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**Q: Discuss the intellectual property laws in Pakistan?**

# **Intellectual Property**

Intellectual property is a broad categorical description for the set of intangible assets owned and legally protected by a company or individual from outside use or implementation without consent. An intangible asset is a non-physical asset that a company or person owns.

(suffolk, n.d.)

The concept of intellectual property relates to the fact that certain products of human intellect should be afforded the same protective rights that apply to physical property, which are called tangible assets. Most developed economies have legal measures in place to protect both forms of property. (suffolk, n.d.)



Figure 1 IP 1

# **Intellectual Property Signification**

The creator of a work is generally deemed to be its owner. However, intellectual property ownership can be determined differently for different types of property and under varying circumstances. For example, if work is created for an employer, the employer is the owner of that intellectual property. Also, ownership rights can also be transferred to other parties.

(KENTON, 23)

# **Reason behind using of Intellectual Property**

Intellectual property can be used for various reasons, such as branding and marketing, as well as to protect assets that give a competitive advantage. (Res, 2011)

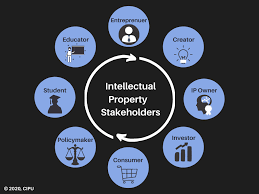


Figure 2 IP2

# **Types of Intellectual Property:**

Intellectual Property Law includes patents, copyrights, trademarks, and trade secrets. All of these areas are related in that they deal with protecting products of the mind but in other ways they are very different.

## **Patent Law**

Patents grant inventors the right to exclude others from making, using, offering for sale, importing, or selling the invention in the United States. There are three types of patents: utility patents, design patents, and plant patents. Patents have been used to protect a wide variety of famous inventions such as the light bulb, the internal combustible engine, Barbie, the Google search engine, as well as the ornamental appearance of products such as sneakers, jewelry, sunglasses, and even the shape of cars. (khalidzafar, n.d.)

## **Trade Secrets**

Trade secret law provides protection for proprietary information used by a business enterprise. This can include protection for technological and business know-how that is maintained in secret. One of the most famous examples of a trade secret is the exact recipe for Coca-Cola. (khalidzafar, n.d.)

## **Copyright Law**

Copyrights cover original works fixed in any tangible medium of expression, such as literary, musical, dramatic, artistic, and other intellectual works. Copyrights are granted to authors, whether the original works are published or unpublished. Copyrights protect the books you read, the movies you see, the music you listen to, the software that runs on your computers and smartphones, and even the blueprints for your home. Today, a lot of work in the copyright area involves applying this body of law to electronic and digital media to control its duplication and distribution. (khalidzafar, n.d.)

## **Trademark Law**

Trademarks include any word, name, symbol, or device (combination thereof) used to identify and distinguish goods or services and to indicate the source of those goods or services. Trademarks can consist of words, images, colors, sounds, distinctive packaging, and even smells like the distinctive aroma of Play-Doh! Owners of strong trademarks must be vigilant about protecting their trademarks to avoid losing them if they become generic words such as aspirin, thermos, and escalator. (khalidzafar, n.d.)

## **Industrial designs**

An industrial design constitutes the ornamental or aesthetic aspect of an article. A design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or color. (wipo, n.d.)

## **Geographical indications**

Geographical indications and appellations of origin are signs used on goods that have a specific geographical origin and possess qualities, a reputation or characteristics that are essentially attributable to that place of origin. Most commonly, a geographical indication includes the name of the place of origin of the goods. (wipo, n.d.)

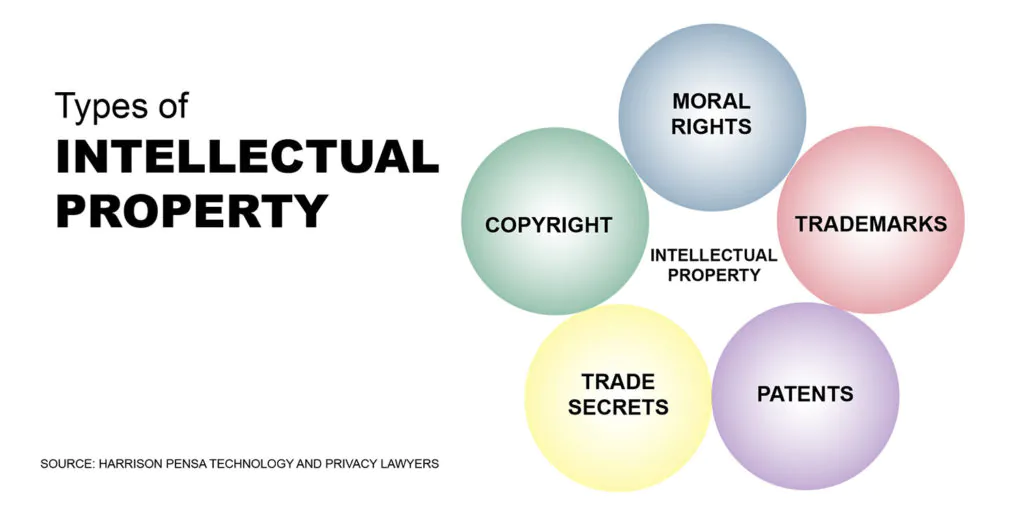


Figure 3 IP3

|  |  |  |
| --- | --- | --- |
| Intellectual Property | Protection | Duration in US |
| Patents | Inventions, industrial designs, computer code | 20 years |
| Trademark | Unique identifiers for a business or its products or services (e.g., logos, brand names) | As long as the trademarked material remains active |
| Copyrights | Works of authorship, including books, poems, films, music, photographs, online content | 70 years after the author dies |
| Trade Secret | it provides a framework for the protection of trade secrets at the state level. | lasts as long as the information remains confidential |

(wipo, n.d.)

# **Intellectual Property Laws in Pakistan**

Intellectual property (IP) laws in Pakistan protect the work of individuals and businesses from unauthorized use or exploitation by third parties. These laws include:

## **Copyright Ordinance 1962: A key law governing copyright in Pakistan**

The Copyright Ordinance 1962 in Pakistan serves as a foundational law regulating copyright. It outlines protections for literary, artistic, and musical works, establishing the rights of creators, specifying the duration of protection, and providing legal remedies for infringement. The ordinance is crucial for safeguarding intellectual property and fostering creativity within the country. (ahmedandqazi, n.d.)

## **Patent Ordinance 2000**

As of my last knowledge update in January 2022, there isn't a widely recognized "Patent Ordinance 2000." However, it's possible that specific regions or countries may have enacted patent laws or ordinances in the year 2000. For accurate and up-to-date information on any specific patent ordinance, it's recommended to consult the legal resources of the relevant jurisdiction or seek professional legal advice. (ahmedandqazi, n.d.)

## **Trade Marks Ordinance 2001**

The Trade Marks Ordinance 2001 in Pakistan governs trademarks, protecting distinctive signs that identify goods and services. It outlines the registration process, rights conferred to trademark owners, and legal remedies for infringement. The ordinance promotes a robust system for safeguarding brands, fostering fair competition, and enhancing consumer confidence in the marketplace. (ahmedandqazi, n.d.)

## **IPO Pakistan Act, 2012**

The Intellectual Property Organization of Pakistan (IPO Pakistan) Act of 2012 establishes the legal framework for the protection and regulation of intellectual property rights in Pakistan. It outlines the functions, powers, and responsibilities of the IPO, aiming to encourage innovation, creativity, and economic development through effective intellectual property management and enforcement. (ahmedandqazi, n.d.)

## **Trademark Rules, 2004**

The Trademark Rules, 2004, in Pakistan, provide the procedural framework for trademark registration. These rules outline the application process, fees, and conditions for trademark registration. They detail the classification of goods and services, examination procedures, and renewal requirements. The rules also address opposition and rectification proceedings, contributing to the effective administration of trademark protection. (ahmedandqazi, n.d.)

* 1. **Patent Rules, 2003**

The Patent Rules, 2003, in India, provide a regulatory framework for patent protection. These rules delineate procedures for filing and prosecuting patent applications, criteria for patentability, and guidelines for patent examination. The rules aim to streamline the patent process and promote innovation by ensuring compliance with legal requirements and international standards. (ahmedandqazi, n.d.)

* 1. **Copyright Rules, 1967**

The Copyright Rules, 1967, complement the Copyright Ordinance of 1962 in Pakistan. These rules provide administrative procedures and details for copyright registration, licensing, and other matters. They guide the implementation of copyright-related aspects, ensuring effective protection and management of intellectual property in accordance with the broader legal framework established by the Copyright Ordinance. (ahmedandqazi, n.d.)

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