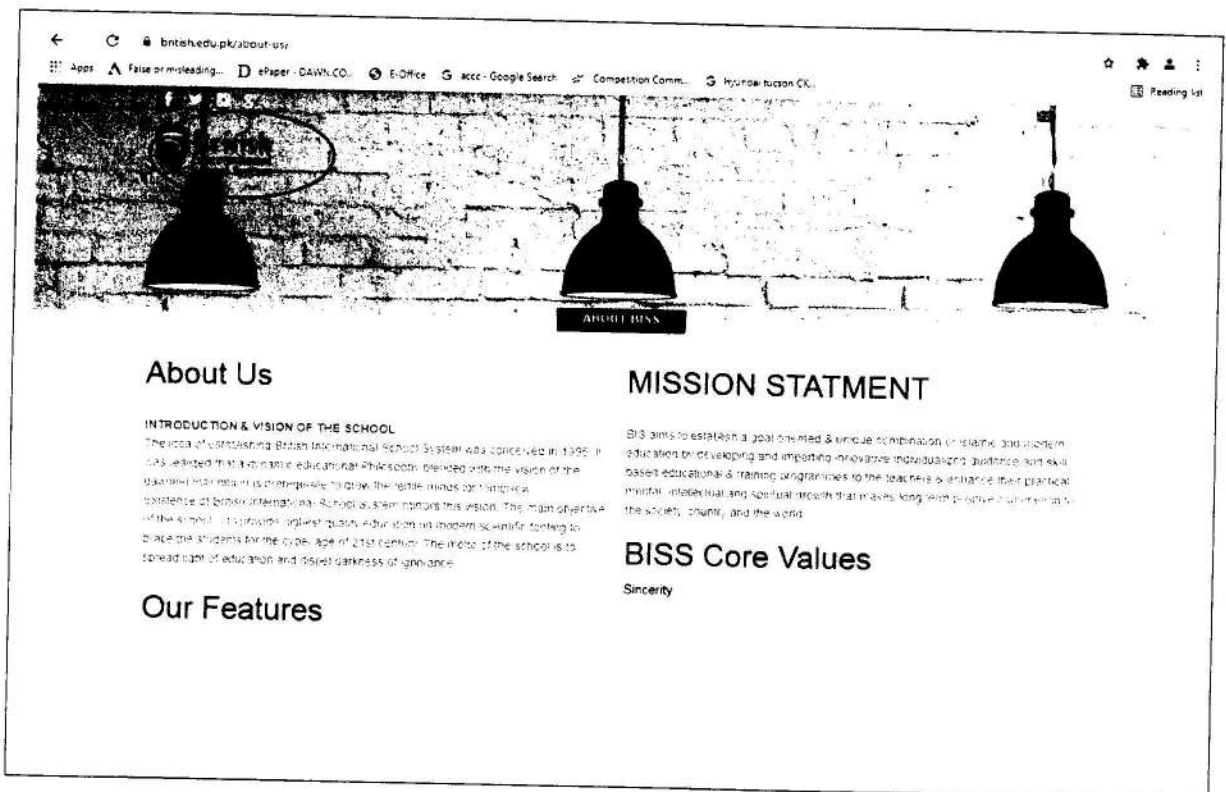
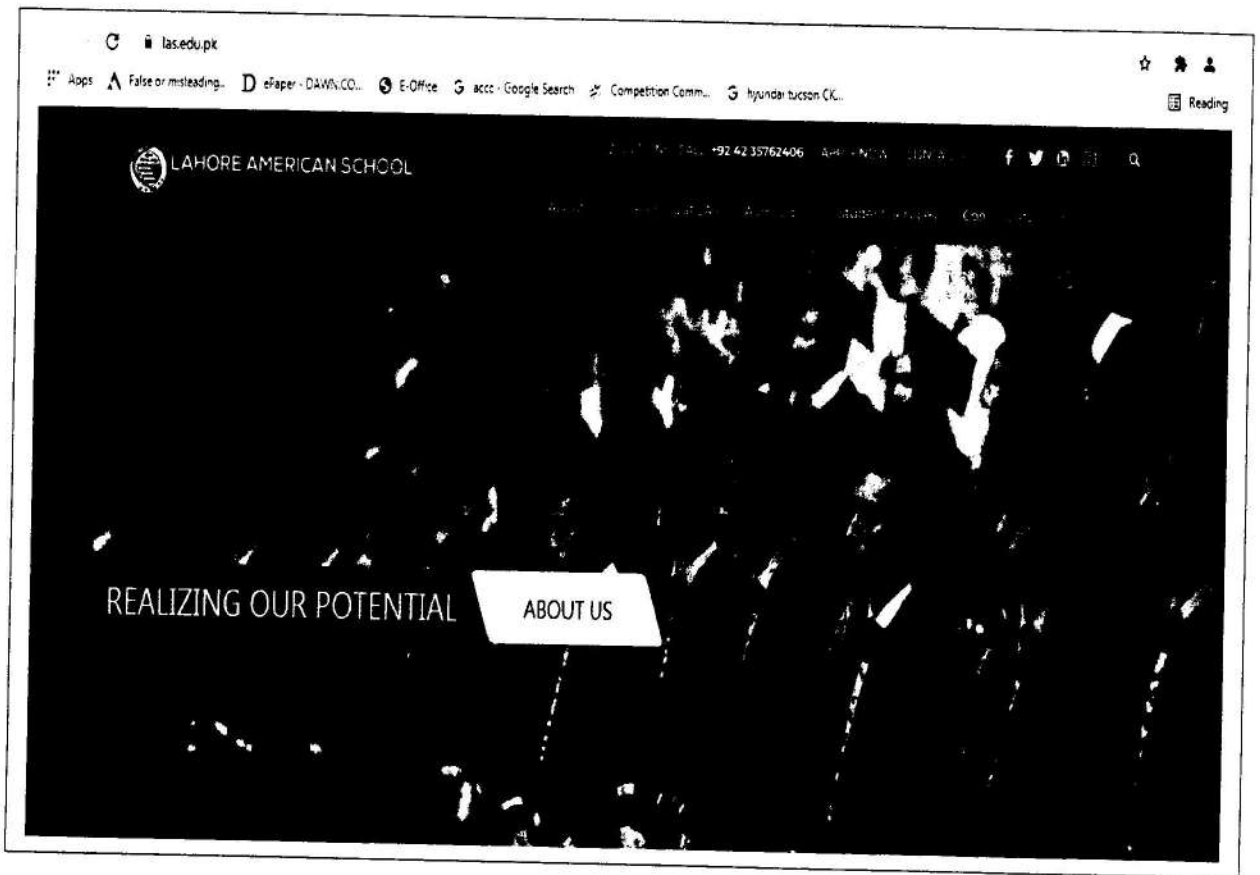
 <p>SAROSH KAYANI</p>  <p>Yale University on a Scholarship of \$ 73,195/- per annum for 4 years</p>	 <p>AHMAD AFZAL BHATTI</p>  <p>Cornell University on a Scholarship of \$ 69,000/- per annum for 4 years</p>	 <p>ZARA SHAHZAD</p>  <p>BROWN</p>	 <p>ADIL JAVED M</p>  <p>VILLANOVA UNIVERSITY on a Scholarship of \$ 70,000/- per annum for 4 years</p>
 <p>HAMZA N. ANSARI</p>  <p>جامعة نيويورك أبوظبي NYU ABU DHABI on a Scholarship of \$ 81,000/- per annum for 4 years</p>	 <p>DURE NAYAB</p>  <p>BABSON on a Scholarship of \$ 74,000/- per annum for 4 years</p>	 <p>ALLAHDAD KHAN</p>  <p>WESLEYAN UNIVERSITY on a Scholarship of \$ 71,085/- per annum for 4 years</p>	 <p>HAIQA KAMRAN</p>  <p>BRYN MAWR COLLEGE on a Scholarship of \$ 68,962/- per annum for 4 years</p>
 <p>MAHAM TANVEER</p>  <p>LEHIGH UNIVERSITY on a Scholarship of \$ 64,244/- per annum for 4 years</p>	 <p>MAHNOOR FAKHAR</p>  <p>Kenyon College on a Scholarship of \$ 63,190/- per annum for 4 years</p>	 <p>RIDA SHAHID</p>  <p>DAVIDSON on a Scholarship of \$ 63,050/- per annum for 4 years</p>	 <p>M. ALI HAIDER</p>  <p>Dickinson on a Scholarship of \$ 60,410/- per annum for 4 years</p>
 <p>HAMMAD MEHMOOD</p>  <p>HOWARD AND WILLIAM SMITH COLLEGES on a Scholarship of \$ 51,000/- per annum for 4 years</p>	 <p>ARYESHA HAROON</p>  <p>SARAH LAWRENCE on a Scholarship of \$ 53,507/- per annum for 4 years</p>	 <p>FARIYA ATHAR BAIG</p>  <p>WHITMAN COLLEGE on a Scholarship of \$ 50,400/- per annum for 4 years</p>	 <p>IBRAHIM KHALID</p>  <p>昆山杜克大学 DUKE KUNSHAN UNIVERSITY on a Scholarship of \$ 40,000/- per annum for 4 years</p>

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3.4 After analyzing the above mentioned promotional material, it is obvious that students of the Respondent got admission in different Ivy League colleges on the basis of qualification obtained from Roots IVY International schools. The use of word "IVY" as part of name by the Respondent is very well in the knowledge of the Ivy League colleges, but they have never objected or raised any objection in the past, particularly while granting admission to the students who got their high school education from the Respondent and were considered to get admission in Ivy League colleges.

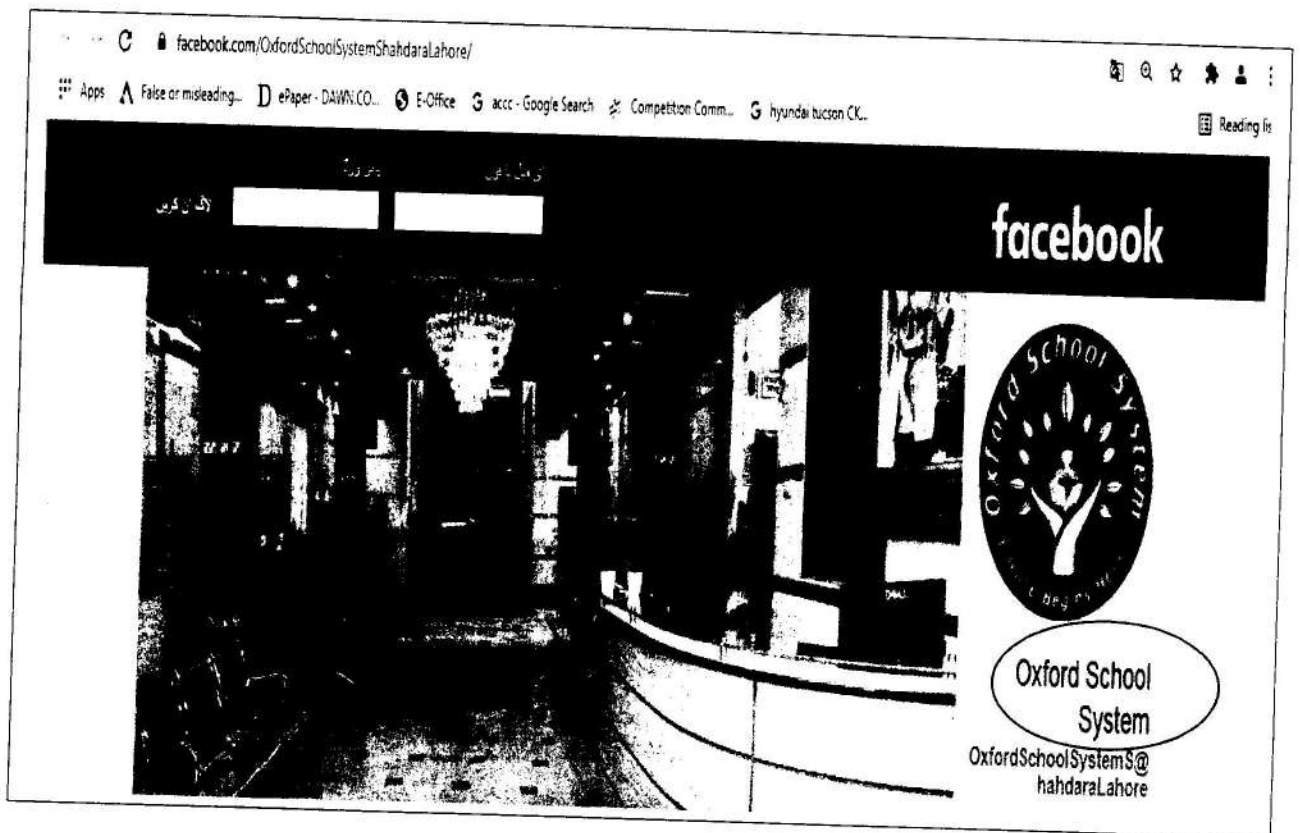
3.5 Furthermore, if we review the names of various schools operating in Pakistan a common practice is found among school/colleges in Pakistan that they use generic words like *Oxford*, *Cambridge*, *American*, and *British* as a part of their school names. It is also evident that the parents and students are well aware about the factual position that using such foreign words as part of their name is a common practice. Screen shots of some of the identical school names which are using such words as part of their names are depicted below:





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3.6 In light of the plea taken by the Respondent and supporting documentary proofs submitted along with their written comments, the enquiry committee is of the view that enquiry approved by the Commission is liable to be closed and consigned to record as no further actions is warranted under the provisions of section 10(2) (d), 10 2(b) and 10 (2) (a) of the Act.

4. CONCLUSION AND RECOMEDNDATION

- 4.1 Based on the explanation furnished by the Respondent and documentary evidence made available in support of their defense, we the undersigned enquiry officers have arrived at the conclusion that, *prima facie*, the allegations leveled against it could not be established. Since neither any violation of 10(2)(d) , 10 2(b) and 10 (2)(a) of the Act have been made nor the institution operating in USA, in spite of having close business relationship ever expressed their concern about the use of term IVY as part of the name which may cause damage to their well-recognized established reputation and goodwill. There is, thus, no question of any alleged fraudulent use of the term adopted as part of their company name running educational institution in Pakistan.
- 4.2 It is, therefore, recommended that enquiry initiated against the Respondent may be closed as it does not warrant any further action under the situation explained in the preceding paras.


Noman Laiq
Director General
Enquiry Officer


Faiz ur Rehman
Deputy Director
Enquiry Officer