

**IN THE HIGH COURT OF SINDH AT KARACHI**

**Present**  
**Mr. Justice Muhammad Jaffer Raza**

**Misc. Appeal Nos.40 to 46 of 2024**

M/s. Winsome Enterprises ..... Appellant

Versus

M/s. Vini Cosmetics (Pvt) Ltd. and another..... Respondents

Date of Hearing : 12.05.2025

Date of Judgment : 12.05.2025

Mr. Kazim Raza Abbasi, Advocate for the Appellant.  
Mr. Hassan Zaman Shah, Advocate for the Respondent along with  
Mr. Taqi Shah, Advocate.

**J U D G E M E N T**

**Muhammad Jaffer Raza, J:** - Above mentioned appeals have been filed under Section 77 of The Copyright Ordinance, 1962, impugning the order(s) dated 20.12.2023, which were passed in Rectification Applications, by the Respondent No.2/Copyright Board.

2. Learned counsel for the Appellant has briefly stated that the orders of the Copyright Board dated 20.12.2023 are contrary to law as the copyright certificate issued in favour of the Appellant was set-aside vide impugned orders. Learned counsel has stated that no specific or detailed comparison of the artistic work, label and design were made by the learned Copyright Board and the impugned order was passed primarily on the basis that the trademark in favour of the Respondent No.1, exists prior in time. Learned counsel has further argued that there is no similarity in the artistic work and design and even if there was a similarity, no detailed finding has been rendered by the Copyright Board in that respect. Learned counsel has stated that even though the Appellants and the Respondents are in the same line of business, marketing and selling the similar products, even then there is

no similarity between the products as both of them are clearly distinguishable to the consumers.

3. Conversely, learned counsel for the Respondent No.1 has argued that there is an overlap between the copyright and trademark. He has further argued that his registration was placed before the learned Copyright Board and the Impugned orders were passed after a detailed comparison between the competing products.

4. I have heard both the learned counsels and perused the record. It is apparent upon bare perusal of the Impugned orders that the same have not specified "*the deceptive similarity in design and style of the Respondent*". Furthermore, it is apparent that the entire basis for the deduction made by the Copyright Board is the similarity in the respective Trade Marks of the competing parties, which with respect, was not a legally permissible criterion to adjudicate the applications pending before the respective board. Accordingly, Impugned Orders are set aside. The matter is remanded back to the Copyright Board for decision afresh within thirty (30) days from the constitution of the Board after giving detailed deliberation on the similarity, if any, between the products of the Appellants and Respondent.

5. Accordingly, Instant Misc. Appeals stand disposed of in the above terms along with listed application(s).

Judge

Nadeem