

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P.No.70 of 2021
Sohail Ahmed and another
Versus
The State and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	12.01.2021	Syed Abrar Ali Shah and Mr. Aftab Alam Yasir, Advocates for the petitioners.

Through the instant writ petition, the petitioners impugn the order dated 26.11.2020 passed by the Ex-officio Justice of Peace, whereby a direction was given to the Federal Investigation Agency (“F.I.A.”) to register a criminal case against the persons involved in the infringement of the registered copyright of Tapal Tea (Pvt.) Ltd.

Learned counsel for the petitioners submitted that the matter regarding the infringement of a registered trademark or copyright lay within the exclusive jurisdiction of the Intellectual Property Tribunal; and that the learned Ex-officio Justice of Peace had no jurisdiction to direct the F.I.A. to register a criminal case with respect to a matter which is governed by a special law i.e. the Intellectual Property Organization of Pakistan Act, 2012.

The petitioners have submitted an undertaking to the effect that they shall not infringe the trade mark of Tapal Tea (Pvt.) Ltd.

Issue notice to the respondents except respondent No.2.

Re-list along with writ petition No.2714/2020 and F.A.O. No.114/2020.

C.M. No.01/2021
Exemption sought for is allowed subject to all just and legal exceptions.

(MIANGUL HASSAN AURANGZEB)
JUDGE