

COMPETITION COMMISSION OF PAKISTAN

ENQUIRY REPORT

(Under the provisions of Section 37(2) of the Competition Act, 2010)

IN THE MATTER OF COMPLAINT FILED BY M/S SHAJARPAK (PVT) LIMITED AGAINST M/S AHMAD PASHA COLLECTION, M/S AAMIR CLOTH HOUSE, M/S RAMAZAN FABRICS, M/S PASHA THE DESIGNER FABRICS, M/S SUFI CLOTH HOUSE, M/S BABA PLASTIC, M/S AHMAD PLASTIC & DABBA HOUSE AND M/S KAUSAR BROTHERS PLASTIC CORNER FOR DECEPTIVE MARKETING PRACTICES

BY



Marryum Pervaiz, Faiz-ur-Rehman & Urooj Azeem Awan

Dated: June 12, 2017

1. BACKGROUND

- 1.1 This report concludes the enquiry initiated by Competition Commission of Pakistan (the '**Commission**') under section 37(2) of the Competition Act, 2010 (**the Act**) pursuant to a formal complaint filed with the Commission by M/s Shajarpak (Pvt) Ltd (hereinafter referred to as the '**Complainant**') against the following eight entities namely:

M/s Ahmad Pasha Collection (**Respondent No 1**)
M/s Aamir Cloth House (**Respondent No 2**),
M/s M. Ramazan Fabrics (**Respondent No 3**)
M/s Pasha the Designer Fabrics (**Respondent No 4**)
M/s Sufi Cloth House (**Respondent No 5**)
M/s Baba Plastic (**Respondent No 6**)
M/s Ahmad Plastic & Dabba House (**Respondent No 7**) and
M/s Kausar Brothers Plastic Corner (**Respondent No 8**)

(hereinafter collectively referred to as the '**Respondents**').

- 1.2 It was alleged in the complaint that the Respondents are fraudulently using the Complainant's registered trade mark on the packaging and labeling of their products with similar language, font and color scheme without any authorization from the Complainant. Such conduct of the Respondents is capable of harming the business interest and goodwill of the Complainant, which amounts to, *prima facie*, violation of Section 10 of the Act, i.e., Deceptive Marketing Practices.
- 1.3 Keeping in view the above, the Commission initiated an enquiry in accordance with sub-Section (2) of Section 37 of the Act by appointing Ms. Maryum Pervaiz, Deputy Director, Mr. Faiz ur Rehman, Assistant Director and Ms. Urooj Azeem Awan, Management Executive as the enquiry officers (hereinafter referred to as the '**Enquiry Committee**'). The Enquiry Committee was directed to conduct the enquiry on the issues raised in the complaint and to submit the enquiry report by giving their findings and recommendations *inter alia* on the following:

Whether the allegations leveled in the complaint constitutes a, prima facie, violation of Section 10 of the Act?

2 COMPLAINT, COMMENTS AND REJOINDERS:

- 2.1 The following major assertions were made by the Complainant in its complaint with regard to its business operations and the registered trademark:
- 2.2 The Complainant is engaged in the manufacturing of fine cotton fabrics and allied products. The Complainant is the sole owner and user of registered and well renowned brand which is used in relation to a large variety of fine cloth and textile goods manufactured by the Complainant.

- 2.3 The trademark '*Pasha Fabric*' got registered with the Intellectual Property Organization of Pakistan (IPO-Pakistan) on 2nd of May, 2008, vide registration number 249945. (A copy of the Trademark registration certificate is attached as Annexure-A).
- 2.4 The Complainant is a well known and reputable business entity whose quality and high standard products are in great demand by general public all over Pakistan and also by various other countries around the world.
- 2.5 The Complainant has spent a huge amount of money on the advertisement and marketing to make its trademark a well recognized brand for its products. The trademark Fabrics has been in use of the Complainant for many years.
- 2.6 Furthermore, the Complainant is distributing its clothing products to the general public through its authorized dealers, a list of which is reproduced hereunder for reference:

SHAJARPAK (PVT) LTD

List of Authorized Dealers of Pasha Fabrics

Date: 15/06/2017

S.No	PartyName	City
1	Faisal Fabric	Faisalabad
2	Yaseen Fabric	Faisalabad
3	Al-Ghafoor Cloth House	Faisalabad
4	R-C-G Cloth House	Faisalabad
5	Bashir Sons	Lahore
6	Unique Cloth House	Lahore
7	Raja Sahab	Lahore
8	Arif Cloth House	Lahore
9	Cuff n Collar	Lahore
10	Saleem Fabrics	Lahore
11	Azmat Brothers & Classic	Lahore
12	Ibrahim Cloth House	Lahore
13	Grace Fabrics	Lahore
14	Pearl Fabric	Lahore
15	Bahu Fabrics	Lahore
16	Amir Cloth House	Lahore
17	Fashion Cloth House	Lahore
18	Haji Kareem Buksh Enterprises	Lahore
19	Haji Kareem Buksh Enterprises	Lahore
20	Kashaf Fabrics	Lahore
21	Traditions	Lahore
22	Abdullah Fabrics	Lahore
23	Jojo Fabrics	Lahore
24	Ali Fabrics	Lahore
25	Ahmad Nadeem Fabricse	Lahore
26	Sheranwala Cloth House	Lahore
27	Munir Cloth House	Lahore
28	Al-Wahab Fabrics	Lahore
29	Izhar Fabrics	Lahore
30	R-Sheen Fashion Paradise	Peshawar

- 2.7 The Complainant also alleged that the Respondents are fraudulently using the Complainant's registered trademark on the packaging and labelling of their products in same language, font and color scheme. The packaging and labelling also bear a close

resemblance to the Complainant's packaging and bags. The Complainant submitted that the conduct of the Respondents has the potential to deceive the general public which in return causes damage to the goodwill and reputation of the Complainant.

- 2.8 The Complainant submitted that a large number of customers have protested and complained against the sub standard and poor quality of products supplied by the Respondents using the Complainant's trademark '*Pasha Fabrics*'. Furthermore, the Complainant has suffered huge monetary losses due to the fraudulent conduct of the Respondents.
- 2.9 The Complainant further stated that it owns and possesses the distinct registered trademark but the Respondents are using the same without any authorization from the Complainant. The conduct of the Respondents therefore attracts the provisions of Section 10 (2) (d) of the Act which prohibits fraudulent use of another's trademark, labelling or packaging.
- 2.10 In order to further reinforce its right in the label design, the Complainant obtained copyrights for its various labels. (Copies of the Copyright registration certificates are attached as Annexure-B).

Sr.	Title of Copyright	Registration No.	Registration Date
1.	Pasha Fabrics Red Box	21142	26 April, 2010
2.	Pasha Platinum Black Box	21143	26 April, 2010
3.	Pasha Fancy Fabrics (Blue Box)	21144	26 April, 2010
4.	Pasha Fabrics	21145	26 April, 2010
5.	Pasha Winter Cotton (Silver Grey Box)	21146	26 April, 2010
6.	Pasha Platinum Plus Silver Box	21147	26 April, 2010
7.	Pasha Silverstrom Silver Box	21148	26 April, 2010
8.	Pasha Gold Gold Box	21149	26 April, 2010
9.	Pasha Silka Burgundy Box	21150	26 April, 2010

7

4

~~XXX~~

2.11 The Complainant's sample packagings are given hereunder:



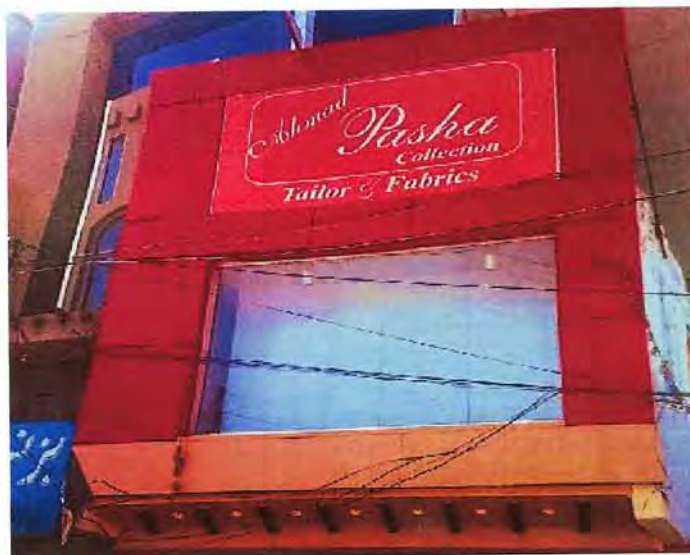
2.12 It was submitted that the use of Complainant's registered trademark, labelling and packaging, without authorization is deceptive and fraudulent, thereby, *prima facie*, violating Section 10 (1) of the Act in general and Section 10 (2) (d) of the Act in particular.

L & ~~XX~~

- 2.13 The Complainant also alleged that the Respondents are selling inferior products under the trademark of the Complainant which is capable of harming the goodwill of the Complainant and is causing irreparable damage.
- 2.14 The Complainant further alleged that some of the Respondents even used fake resembling phone numbers on the packaging of their products to create similarity between their own and the Complainant's packaging. Moreover, some were also engaged in the practice of using word 'registered' on their packaging without having obtained registration from any respective government department.
- 2.15 The Complainant stated that the Respondents are also using the exact same trademark No. 249945 on their product packaging and labelling which is registered in the name of the Complainant.
- 2.16 The Complainant submitted that the Respondents are passing off their products as those of the Complainant to harm the business interests of the Complainant. That the use of term "Pasha" by the Respondents on the packaging of their products for their promotion is malafide and intends to deceive the general public, in violation of Section 10 (1) in terms of Section 10 (2) (a) & (b) of the Act.
- 2.17 Specific allegations against each of the Respondent is summarized below:

I. M/S AHMAD PASHA COLLECTION, TAILOR AND FABRICS (RESPONDENT NO. 1):

- 2.18 It was alleged in the complaint that Respondent No. 1 is using the exact name, logo design and language of the Complainant's product on its packaging in order to mislead the general public. An image of the Respondent's No. 1 outlet in Peshawar is given hereunder for reference:



7

4

6

- 2.19 They further submitted that such unauthorized use of Complainant's trademark/logo by Respondent No. 1 appears to be *malafide* and constitutes violation of Section 10 of the Act.
- 2.20 The complaint, along with its annexures was forwarded to Respondent No. 1 for its comments vide letter dated 24th of April, 2017.
- 2.21 A reply was received from Respondent No. 1 on 8th of May, 2017, wherein it was submitted that the complaint had been filed by the Complainant with malafide intentions and had no cause of action.
- 2.22 The Respondent No. 1 denied using the Complainant's registered trademark '*Pasha Fabric*' on the packaging and labelling of its products with the same language, font and color. The Respondent No. 1 further submitted that it is engaged in the business of Tailor & Fabric which is totally different from that of the Complainant. Furthermore, it submitted that it had no intention to harm the business interests of the Complainant.
- 2.23 The reply of the Respondent No. 1 was forwarded to the Complainant for its rejoinder vide letter dated 29th of May, 2017. The comments were received from the Complainant wherein it reiterated the allegations raised in the original complaint.

II. M/S AMIR CLOTH HOUSE (RESPONDENT NO. 2):

- 2.24 It was alleged in the complaint that the Respondent No. 2 is using the words '*Real Pasha Fabrics*' International' as an identical logo design and label in a similar color scheme. The packaging of the Respondent No. 2 therefore, resembles with the packaging of the Complainant and has the capability of deceiving the general public. An image of the Respondent's No. 2 packaging is given hereunder for reference:



7

7

7

- 2.25 Such unauthorized use of Complainant's trademark/logo, packaging design and labelling by the Respondent No. 2, *prima facie*, appears to be harming the business interests of the Complainant, in violation of Section 10 of the Act.
- 2.26 The complaint, along with its annexures was forwarded to the Respondent No. 2 for its comments vide letter dated 24th of April, 2017 and later a reminder was issued vide letter dated 15th of May, 2017.
- 2.27 A letter was received from Respondent No. 2 wherein it submitted that the Complainant had no cause of action and the complaint had been moved with ulterior motives.
- 2.28 The Respondent No. 2 further submitted that it neither use the name of the Complainant nor violated the registered trademark of the Complainant. Moreover, the Respondent No. 2 denied infringing the intellectual property right of the Complainant and submitted that it had not been using a packaging similar to the packaging of the Complainant.
- 2.29 It also submitted that it is merely just a shopkeeper merchant involved in the sale of fabrics.
- 2.30 The reply of the Respondent No. 2 was forwarded to the Complainant for its rejoinder vide letter dated 29th of May, 2017. The comments of the Complainant were received wherein it had reiterated the allegations raised in the original complaint. It was further stated that no specific comments were provided by the Respondent No. 2 against the allegations raised.

III. M/S RAMAZAN FABRICS (RESPONDENT NO. 3):

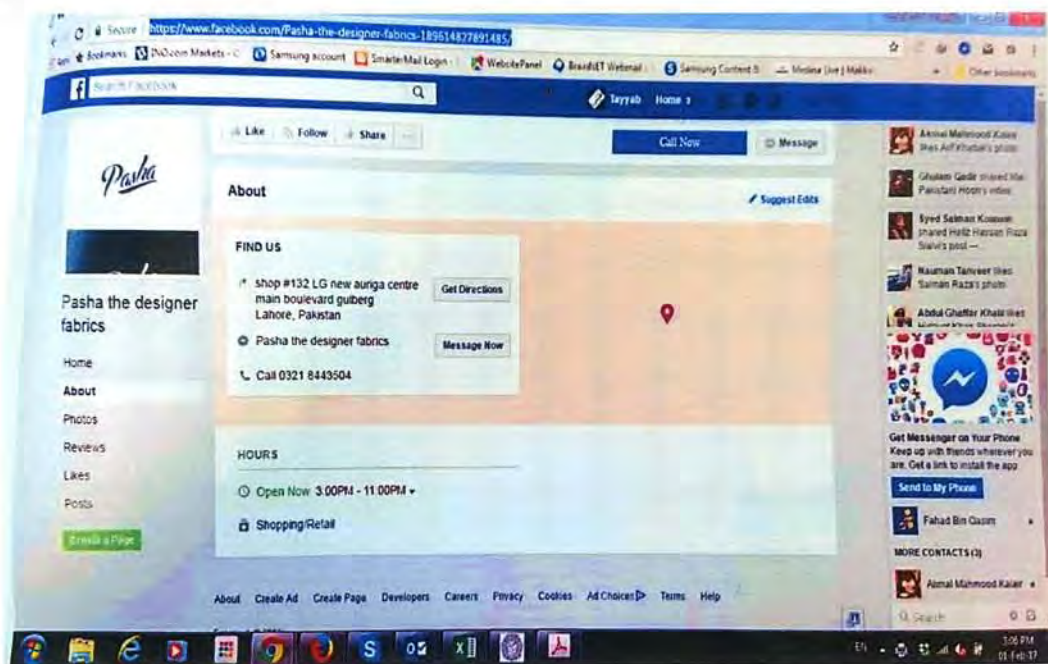
- 2.31 It has been alleged in the complaint that Respondent No. 3 is using the word 'New Pasha Embroidered Series' which is a fake copy of the fine embroidery cloth being manufactured by the Complainant. An image of the Respondent's No. 3 packaging is given hereunder for reference:



- 2.32 It has been submitted that the use of Complainant's name, i.e., Pasha as such in the same product category is, *prima facie*, fraudulent use of a registered trademark, falling within the ambit of Section 10 of the Act.
- 2.33 The complaint, along with its annexures was forwarded to the Respondent No. 3 vide letter dated 24th of April, 2017 and later a reminder was served vide letter dated 15th of May, 2017, but neither the communication was acknowledged nor any comments were furnished by the Respondent No 3.
- 2.34 Moreover, the first letter referred to above was delivered to the address of the Respondent No. 3, whereas the reminder was returned to the office of the Commission stating the reason "change of address".

IV. M/S PASHA THE DESIGNER FABRICS (RESPONDENT NO. 4):

- 2.35 It has been alleged by the Complainant that the Respondent No. 4 has copied the logo and design of their registered trademark. However, the Respondent No. 4 has added a line below the words to make a distinction which is still in fact a violation of the Act and infringement of the intellectual property of the Complainant.
- 2.36 A screenshot of the facebook page of the Respondent No. 4 was submitted by the Complainant which is reproduced hereunder for reference:



- 2.37 The use of Complainant's trademark without authorization misleads consumer and causes harm to the business interests of the Complainant, thereby amounting to deceptive marketing practices under Section 10 of the Act.

- 2.38 The complaint, along with its annexures was forwarded to Respondent No. 4 for its comments vide letter dated 24th of April, 2017.
- 2.39 A reply was received through a letter dated 10th of May, 2017, wherein the Respondent No. 4 submitted that it had ceased conducting business since September, 2015. Furthermore, it was submitted that its facebook page has also not been updated with any clothing item since August 2015.
- 2.40 The Respondent No. 4 further submitted that his name is *Zulfiqar Ali Pasha* because of which its outlet and facebook page were named after him as *Pasha the Designer Fabrics*.
- 2.41 Moreover, the Respondent No. 4 also submitted that the Complainant had a right over the words used in combination instead of the exclusive word '*Pasha*' which represents a tribe and therefore no violation of Section 10 has occurred by the use of name '*Pasha the Designer Fabrics*'. The Respondent No. 4 also submitted that the trademark and logo being used by him was completely different from the one registered by the Complainant.
- 2.42 The Respondent No. 4 prayed that the complaint may be vacated as it had no cause of action.
- 2.43 The reply of the Respondent No. 4 was forwarded to the Complainant for its rejoinder vide letter dated 29th of May, 2017. The comments were received from the Complainant wherein, it had reiterated the allegations as raised in the original complaint. It was further stated that no comments were provided by the Respondent No. 4 regarding the assertions made within the complaint.

V. M/S SUFI CLOTH HOUSE (RESPONDENT NO. 5):

- 2.44 It was alleged in the complaint that the Respondent No. 5 is using the exact labelling style, color format and design similar to the Complainant's packaging in order to deceive the general public. This conduct of the Respondent No. 5 results in damaging the goodwill and reputation of the Complainant. An image of the Respondent's No. 5 packaging is given hereunder for reference:



- 2.45 The use of similar/identical packaging has the potential to mislead the consumers, thereby causing financial losses to the Complainant, which amounts to deceptive

7 4

marketing practices prohibited under Section 10 of the Act. The complaint, along with its annexures was forwarded to Respondent No. 5 for its comments vide letter dated 24th of April, 2017 and later a reminder was served vide letter dated 15th of May, 2017, but neither the communication was acknowledged nor any comments were furnished by the Respondent No 5.

VI. M/S BABA PLASTIC (RESPONDENT NO. 6):

- 2.46 It was alleged in the complaint that the Respondent No. 6 is engaged in selling the packaging material including boxes and hand bags with the same name, logo and language as that of the Complainant in order to deceive the general public. An image of the Respondent's No. 6 packaging is given hereunder for reference:



- 2.47 It was further alleged that the unauthorized use of Complainant's registered trademark by the Respondent No. 6 is damaging the goodwill of the Complainant and inflicting financial losses.
- 2.48 The complaint, along with its annexures was forwarded to Respondent No. 6 for its comments vide letter dated 24th of April, 2017. A reply was received from the Respondent No. 6 dated 6th of May, 2017, wherein it requested for an extension in time period to file comments, which was granted vide letter dated 15th of May, 2017.
- 2.49 The comments/ reply of the Respondent No. 6 were received by the Enquiry Committee vide letter dated 13th of May, 2017. It was submitted by the Respondent No. 6 that it is not engaged in the business of manufacturing fabrics/textiles. Instead it is involved in selling packaging material which is not related to the products of the Complainant.
- 2.50 The Respondent No. 6 also submitted that it sells goods according to the demand of the market. It further submitted that it is not involved in using similar trademarks to that of the Complainant. Instead, it sells bags and packaging generally demanded in the market which usually have nothing written on them. Moreover, it purchases its products from the local printers/ manufacturers in the market.
- 2.51 The Respondent No. 6 further submitted that the instant complaint against it may be vacated.

7 4

- 2.52 The reply of the Respondent No. 6 was forwarded to the Complainant for its rejoinder vide letter dated 29th of May, 2017. The comments of the Complainant were received wherein it had reiterated the allegations raised in the original complaint. It further stated that no comments were provided by the Respondent No. 6 which extended an explanation or evidence regarding the denial of assertions made within the complaint.

VII. M/S AHMAD PLASTIC & DABBA HOUSE (RESPONDENT NO. 7):

- 2.53 It was alleged in the complaint that the Respondent No. 7 is engaged in selling the packaging material including boxes and hand bags with the same name, logos and language as that of the Complainant in order to deceive the general public. An image of the Respondent's No. 7 packaging is given hereunder for reference:



- 2.54 It has been alleged that the unauthorized use of Complainant's registered trademark by the Respondent No. 7 is damaging the goodwill of the Complainant and inflicting financial losses.
- 2.55 The complaint, along with its annexures was forwarded to Respondent No. 7 for its comments vide letter dated 24th of April, 2017 and later a reminder was served vide letter dated 15th of May, 2017, but neither the communication was acknowledged nor any comments were furnished by the Respondent No 7.

VIII. M/S KAUSAR BROTEHRS PALSTIC CORNER (RESPONDENT NO 8):

- 2.56 It was alleged in the complaint that the Respondent No. 8 is engaged in selling the packaging material including boxes and hand bags with the same name, logos and language as that of the Complainant in order to deceive the general public. An image of the Respondent's No. 8 packaging is given hereunder for reference:

7

h

12



- 2.57 It was further alleged that the unauthorized use of Complainant's registered trademark by the Respondent No. 8 is damaging the goodwill of the Complainant and inflicting financial losses.
- 2.58 The complaint, along with its annexures was forwarded to Respondent No. 8 for its comments vide letter dated 24th of April, 2017. A fax was received from the Respondent No. 8 on 8th and 11th of May, 2017, requesting for extension in time period of submitting a reply to the complaint.
- 2.59 The extension was granted to the Respondent No. 8 vide letter dated 15th of May, 2017. However, the Respondent No. 8, vide fax dated 19th of May, 2017, requested for further extension in time period to furnish a reply. A further extension in time period was granted vide letter dated 29th of May, 2017.
- 2.60 A reply was received from the Respondent No. 8 stated that it had nothing to do with the trademark of 'Pasha Fabrics' as it is neither sell the Complainant's boxes nor manufactured similar products, and therefore, the complaint against it is not maintainable.
- 2.61 The reply of the Respondent No. 8 was forwarded to the Complainant for its rejoinder. The same was received from the Complainant wherein it had reiterated the allegations raised in the original complaint. Furthermore, it stated that the Respondent No. 8 has extended no explanation or evidence regarding the denial of assertions made within the complaint.

7 2

3 ANALYSIS:

- 3.1. The mandate of this enquiry report is to determine whether, the allegations made by the Complainant against the acts of the Respondents are in violation of Section 10 of the Act, elaborated as under:-

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.

- 3.1. Before discussing the submissions of the Complainant and Respondents, it is relevant to mention that according to the Consumer Protection from Unfair Trading Regulations 2008, UK, a list of prohibited commercial practices, as transposed from the Unfair Commercial Practices Directive 2005 (UCPD), include at item no. 13 "*Promoting a product similar to a product made by a particular manufacturer in such a manner as to deliberately mislead the consumer into believing that the product is made by the same manufacturer when it is not.*"¹
- 3.2. For these purposes, it is also necessary to understand a few concepts and laws pertinent to Intellectual Property Rights (IPR). IP refers to any form of 'creative/artistic works' or 'intellect' created by the owner of that 'creative work' who is then assigned, by law, a monopoly for its use. The protection provided to the owners of such IP, are therefore, referred to as intellectual property rights (IPRs). IPRs are protected through copyrights, patents, industrial design rights, trademarks, and trade dress allotted to the creators and owners of IP.
- 3.3. In this reference, for the purpose of this enquiry, it is essential to understand in detail the meaning of the concepts of 'trademark' and 'trade dress'. According to Trademark Act,

¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016SC0163> ,

1940, trademark has been defined as, “(l) “trade mark” means a mark used or proposed to be used in relation to goods for the purpose of indicating or so as to indicate a connection in the course of trade between the goods and some person having the right, either as proprietor or as registered user, to use the mark whether with or without any indication of the identity of that person”;², whereas, mark is defined as, “(f) “mark” includes a device, brand, heading, label, any combination thereof;”³. Therefore, a trademark is a distinguishable sign, design or expression which differentiates goods and services of the producer from that of its competitors.

- 3.4. International Trademark Association defines trade dress as, “Trade dress is the overall commercial image (look and feel) of a product that indicates or identifies the source of the product and distinguishes it from those of others. It may include the design or shape/configuration of a product; product labeling and packaging; and even the décor or environment in which services are provided. Trade dress can consist of such elements as size, shape, color and texture, to the extent that such elements are not functional. In many countries, trade dress is referred to as ‘get-up’ or ‘product design’.”⁴
- 3.5. Trademark Ordinance, 2001, via Section 40, discusses in detail the conducts which may result in trademark (IP) infringement⁵. Furthermore, Section 10 (2) (d) of the Act also prohibits fraudulent use of another’s trademark, firm name, product labelling or packaging.
- 3.6. This Enquiry Report shall make reference to the DHL Order⁶, wherein para 48, the Honorable Commission has made the following references:

‘We also would like to refer to the judgments of Hoffmann-La Roche [1978] E.C.R. 1139, para.7, and Philips Electronics NV v Remington Consumer Products Ltd [2002] ECR I-0000; wherein it was held that “the essential function of a trademark is to guarantee the identity of origin of the marked goods or services to the consumer or end user by enabling him, without any possibility of confusion, to distinguish the goods or services from others which have another origin. For the trade mark to be able to fulfill its essential role in the system of undistorted competition, it must offer a guarantee that all the goods or services bearing it have been manufactured or supplied under the control of a single undertaking which is responsible for their quality”. It is also pertinent to highlight that in the judgments of Arsenal Football Club v. Matthew Reed [2003] RPC 9 and Loendersloot [1997] E.C.R. I-6227 it was observed that “for that guarantee of origin, which constitutes the essential function of a trade mark, to be ensured, the

² http://www.acif.org.pk/Files/TradeMarkAct_1940.pdf

³ http://www.acif.org.pk/Files/TradeMarkAct_1940.pdf

⁴ <http://www.inta.org/TrademarkBasics/FactSheets/Pages/Trade-Dress.aspx>

⁵ http://www.acif.org.pk/Files/TradeMark_Ordinance%202001.pdf

⁶ *ibid*

7

8

9

proprietor must be protected against competitors wishing to take unfair advantage of the status and reputation of the trade mark by selling products illegally bearing it.'

- 3.7. Further, reference has been made to the order of the Commission, In the Matter of Complaint filed by M/s. DHL Pakistan (Pvt.) Ltd⁷ (hereinafter the '**DHL Order**'), Para 47 of the Order, the Honorable Commission held:

'In a larger sense, trademarks promote initiative and enterprise worldwide by rewarding the owners of trademarks with recognition and financial profit. Trademark protection also hinders the efforts of unfair competitors, such as counterfeiters, to use similar distinctive signs to market inferior or different products or services. This enables people with skill and enterprise to produce and market goods and services in fair conditions, thereby facilitating international trade.'

- 3.8. Moreover, the Honorable Commission has further held in its order In the Matter of M/s China Mobile Pak Limited and M/s Pakistan Telecom Mobile Limited⁸ (hereinafter referred to as the '**Zong Order**') that the term consumer, as referred to in Section 10 of the Act, has to be construed in the widest sense so as to refer to the '*ordinary consumer*,' which is distinct from the concept of the '*ordinary prudent man*,' as evolved under Contract Law. The Zong Order further holds that unlike the "ordinary prudent man" the thrust on ordinary diligence, caution/ duty of care and ability to mitigate (possible inquiries) on the part of the consumer would not be considered relevant factors "*when looking at a deceptive commercial practice.*"

- 3.9. The Commission, in the matter of *M/s K&N's Foods (Pvt.) Ltd vs. M/s Rahim Foods Limited*, in order to set a benchmark for the Commission's consideration and consequent adjudication of cases, held that the Commission considers it appropriate to examine the packaging and product labelling appearance of a finished product as a whole which may collectively include visually confusing resemblances in elements of color scheme, layout style, design, images, labels, font usage etc., instead of each individual similarity in isolation, to come to its determination as to a contravention under Section 10 (2)(d) of the Act⁹. It further held that;

"...the copycat incurs minimal cost and in fact none of the cost of investment and innovation in design that the market leader has spent to build goodwill and reputation of its brand assets in the relevant market. Hence, where product differentiation is insufficient, such a practice on part of the copycat has fatal consequences for the business of the market leader."

And

⁷ http://www.cc.gov.pk/images/Downloads/dhl_pakistan.pdf

⁸ <http://www.cc.gov.pk/images/Downloads/ZONG%20-%20Order%20-%202029-09-09%20.pdf>

⁹ In the Matter of show cause notice issued to M/S A.Rahim Foods (Private) limited for deceptive marketing practices. Para no 17, sub –para 'e'

7

4

~~11~~

*".... The Commission shall, therefore, be satisfied that the evidence adduced before it is conclusive, if the strikingly similar packaging and labeling is misleading enough to cause confusion in the minds of the average consumer of a commodity, with the end result of an unjust advantage accruing to the copycat at the expense of and to the detriment of the Complainant."*¹⁰

- 3.10. Similarly, the colors used by the Complainant are not the intellectual property of the Complainant, nor does it have the sole right to use those colors in the relevant product category. However, it has been held by the U.S. Court of Appeals in the matter of *Beneficial Corp v. FTC*, 542 F. 2d 611 (3rd Circuit. 1976) 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."*¹¹

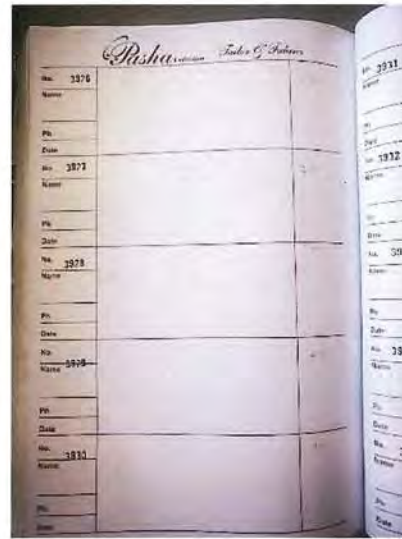
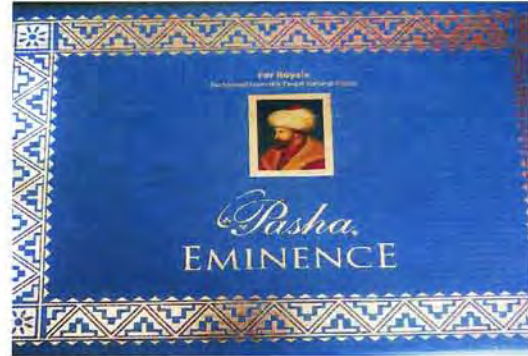
- 3.11. On the basis of information presented above, it will be determined whether the Respondents have been in violation of Section 10 of the Act or not ?

I. M/S AHMAD PASHA COLLECTION, TAILOR AND FABRICS (RESPONDENT NO. 1):

- 3.12. As indicated in Para. No. 2.22 above, the Respondent No. 1 had submitted in its reply that it was not using the Complainant's registered trademark '*Pasha Fabrics*' on the packaging and labelling of its products with the same language, font and color. Furthermore, it submitted that it had no intention to harm the business interest of the Complainant.
- 3.13. However, as reproduced in Para. No. 2.18 above, the words on the billboard installed outside the Respondent No. 1's outlet clearly read "*Ahmad Pasha Collection Tailor and Fabrics*". The font and style of word *Pasha* on the billboard appear deceptively similar to that of the Complainant's registered trademark.
- 3.14. Similarly, upon investigation by the Enquiry Committee it was found that the Respondent No. 1 is also engaged in the sale of clothings in the name, style and packaging of the Complainant. Infact, it was found that the Respondent No. 1 had a separate section in its outlet named '*Pasha Cotton Club*' displaying clothes in the name of '*Pasha Fabrics*'. Images from the outlet are reproduced hereunder for reference:

¹⁰ In the Matter of show cause notice issued to M/S A.Rahim Foods (Private) limited for deceptive marketing practices. Para no 17, sub -para 'c' & 'd'

¹¹ <http://openjurist.org/542/f2d/611/beneficial-corporation-v-federal-trade-commission#fn6>



- 3.15. Although Respondent No. 1 is not found involved in the use of the complete trademark of the Complainant, i.e., 'Pasha Fabrics', however the style of using the word "Pasha" is exactly similar to that of the Complainant and the use of similar style and get up of packaging further can easily mislead the customers into believing that the product belongs to the the Complainant.
- 3.16. Furthermore, the Complainant has its own registered dealers that engage in the sale of its products with due authorization. The Respondent No. 1 does not posses the authorized dealership of the Complainant.
- 3.17. Therefore, the use of word Pasha in a style font and color similar to that of the Complainant in combination with sale of clothes in packagings identical to that of the Complainant, the act of the Respondent No. 1, *prima facie*, is in violation of Section 10 (1) of the Act in terms of Section 10 2(d) which prohibits *fradulent use of another's trademark, firm name, product labeling or packaging*. In view of the above, it also appears that the act of the Respondent No.1 is not only misleading the consumers about its products but it is also capable of harming the business interest of the Complainant in violation of Section 10 2 (a) & (b) of the Act.

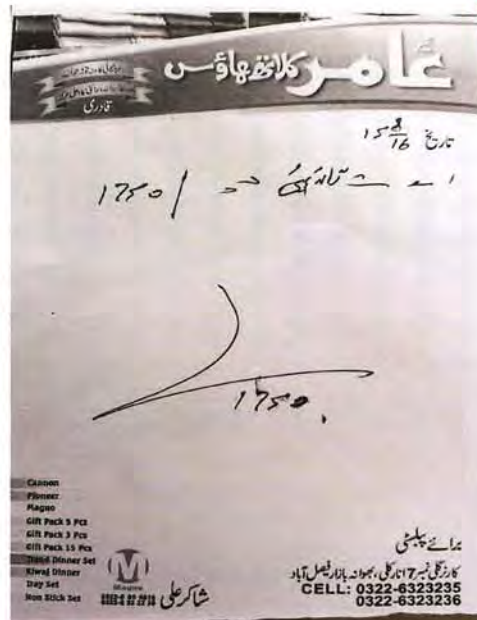
7

8

9

II. M/S AMIR CLOTH HOUSE (RESPONDENT NO. 2):

- 3.18. As indicated in Para No. 2.27 to 2.29 above, the Respondent No. 2 submitted that it is not engaged in the sale of products in the name and style of 'Pasha Fabrics'. However, the Complainant along with the complaint had submitted the product purchased from the Respondent No. 2 labeled as 'Real Pasha Fabrics International', as already reproduced in Para. No. 2.24 above.
- 3.19. The product of the Respondent No. 2 was submitted as evidence alongwith the bag and an original receipt from the receipt book. The receipt is reproduced hereunder for reference:



- 3.20. However, upon investigation it was found out that the Respondent No. 2 had removed the products similar to that of Complainant's product from its outlet in Faisalabad. This conduct of the Respondent No. 2 shows its malafide intentions to conceal facts from the Enquiry Committee.
- 3.21. Therefore, in light of submissions and evidences, the act of Respondent No. 2 is found, *prima facie*, in violation of Section 10 (1) of the Act in terms of Section 10 2(d) which prohibits *fraudulent use of another's trademark, firm name, product labeling or packaging*. In view of the above, it also appears that the act of the Respondent No. 2 is not only misleading the consumers but it is also capable of harming the business interest of the Complainant in violation of Section 10 2 (a) & (b) of the Act.

7 4 19

III. M/S RAMAZAN FABRICS (RESPONDENT NO. 3):

- 3.22. As indicated in Para. No. 2.33 above, the communication with the Respondent No. 3 was not acknowledged and therefore the assertions made in the complaint against it had remained unsubstantiated.
- 3.23. However, the Complainant had submitted products purchased from the Respondent No. 3 labeled as 'New Pasha Embroidered Series' alongwith the complaint, as reproduced in Para. No. 2.31 above.
- 3.24. The product of the Respondent No. 3 was submitted with the Commission as an evidence accompanied by the bag and an original receipt from the receipt book. The receipt is reproduced hereunder for reference:

ایم رمضان فیکریس
جیٹس ورائٹی کا اعلیٰ مرکز
بیو آف بازار نزد ہاٹو مارکیٹ فیصل آباد

فون: 0324-7728727
موبائل: 0323-6627651

Date: 11/05/16

نمبر: 1358

نیا خریدار

تعداد	تفصیل	نرخ	مبلغ
1	پشاور		1600

نوٹ: اسٹاک کی تبدیلی، ادائیگی 7 دنوں میں

- 3.25. However, during the course of correspondence, upon investigation it was found out that the Respondent No. 3 had removed the products in the name of 'Pasha Fabrics' from its outlet in Faisalabad. This conduct of the Respondent No. 3 shows its malafide intentions to conceal facts from the Enquiry Committee.
- 3.26. Therefore, in light of submissions and evidences, the act of the Respondent No. 3 is found, *prima facie*, in violation of Section 10 (1) of the Act in terms of Section 10 2(d) which prohibits *fraudulent use of another's trademark, firm name, product labeling or packaging*. In view of the above, it also appears that the act of the Respondent is not

7

4

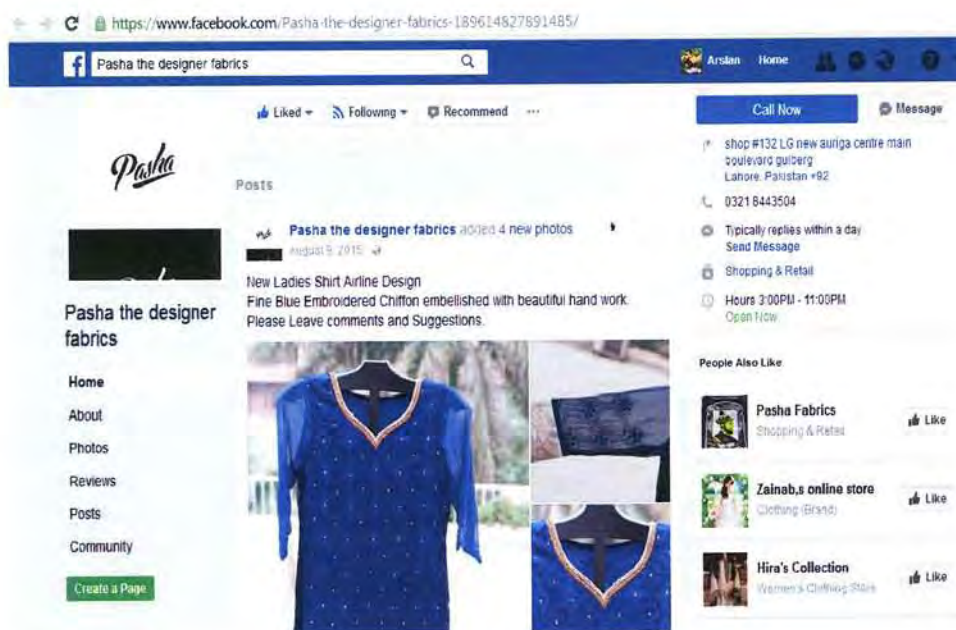
3/3

only misleading the consumers about its products but it is also capable of harming the business interest of the Complainant in violation of Section 10 2 (a) & (b) of the Act.

IV. M/S PASHA THE DESIGNER FABRICS (RESPONDENT NO. 4):

3.27. As indicated in Para. No. 2.39 to 2.42 above, the Respondent No. 4 had submitted that it had ceased business for clothing products since September, 2015. It further submitted that it had named its business 'Pasha The Designer Fabrics' in its own name as he belonged to the tribe Pasha.

3.28. However, the Complainant had submitted that the Respondent No. 4 had been engaged in selling its products in the same name on Facebook page as well. Upon investigating the facebook page,¹² it was observed that the page has been inactivated for the sale of clothing items since 9th of August, 2015. It is pertinent to mention that the Respondent No. 4 is still using the logo of Pasha on its Facebook page. The screen shot of the facebook page is reproduced below for reference:



3.29. Therefore, in light of the evidences it is concluded that the Respondent No. 4 had, *prima facie*, violated Section 10 (1) of the Act in terms of Section 10 2(d) which prohibits *fradulent use of another's trademark, firm name, product labeling or packaging*. It also appears that the act of the Respondent No. 4 is not only misleading the consumers about its products but it is also capable of harming the business interest of the Complainant in violation of Section 10 2 (a) & (b) of the Act.

¹² <https://www.facebook.com/Pasha-the-designer-fabrics-189614827891485/>

7

7

7

V. **M/S SUFI CLOTH HOUSE (RESPONDENT NO. 5):**

3.30. As indicated in Para No. 2.45 above, the Respondent No. 5 had not only failed to acknowledge the letter of the Commission regarding the intimation of enquiry initiated against it but also failed to submit any substantiation against the assertions made within the complaint. Therefore, the analysis is based on the submissions of the Complainant and investigation of the Enquiry Committee.

3.31. The Complainant had submitted the product of Respondent No. 5 along with its bag, as reproduced in Para. No. 2.44 above. The original receipt was also submitted by the Complainant, which is reproduced hereunder for reference:

نمبر	تفصیل	کمیت	قیمت
1	1600	1600	
2	1600	1600	

3.32. The Enquiry Committee upon investigation found that the Respondent No. 5 was selling the products in the name of 'Pasha Fabrics'. The same can be seen from images hereunder:



7 4 11

- 3.33. Therefore, in light of submissions and evidences, the act of Respondent No. 5 is found, *prima facie*, in violation of Section 10 (1) of the Act in terms of Section 10 2(d) which prohibits *fraudulent use of another's trademark, firm name, product labeling or packaging*. In view of the above, it also appears that the act of the Respondent No. 5 is not only misleading the consumers about its products but it is also capable of harming the business interest of the Complainant in violation of Section 10 (1) in terms of Section 10 2 (a) & (b) of the Act.

VI. M/S BABA PLASTIC (RESPONDENT NO. 6):

- 3.34. As indicated in Para. No. 2.50 to 2.52 above, the Respondent No. 6 submitted that it is not engaged in the manufacture and sale of clothing products instead it is involved in the sale of packagings of boxes. It further submitted that it supplies box packaging based on the market demand of the packagings.
- 3.35. However, the Complainant had submitted packagings obtained from the Respondent No. 6 accompanied by a receipt which is reproduced hereunder for reference:



- 3.36. It is pertinent to mention here that the Respondent No. 6 has, on some of its packagings referred to in Para. No. 2.46 above, spelled *Pasha* as *Pashah*, with an 'h' added at the end. However, the meaning, phonetics and representation of the trademark still remain the same.
- 3.37. The Enquiry Committee, during investigation, was told by the Respondent No. 6 that it is not selling the packagings in the name of '*Pasha Fabric*'. Moreover, the Respondent No. 6 had outrightly denied the use of *Pasha's* packaging in its reply to the Commission.
- 3.38. Therefore, in light of the submissions during investigation it is hard to estimate when the Respondent No. 6 had ceased sale of the packagings in question. However, the sale of packagings by the Respondent No. 6 can still be validated by the purchase receipt produced by the Complainant.

7 9 13

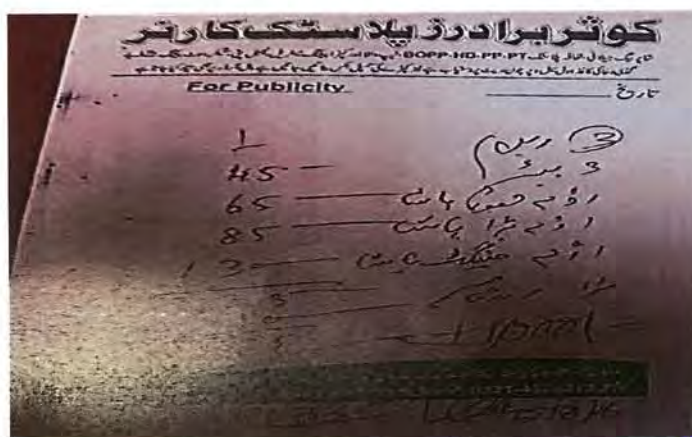
- 3.39. Therefore, in light of submissions and evidences, the Respondent No. 6 is found, *prima facie*, in violation of Section 10(1) of the Act in terms of Section 10 2(d) which prohibits *fraudulent use of another's trademark, firm name, product labeling or packaging*. In view of the above, it also appears that the act of the Respondent No. 6 is not only misleading the consumers about its products but it is also capable of harming the business interest of the Complainant in violation of Section 10 2 (a) & (b) of the Act.

VII. M/S AHMAD PLASTIC & DABBA HOUSE (RESPONDENT NO. 7):

- 3.40. As indicated in Para. No. 2.56 above, the Respondent No. 7 had not only failed to acknowledge the letter of the Commission regarding the intimation of enquiry initiated against it but also failed to submit any substantiation against the assertions made within the complaint. Therefore, the analysis is based on the submissions of the Complainant and investigation of the Enquiry Committee. It is pertinent to mention that the Complainant had submitted packagings obtained from the Respondent No. 7 along with the complaint.
- 3.41. Therefore, in light of the submissions of Complainant and based on the facts at hand, the Respondent No. 7 is found, *prima facie*, in violation of Section 10(1) of the Act in terms of Section 10 2(d) which prohibits *fraudulent use of another's trademark, firm name, product labeling or packaging*. In view of the above, it also appears that the act of the Respondent No. 7 is not only misleading the consumers about its products but it is also capable of harming the business interest of the Complainant in violation of Section 10 2 (a) & (b) of the Act.

VIII. M/S KAUSAR BROTHERS PLASTIC CORNER (RESPONDENT NO. 8):

- 3.42 As indicated in Para. No. 2.61 above, the Respondent No. 8 has denied the use of Complainant's trademark 'Pasha Fabrics' on the sale of packaging of boxes.
- 3.43 However, the Complainant had supplied the Enquiry Committee with packaging box purchased from the Respondent No. 8 bearing the name 'Pasha Fabrics', along with the purchase receipt. The receipt is reproduced hereunder for reference:



- 3.44 During the course of enquiry, the Enquiry Committee upon investigation found that the Respondent No. 8 is selling packaging boxes for sale bearing name 'Pasha Fabrics'. The same can be seen from image reproduced hereunder:



- 3.45. Therefore, in light of the submissions and facts' at hand, the Respondent No. 8 is found, *prima facie*, in violation of Section 10(1) of the Act in terms of Section 10 2(d) which prohibits *fraudulent use of another's trademark, firm name, product labeling or packaging*. In view of the above, it also appears that the act of the Respondent No. 8 is not only misleading the consumers about its products but it is also capable of harming the business interest of the Complainant in violation of Section 10 (1) in terms of Section 10 2 (a) & (b) of the Act.

4. CONCLUSION AND FINDINGS:

- 4.1. This enquiry report aimed at examining whether the allegation of the Complainant, that the Respondents are fraudulently using the Complainant's trademark, firm name, or product labeling or packaging, are valid or not. Since the Respondents failed to produce their defense, the submissions of the Complainant were thoroughly analyzed to draw the conclusion.
- 4.2. The Complainant applied for the registration of trademark with the title, 'PASHA FABRICS', under Trade Marks Ordinance, 2001. The copy of the trademark registration certificate was submitted which supported its claim. The use of trademark was allowed with effect from May 02, 2008. The trademark registration certificate proves that the

7

h

X

Complainant is the first and rightful owner of the subject trademark. Moreover, the Complainant also owns copyrights for its logo and various label designs available in the market.

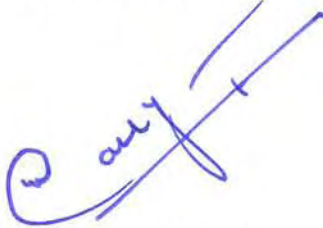
- 4.3. In light of the list of registered distributors provided by the Complainant, none of the Respondents were authorized by the Complainant to use the trademark '*Pasha Fabrics*'. It can thus be certainly concluded that the Respondents are involved in trademark infringement.
- 4.4. Moreover, the Respondents are not only copying the Complainant's trademark, but they are also completely imitating its trade dress. The slight alterations made by the Respondents are insignificant and the trade dress by the Respondents still resembles greatly to that of the Complainant. Analyzing it as a whole, the Respondents are using a similar/identical trade dress and same or slightly differentiated trademark, '*Pasha Fabrics*', due to which their products appear similar to that of the Complainant's product.
- 4.5. Even if it is assumed that the Respondents in this case chose a slightly modified trademark, the rest of the packaging is so similar to the original packaging of the Complainant that the consumer would easily accept one for the other. Therefore, it is clear that the Respondents, by imitating not only the Complainant's trademark, but also its trade dress, are trying to induce consumers into buying their goods instead of that of the Complainant's. Thus violating Section 10,2 (d) of the Act.
- 4.6. Furthermore, the act of the the Respondents are not only involved in distribution of false and misleading information to consumers about their products but also harming the business interests of the Complainant, in violation of Section 10 (1) of the Act, in terms of Section 10 (2) (a) & (b) of the Act.
- 4.7. In view of the preceding paras, it appears that the Respondents are using the registered trademark of the Complainant without obtaining the authorization of the Complainant. Therefore, the Respondents have, *prima facie*, entered into deceptive marketing practices in terms of the provisions of Section 10 (2) (a) (b), and (d) of the Act.

5. RECOMMENDATIONS:

- 5.1. The deceptive marketing practices have a direct impact on the public at large and therefore, it is in the interest of the general public and fair competition in the market that the undertakings should be stopped from marketing their products in an unfair and misleading manner and be encouraged to resort to marketing practices which are transparent and give consumers true and correct information.

7 4 26

- 5.2. Therefore, in light of the above mentioned findings, it is recommended that the Commission may consider initiating proceedings against M/s Ahmad Pasha Collection Tailor & Fabrics, M/s Aamir Cloth House, M/s Ramazan Fabrics, M/s Pasha the designer fabrics, M/s Sufi Cloth House, M/s Baba Plastic, M/s Ahmed Plastic & dabba House and M/s Kausar Brothers Plastic Corner under Section 30 of the Act.



Marryum Pervaiz
(Enquiry Officer)



Faiz ur Rehman
(Enquiry Officer)



Urooj Azeem Awan
(Enquiry Officer)

Annexure - A

Form 0.2

147473



GOVERNMENT OF PAKISTAN



THE TRADE MARKS REGISTRY, KARACHI

Trade Marks Ordinance 2001

CERTIFICATE of Registration of Trade Mark. Section 33(4)

Trade Mark No. 249945

Dated: 02/05/2008

Certified that the Trade Mark, of which a representation is annexed hereto has been registered in the name of Shajar Pak (Pvt) Ltd. (whose legal address is 425 Alfalah Building, Shahrah-e-Quaid-e-Azam, Lahore, Pakistan)

in class 24

under no. 249945

as of the date 02/05/2008

in respect of Textiles and textile goods, not included in other classes; bed and table covers, being goods included in class 24.

Sealed at my direction, this 27 JAN 2015

DISCLAIMER: REGISTRATION OF THIS TRADE MARK SHALL GIVE NO RIGHT TO THE EXCLUSIVE USE OF WORD FABRICS.



PASHA FABRICS

PASHA FABRICS

Note: Original representation of Mark may please be seen on right for as Annexed

(ABDUL QADIR ORAKZAI)
Registrar of Trade Marks

Registration is for 10 years from the date first above-mentioned and may then be renewed for a period of 10 years, and also at the expiration of each period of 10 years thereafter. (See Section 35 of the Trade Marks Ordinance 2001 and rules 45-39 (2) (b) of the Trade Marks Rules, 2004)

NOTE: Upon any change of ownership of this Trade Mark, or change in address, application should at once be made to register the change.

Annexure A



GOVERNMENT OF PAKISTAN

Intellectual Property Organisation of Pakistan
COPYRIGHT OFFICE, KARACHI



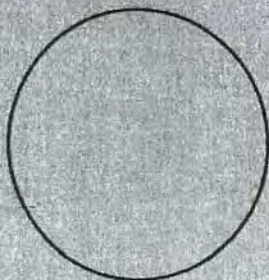
Registration No. 21142-Copr

Certificate of Registration of Copyright

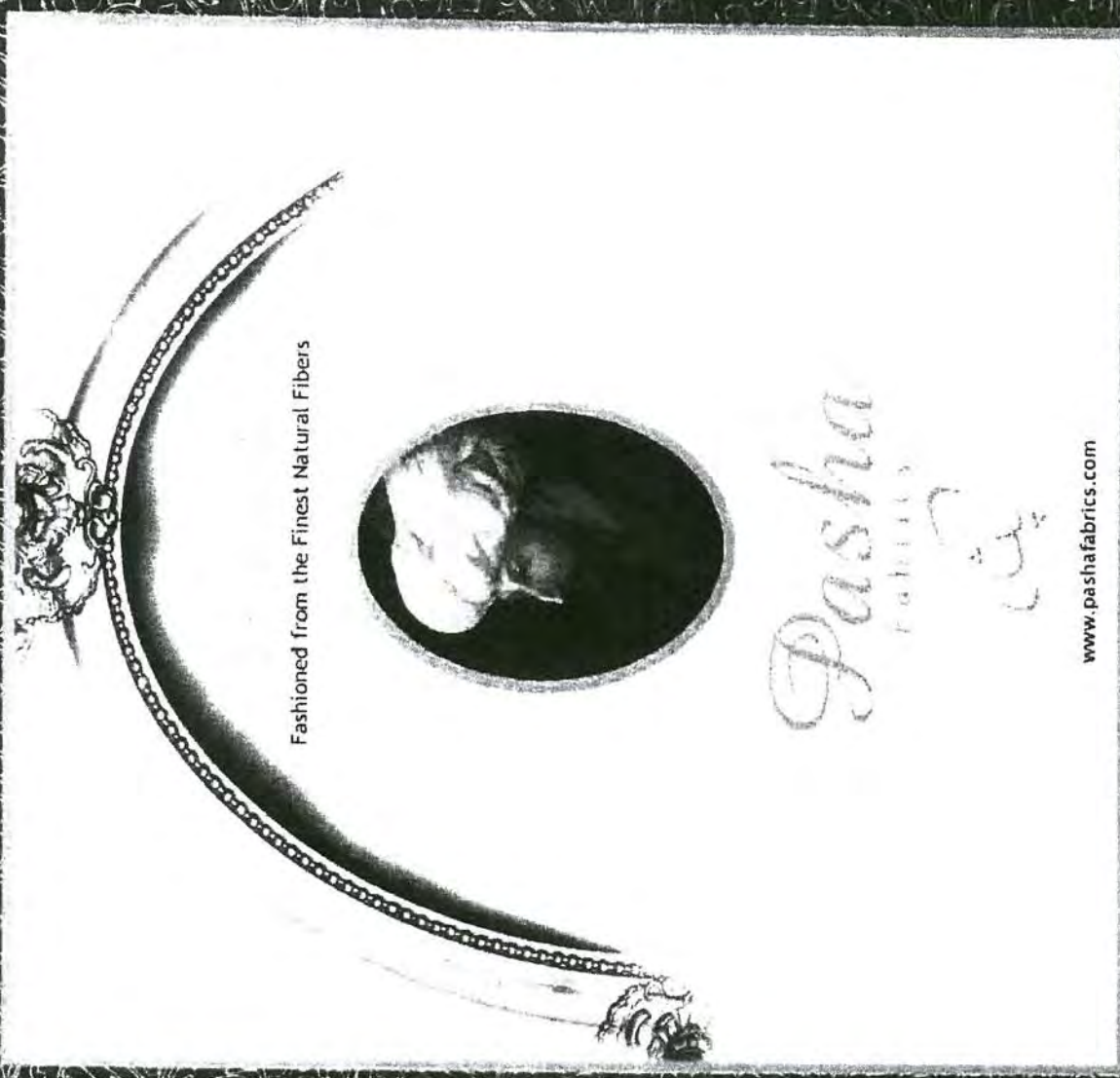
Certified that the Copyright in the **ARTISTIC WORK(LABEL DESIGN)** entitled **PASHA FABRICS RED BOX** authored by **KHAWAJA AHMED USMAN, LAHORE** and published by **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE**, in the year **2004** has been registered in the Register of Copyrights in the name of **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE** under Registration No. 21142-Copr.

GIVEN UNDER MY HAND AND SEAL ON THIS 26TH DAY OF APRIL, 2010.

PLEASE NOTE THAT TITLE/NAME/BRAND/MARK GIVEN BY APPLICANT IN APPLICATION FORM OR APPEARING ON "WORK" IS NOT REGISTERED BUT ONLY THE EXPRESSION/STYLE/GETUP OF THE "WORK" IS REGISTERED/PROTECTED UNDER COPYRIGHT LAW



Shakil Ahmed Abbasi
26/04/10
SHAKIL AHMED ABBASI
Registrar of Copyrights



Gentle Woman



GOVERNMENT OF PAKISTAN

Intellectual Property Organisation of Pakistan
COPYRIGHT OFFICE, KARACHI



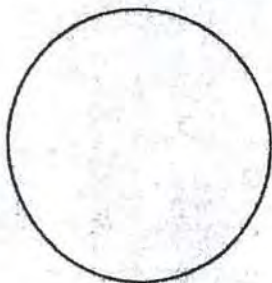
Registration No. 21143-Copr

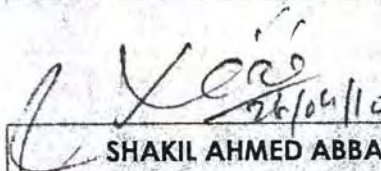
Certificate of Registration of Copyright

Certified that the Copyright in the **ARTISTIC WORK(LABEL DESIGN)** entitled **PASHA PLATINUM BLACK BOX** authored by **KHAWAJA AHMED USMAN, LAHORE** and published by **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE**, in the year **2004** has been registered in the Register of Copyrights in the name of **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE** under Registration No. 21143-Copr.

GIVEN UNDER MY HAND AND SEAL ON THIS **26TH** DAY OF **APRIL, 2010**.

PLEASE NOTE THAT TITLE/NAME/BRAND/MARK GIVEN BY APPLICANT IN APPLICATION FORM OR APPEARING ON "WORK" IS NOT REGISTERED BUT ONLY THE EXPRESSION/STYLE/GETUP OF THE "WORK" IS REGISTERED/PROTECTED UNDER COPYRIGHT LAW




26/04/10
SHAKIL AHMED ABBASI
Registrar of Copyrights

For Royals



Pasha
PLATINUM

[illegible]



GOVERNMENT OF PAKISTAN

Intellectual Property Organisation of Pakistan
COPYRIGHT OFFICE, KARACHI



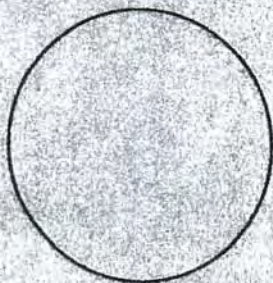
Registration No. **21144-Copr**

Certificate of Registration of Copyright

Certified that the Copyright in the **ARTISTIC WORK(LABEL DESIGN)** entitled **PASHA FANCY FABRICS (BLUE BOX)** authored by **KHAWAJA AHMED USMAN, LAHORE** and published by **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE**, in the year **2004** has been registered in the Register of Copyrights in the name of **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE** under Registration No. **21144-Copr**.

GIVEN UNDER MY HAND AND SEAL ON THIS **26TH** DAY OF **APRIL, 2010**.

PLEASE NOTE THAT TITLE/NAME/BRAND/MARK GIVEN BY APPLICANT IN APPLICATION FORM OR APPEARING ON "WORK" IS NOT REGISTERED BUT ONLY THE EXPRESSION/STYLE/GETUP OF THE "WORK" IS REGISTERED/PROTECTED UNDER COPYRIGHT LAW




26/04/10

SHAKIL AHMED ABBASI
Registrar of Copyrights



Fashioned from the Finest Natural Fibers

Pashia
FABRICS

www.pashiafabrics.com

Left Hand Woman



GOVERNMENT OF PAKISTAN

Intellectual Property Organisation of Pakistan
COPYRIGHT OFFICE, KARACHI



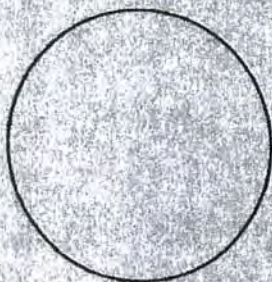
Registration No. **21145-Copr**

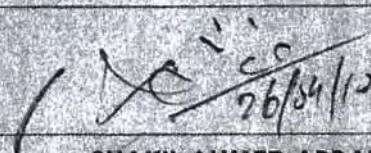
Certificate of Registration of Copyright

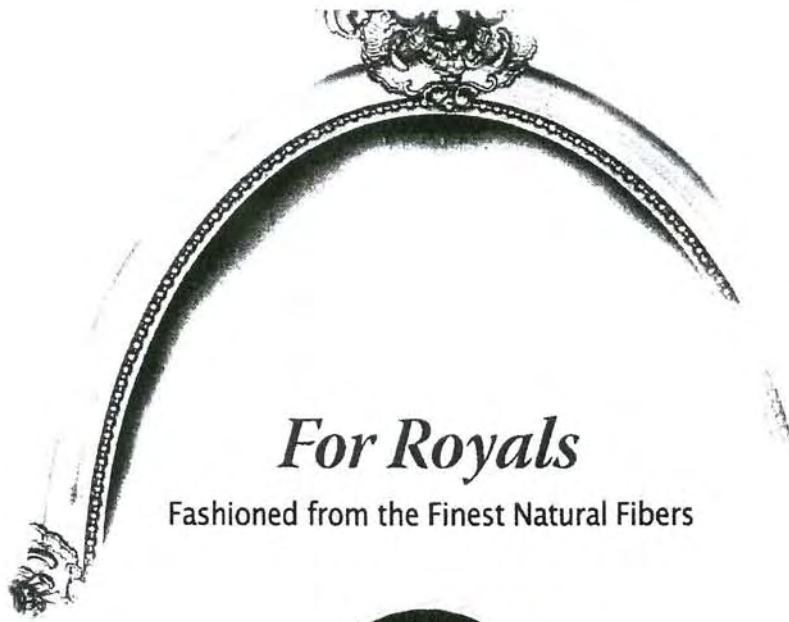
Certified that the Copyright in the **ARTISTIC WORK(LABEL DESIGN)** entitled **PASHA FABRICS** authored by **KHAWAJA AHMED USMAN, LAHORE** and published by **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE**, in the year **2004** has been registered in the Register of Copyrights in the name of **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE** under Registration No. **21145-Copr**.

GIVEN UNDER MY HAND AND SEAL ON THIS **26TH** DAY OF **APRIL, 2010**.

PLEASE NOTE THAT TITLE/NAME/BRAND/MARK GIVEN BY APPLICANT IN APPLICATION FORM OR APPEARING ON "WORK" IS NOT REGISTERED BUT ONLY THE EXPRESSION/STYLE/GETUP OF THE "WORK" IS REGISTERED/PROTECTED UNDER COPYRIGHT LAW




SHAKIL AHMED ABBASI
Registrar of Copyrights



For Royals

Fashioned from the Finest Natural Fibers



Pasha
Fabrics



www.pashafabrics.com

6 Ahmed Hassan



GOVERNMENT OF PAKISTAN

Intellectual Property Organisation of Pakistan
COPYRIGHT OFFICE, KARACHI



Registration No. **21146-Copr**

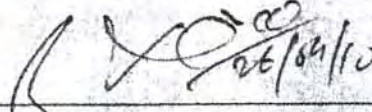
Certificate of Registration of Copyright

Certified that the Copyright in the **ARTISTIC WORK(LABEL DESIGN)** entitled **PASHA WINTER COTTON (SILVER GREY BOX)** authored by **KHAWAJA AHMED USMAN, LAHORE** and published by **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE**, in the year **2004** has been registered in the Register of Copyrights in the name of **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE** under Registration No. **21146-Copr**.

GIVEN UNDER MY HAND AND SEAL ON THIS **26TH** DAY OF **APRIL, 2010**.

PLEASE NOTE THAT TITLE/NAME/BRAND/MARK GIVEN BY APPLICANT IN APPLICATION FORM OR APPEARING ON "WORK" IS NOT REGISTERED BUT ONLY THE EXPRESSION/STYLE/GETUP OF THE "WORK" IS REGISTERED/PROTECTED UNDER COPYRIGHT LAW




26/04/10

SHAKIL AHMED ABBASI
Registrar of Copyrights

Pasha
Winter Cotton

93

W. A. and Woman



GOVERNMENT OF PAKISTAN

Intellectual Property Organisation of Pakistan
COPYRIGHT OFFICE, KARACHI



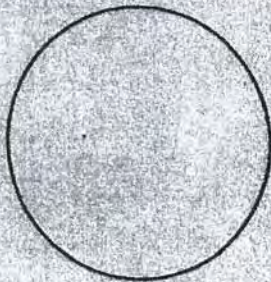
Registration No. **21147**-Copr

Certificate of Registration of Copyright

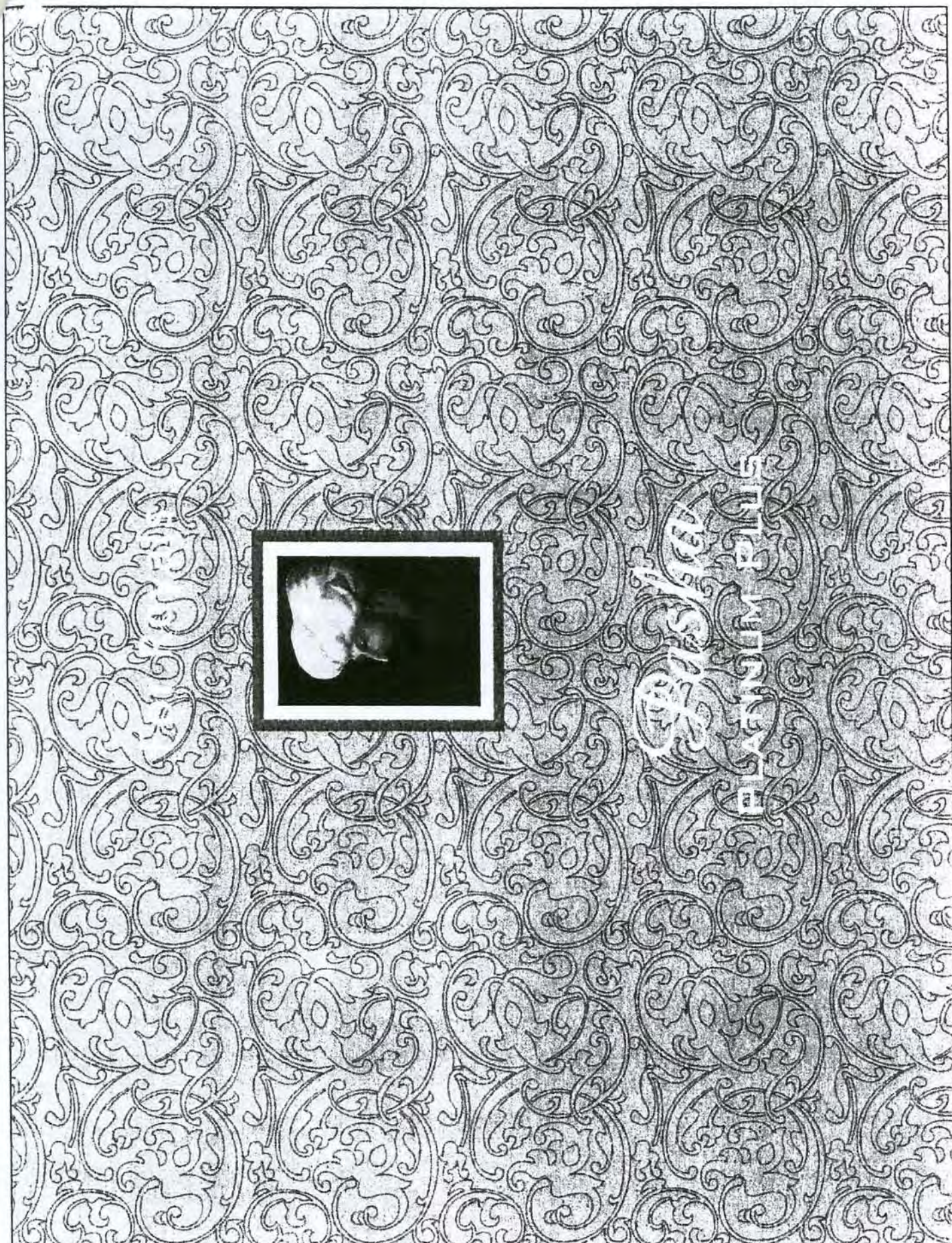
Certified that the Copyright in the **ARTISTIC WORK(LABEL DESIGN)** entitled **PASHA PLATINUM PLUS SILVER BOX** authored by **KHAWAJA AHMED USMAN, LAHORE** and published by **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE**, in the year **2004** has been registered in the Register of Copyrights in the name of **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE** under Registration No. **21147-Copr**.

GIVEN UNDER MY HAND AND SEAL ON THIS **26TH** DAY OF **APRIL, 2010**.

PLEASE NOTE THAT TITLE/NAME/BRAND/MARK GIVEN BY APPLICANT IN APPLICATION FORM OR APPEARING ON "WORK" IS NOT REGISTERED BUT ONLY THE EXPRESSION/STYLE/GETUP OF THE "WORK" IS REGISTERED/PROTECTED UNDER COPYRIGHT LAW



[Signature]
26/4/10
SHAKIL AHMED ABBASI
Registrar of Copyrights



Sister Mary Thérèse



GOVERNMENT OF PAKISTAN

Intellectual Property Organisation of Pakistan
COPYRIGHT OFFICE, KARACHI



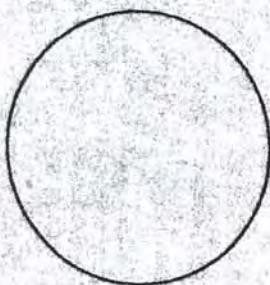
Registration No. **21148-Copr**

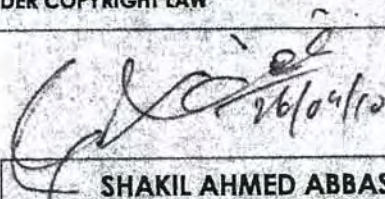
Certificate of Registration of Copyright

Certified that the Copyright in the **ARTISTIC WORK(LABEL DESIGN)** entitled **PASHA SILVERSTROM SILVER BOX** authored by **KHAWAJA AHMED USMAN, LAHORE** and published by **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE**, in the year **2004** has been registered in the Register of Copyrights in the name of **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE** under Registration No. **21148-Copr**.

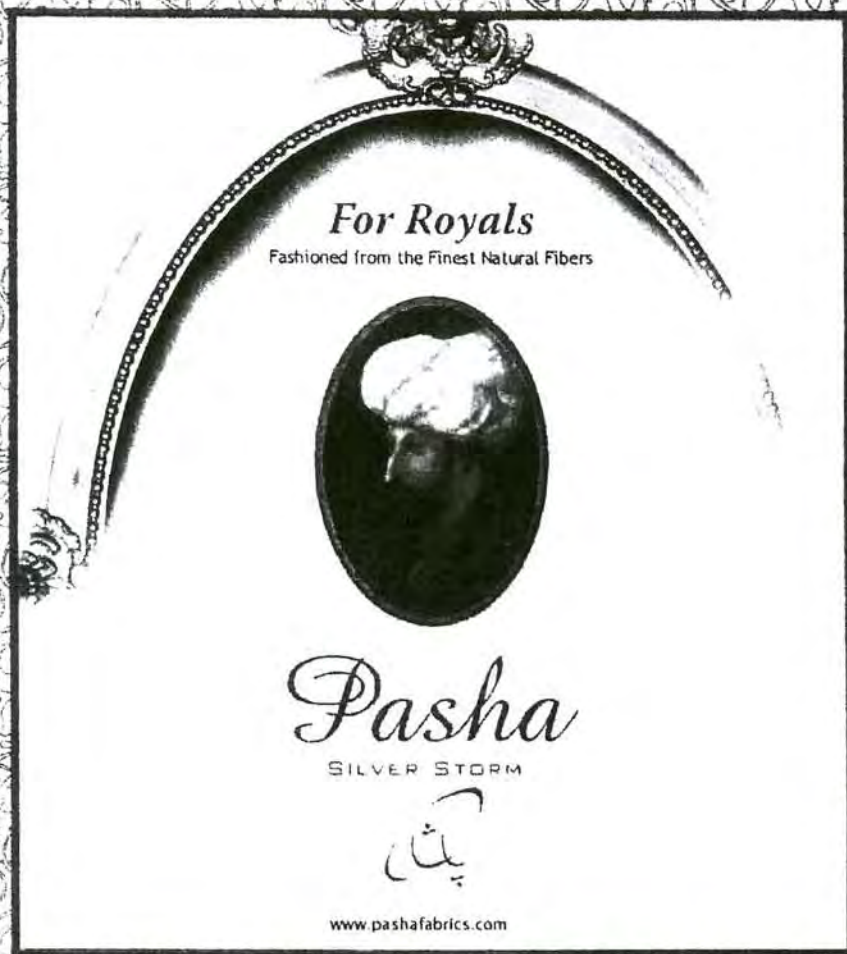
GIVEN UNDER MY HAND AND SEAL ON THIS **26TH** DAY OF **APRIL, 2010**.

PLEASE NOTE THAT TITLE/NAME/BRAND/MARK GIVEN BY APPLICANT IN APPLICATION FORM OR APPEARING ON "WORK" IS NOT REGISTERED BUT ONLY THE EXPRESSION/STYLE/GETUP OF THE "WORK" IS REGISTERED/PROTECTED UNDER COPYRIGHT LAW




26/04/10

SHAKIL AHMED ABBASI
Registrar of Copyrights



For Royals
Fashioned from the Finest Natural Fibers

Pasha
SILVER STORM

پاشا
www.pashafabrics.com

Le Atelier Women



GOVERNMENT OF PAKISTAN

Intellectual Property Organisation of Pakistan
COPYRIGHT OFFICE, KARACHI



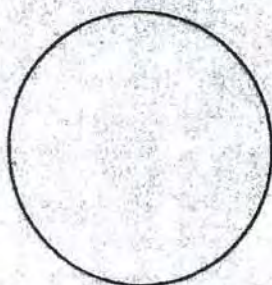
Registration No. **21149-Copr**

Certificate of Registration of Copyright

Certified that the Copyright in the **ARTISTIC WORK(LABEL DESIGN)** entitled **PASHA GOLD GOLD BOX** authored by **KHAWAJA AHMED USMAN, LAHORE** and published by **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE**, in the year **2004** has been registered in the Register of Copyrights in the name of **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE** under Registration No. **21149-Copr**.

GIVEN UNDER MY HAND AND SEAL ON THIS **26TH** DAY OF **APRIL, 2010**.

PLEASE NOTE THAT TITLE/NAME/BRAND/MARK GIVEN BY APPLICANT IN APPLICATION FORM OR APPEARING ON "WORK" IS NOT REGISTERED BUT ONLY THE EXPRESSION/STYLE/GETUP OF THE "WORK" IS REGISTERED/PROTECTED UNDER COPYRIGHT LAW



[Signature]
26/04/10

SHAKIL AHMED ABBASI
Registrar of Copyrights



Pasha
GOLD

Silk & Cotton

Arden Woman



GOVERNMENT OF PAKISTAN

Intellectual Property Organisation of Pakistan
COPYRIGHT OFFICE, KARACHI



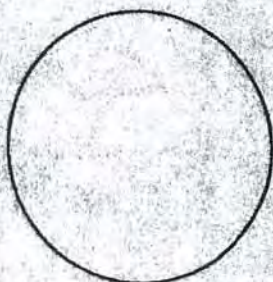
Registration No. 21150-Copr

Certificate of Registration of Copyright

Certified that the Copyright in the **ARTISTIC WORK(LABEL DESIGN)** entitled **PASHA SILKA BURGUNDY BOX** authored by **KHAWAJA AHMED USMAN, LAHORE** and published by **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE**, in the year **2004** has been registered in the Register of Copyrights in the name of **SHAJARPAK (PRIVATE) LTD, 426-ALFALAH BUILDING, THE MALL, LAHORE** under Registration No. 21150-Copr.

GIVEN UNDER MY HAND AND SEAL ON THIS **26TH** DAY OF **APRIL, 2010**.

PLEASE NOTE THAT TITLE/NAME/BRAND/MARK GIVEN BY APPLICANT IN APPLICATION FORM OR APPEARING ON "WORK" IS NOT REGISTERED BUT ONLY THE EXPRESSION/STYLE/GETUP OF THE "WORK" IS REGISTERED/PROTECTED UNDER COPYRIGHT LAW



[Signature]
26/04/10

SHAKIL AHMED ABBASI
Registrar of Copyrights

Cotton Cotton

For Royalls



Pasha

Sultan

Silk & Cotton

6. Aced Woman