

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
Constitutional Petition No. D-2176 of 2020

Date	Order with Signature of Judge
------	-------------------------------

1. For hearing of CMA No.10268/2020 (Stay) :
2. For hearing of main case :

22.04.2020 :

Mr. Abdur Rahman, advocate for the petitioner.
Mr. Muhammad Nishat Warsi, DAG.
Mr. Sultan Ahmad Shaikh, advocate for respondents 2, 3, 4 and 5 along with Muhammad Rafiq, Registrar of Trademarks / respondent No.3, Muhammad Fayyaz Ahmed, Controller of Patents and Designs / respondent No.4 and Niaz Ali Lashari, Deputy Registrar of Copyright.

—————

The Association of Pakistan Intellectual Property Rights has filed the present petition seeking declaration to the effect that the Circulars issued by respondents 2 to 5 violate the fundamental rights of citizens guaranteed under Article 18, 23 and 25 of the Constitution of the Islamic Republic of Pakistan, 1973. They also seek a direction against respondents 2 to 4 for six (06) months commencing from 24.03.2020 to accept affidavits executed by advocates / agents representing persons residing outside Pakistan in respect of applications, objections, revocations or any other motion filed by respondents 2 to 4 on an undertaking that the same will be rectified by the relevant persons after High Commission and Embassies of Pakistan start functioning. They seek further relief as embodied in prayer clauses (iii) to (vi).

Learned counsel for the parties state that the parties have mutually settled the issue on the terms stipulated in the statement filed by them today, which reads as under :

“It is most respectfully submitted that the petitioner and respondents No.2 to 5 have agreed as under :-

*i. That IP Registries will resume public dealing and start receiving documents and Requests by Hand from Monday **4th May 2020** (hereinafter referred to as the opening date), if the lockdown period has not been extended by the Federal / Provincial Government.*

ii. That this opening date will be notified forthwith on IPO Pakistan’s website and also to the Association of IP Practitioners at Karachi and Lahore.

*iii. That all cases, in which deadline for filing of Documents/Requests has expired during the lockdown period of 24th March to 3rd May 2020, will be dealt in accordance with Section 10 of General Clauses Act, 1897 and these Documents/Requests will be accepted on the opening date as **“filed within prescribed time”**.*

iv. That all cases, in which deadline for filing of Documents/Requests expires after the opening date, will be dealt with under the provisions of the respective IP Laws.

v. All scanned and unstamped documents will be accepted for the time being subject to the filing of the signed version of the same documents as and when available.”

After hearing learned counsel for the parties as well as learned DAG, we are of the view that there is no legal impediment in accepting their request for disposal of the instant petition in the above terms. Accordingly, by consent the petition and listed application stand disposed of in the above terms with no order as to costs.

JUDGE

JUDGE

Nadir