

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

MA No.47 of 2024

Order with signature of Judge(s)

Fresh case

1. For orders on CMA No.3363/2024 (Urgent Application)
2. For orders on CMA No.3364/2024 (Exemption Application)
3. For hearing of main case
4. For orders on CMA No.3365/2024 (Suspension of order)

29.03.2024

Ms. Hanya Haroon, Advocate for the appellant alongwith
Ms. Alizeh Mehak, Advocate

1. Urgency granted.
2. Exemption granted subject to all just exceptions.
- 3&4. Learned counsel for the appellant submits that the appellant is the registered proprietor of the trademark vide Registration Nos.188848, 252852, 252853 and 252854 in respect of their label, design and art work and also got the copyright registration of the said artistic work label design "TAPAL DANEDAR LEAF TEA" bearing Nos.14038-Copr and 1464-Copr respectively. Per learned counsel, the appellant is the original creator/adopter/developer and lawful owner of artistic work entitle "TAPAL DANEDAR LEAF TEA" and the Tapal Danedar is the flagship brand of the appellant and the colour scheme get and the name has become synonymous with the appellant's reputation, as market leader and innovator, first introduced in Pakistan in 1987. Per learned counsel, appellant's mark has acquired popularity and valuable reputation and goodwill and as such, specific colour scheme and get-up of the trademark "DANEDAR (Label)" has become well known and recognized mark of the appellant. Learned counsel contends that malafidely the Respondent No.2 in order to damage business of the appellant contrived to obtain a copyright registration of "Islamabad Chai" by copying get-up and colour scheme of the appellant's registered trademark and

copyright, and applied for its registration. Counsel contends that gross illegality has been committed by the Board while holding dissimilarity in the design/style of the respondent to that of the appellant.

Contentions raised by the counsel require consideration. Issue notice to the respondents for **18.04.2024**. In the meanwhile, operation of the impugned order dated 15.11.2023 passed by the Copyright Board at Karachi to remain suspended till the next date of hearing.

JUDGE

B-K Soomro