

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.1474 of 2016

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DATE

ORDER WITH SIGNATURE OF JUDGE

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1. For orders on CMA No.9739/16 (If granted)
  2. For orders on CMA No.9740/16 (U/O 39 Rule 1 & 2 CPC.)
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14-06-2016.

Mrs. Amna Salman, Advocate for the plaintiff.

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1. Granted.
2. This is a Suit for infringement and permanent injunction filed by the plaintiff in respect of its Trademark “**Double Palm Brand**” (“word”) and (“Label”) registered vide Trademark Registration No. 266376 dated 13.5.2009 and No.267114 dated 22.05.2009 in Class-29, respectively, of the Fourth Schedule to the Trade Mark Rules, 2004, read with Trade Marks Ordinance, 2001. Learned counsel for the plaintiff submits that Plaintiff Company is incorporated under the laws of Sri Lanka and is engaged in the business of manufacturing and exporting Coconut Oil, Copra & Desiccated Coconut and owns several trademarks including the aforesaid marks. Per learned Counsel the Plaintiff’s trade mark is already well known in Pakistan as the product in question is being imported since 2004. She further submits that it has come to the Plaintiff’s knowledge that defendants No.1 & 2 have imported a consignment vide Bill of Lading No.VGMCMBKHIDD1809 dated 06.06.2016, purportedly shipped from Sri Lanka which has arrived at Karachi Port and is awaiting clearance, wherein, the defendants’ have imported identical product under its alleged Trademark “**Double Khajoori Brand**” which is similar and identical to the plaintiff’s registered Trademark, which is an attempt by the defendants to En-

cash the goodwill and reputation of the plaintiff's mark, which is a registered mark and duly protected under the law. She submits that the defendant's trade mark is deceptively similar and identical to the Plaintiff's well known trade mark. She has placed on record, the plaintiff's as well as defendants' trademarks available at pages 319 to 321, Annexure "H". She submits that until the defendants are restrained from using the plaintiff's mark, serious prejudice would be caused to the plaintiff.

Let notice be issued to the defendants for 23.06.2016. Till then the defendants No.1 & 2 and all persons claiming through or under them jointly and severally are restrained from using the Trademark **Double Khajoori Brand (DKB) having Crossed Palm Trees logo and lime green package livery**, whereas, the defendant No.3 shall also maintain status-quo in respect of the clearance of the defendants No.1 & 2's consignment of the said products.

J U D G E

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