

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No.701 of 1988

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

For Final Arguments

13.01.2015

Mr. Moeen Qamar, Advocate for Plaintiff.
None present for the Defendant.

It is contended by the learned counsel for the plaintiffs that the plaintiffs Nos.1 and 2 are the registered proprietor and registered users, respectively, of the trademark "VIMTO" (word) registered under No.1617 dated 29th October 1942 in class 32, in respect of non-alcoholic beverages, syrups and similar preparations. He further contended that the above trademark registration has been duly renewed and is in full force and effect in Pakistan. He submitted that in March 1985, it was brought to the plaintiffs' knowledge that the defendant's predecessor-in-interest had started manufacturing, selling and offering for sale syrups under the trademark "Quice Vimto Syrup" and in order to persuade the defendant to voluntarily cease use of the infringing trademark a notice was served upon it on 2nd November 1985 but defendant failed and refused to do so.

Plaintiff has filed this suit for declaration and permanent injunction seeking restraining orders against infringement of trademark "VIMTO" which was registered in favour of the Plaintiff. Service was effected on the Defendant. However, there was no serious contest seems to have been offered by the Defendant. The evidence was recorded in Court on 2.5.2013 but nobody turned up from the Defendant to contest the evidence led by the Plaintiff. The Defendant has using the trademark once the injunction was granted to the Plaintiff restraining the Defendant from using of trademark. Therefore, this suit is decreed to the extent of prayer clause (a) and (b) as no satisfactorily evidence was led by the plaintiff for claiming damages.

JUDGE