

ORDER SHEET  
HIGH COURT OF SINDH AT KARACHI

**Suit No.727 of 2015**

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DATE            ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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- 1.For hearing of CMA No.2125/2016
- 2.For examination of the parties/settlement of issues.

08-05-2017

Mirza Mehmood Baig, Advocate for the Plaintiff.  
Mr.Asim Iqbal, Advocate for defendant Nos.2 to 5

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This is a suit for declaration, permanent injunction, damages against infringement of registered design under the Registered Designs Ordinance, 2000, Artistic Work under the Copyright Ordinance, 1962 and Unfair Competition under the Trademarks Ordinance, 2001, read with all other enabling provisions of law.

The grievance of the plaintiff is basically against the defendant Nos.2 to 5 as on their request/order some registered designed of the plaintiff were printed by the defendant No.1 on the fabrics for the defendant Nos.2 to 5. On 5.5.2015 the defendant Nos.1 to 5 were restrained from printing, distributing, manufacturing, supplying and marketing all such registered marks/designs of the plaintiffs by way of counterfeiting any of the prints, patterns, and artistic work but vide order dated 8.2.2016 due to absence of counsel for the plaintiff the ex-parte interim order dated 5.5.2015 was recalled, thereafter, the plaintiff filed CMA No.2125/2016 for restoring the interim orders to its original position. Today, Mr.Asim Iqbal, Advocate for defendant Nos.2 to 5 has given clear statement that the defendant Nos.2 to 5 shall not use the artistic work or registered design pattern of the plaintiff. Counsel for the plaintiff pointed out pages 331 to 385 (Annexure "D") of the main suit, i.e. the certificates of registered design under the provision of patents and Designs Rules, 1933 and Registered Designs Ordinance, 2000 and

registered design of plaintiff's pattern printed on different fabrics. Since Mr.Asim Iqbal, Advocate for defendant Nos.2 to 5 has given clear statement, therefore by consent the suit is disposed of with the directions that the defendant Nos.2 to 5 will not use registered artistic/copyright registered design of the plaintiff as mentioned above. The pending application is also disposed of. However, the suit against the defendant No.1 is dismissed as withdrawn.

Judge

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