

Intellectual Property

What is Property?

Tangible Property

- Physical objects that can be touched
- Protected under theft and damage laws
- **Examples:** mobile phone, laptop, book

Intangible Property

- Cannot be touched
- Created through human intellect
- Protected through Intellectual Property (IP) laws
- **Examples:** code, formulas, designs, brand names

Characteristics of Property

Characteristic	Real Property	Personal Property	Intellectual Property
Valuable	Yes	Yes	Yes
Can be owned	Yes	Yes	Yes
Tangible	Yes	Yes	No
Intangible	No	No	Yes
Protected by federal law	Yes	Yes	Yes
Public good	No	No	Yes

Tangible Assets



Land



Cash



Stock



Bonds



Furniture



Inventory



Machinery



Equipment

Intangible Assets



Trademarks



Patents



Customer lists



Employment contracts



Internet domain names



Goodwill



Brand recognition



Copyrights

Why Intellectual Property is Different?

- Tangible property, when stolen, is physically taken from you
- Intangible property can be copied without you losing the original
- Value lies in the **knowledge**, not in the physical object
- Because of this, it is not protected under normal theft laws
- Instead, specialized **IP laws** exist to prevent unauthorized use and copying

Example:

Someone reads your formula from your desk, memorizes it, and uses it, even though you still have your original copy.

What is Intellectual Property?

Intellectual Property (IP) refers to creations of the human mind, including:

- Software and source code
- Literary and artistic works
- Scientific and technical designs
- Logos, symbols, and brand identities
- Multimedia content
- Inventions, formulas, and innovative ideas

Key idea: IP is intangible, created through human intellect, and protected to encourage creativity and prevent unauthorized use.

Why IP Protection Matters in Computing?

- Software is easy to **copy, modify, and redistribute**, which creates risk
- Without IP protection, creators can lose revenue, ownership, and recognition

IP laws ensure:

- **Exclusive rights** to your work
- Ability to **license or sell** your creation
- **Protection** against unauthorized copying or misuse

Essential for:

- Startups and entrepreneurs
- Software houses and freelancers
- Researchers and product innovators

How Software Uses Multiple IP Protections

A single software product can be protected through **several IP rights at the same time**, each covering a different aspect:

- **Copyright** — protects source code, documentation, UI screens
- **Patent** — protects a novel algorithm, method, or technical process
- **Trade Secret** — protects internal architecture, logic, or proprietary processes
- **Trademark** — protects the product name, logo, icon, or brand identity
- **Design Protection** — protects visual design elements such as patterns, shapes, or icons

- Using these together gives comprehensive protection against copying, misuse, and unfair competition.

Protected Intellectual Property

Copyrights



Literary works
Music
Dramatic works
Choreography
Art and photos
Sculpture
Maps and posters
Motion pictures
Sound recordings
Architectural works
Computer codes
Compilations of data

Trademarks



Marks
Mottos
Devices
Words
Images
Identification of a product

Patents



Processes
Machines
Products
Combination of materials
Improvements of patents
Ornamental designs
Some plants



Copyright

Protects software code, documents, music, artwork, and other creative expressions.



Patents

Protect new inventions, innovative processes, and technical solutions.



Trademarks

Protect names, logos, symbols, and brand identities that distinguish products or services.



Industrial Designs

Protect the visual appearance, shape, pattern, or aesthetic features of a product.



Trade Secrets

Protect confidential business information such as algorithms, formulas, and internal methods.



Geographical Indications

Identify products that originate from a specific place with unique qualities linked to that location.

Types of Intellectual Property

Protecting Your Startup Idea

If your Final Year Project or startup introduces a new product, different IP rights can safeguard different parts of it:

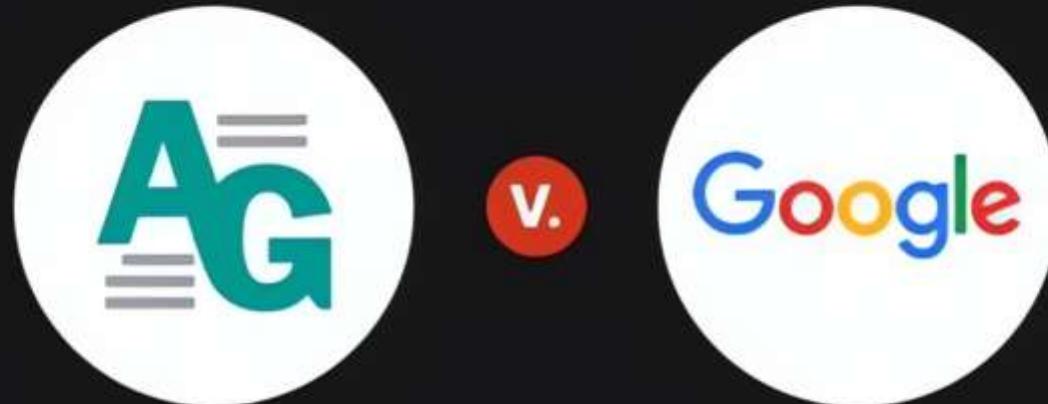
- **Copyright** - Protects your source code, documentation, UI screens, and all written or visual content automatically.
- **Patent** - Can protect a novel algorithm, process, or technical invention so others cannot replicate it.
- **Trade Secret** - Protects internal design details, architecture, or proprietary logic from being disclosed.
- **Trademark** - Protects your product's name, logo, and visual branding to prevent others from using your identity.

Using these protections together strengthens your idea before launching it in the market.

Importance of IP in the Global Economy

- Intellectual Property is becoming a key driver of the **modern global economy**
- Nations strengthen IP frameworks to attract investment and promote innovation
- IP influences global trade, technology transfer, and economic growth
- International treaties create **uniform standards** across countries
- As a WTO member, **Pakistan must comply with TRIPS** and other IP obligations

Copyrights



Authors Guild, Inc. v. Google, Inc.

United States District Court for the Southern District of New York

954 F. Supp. 2d 282 (2013)

What is Copyright?

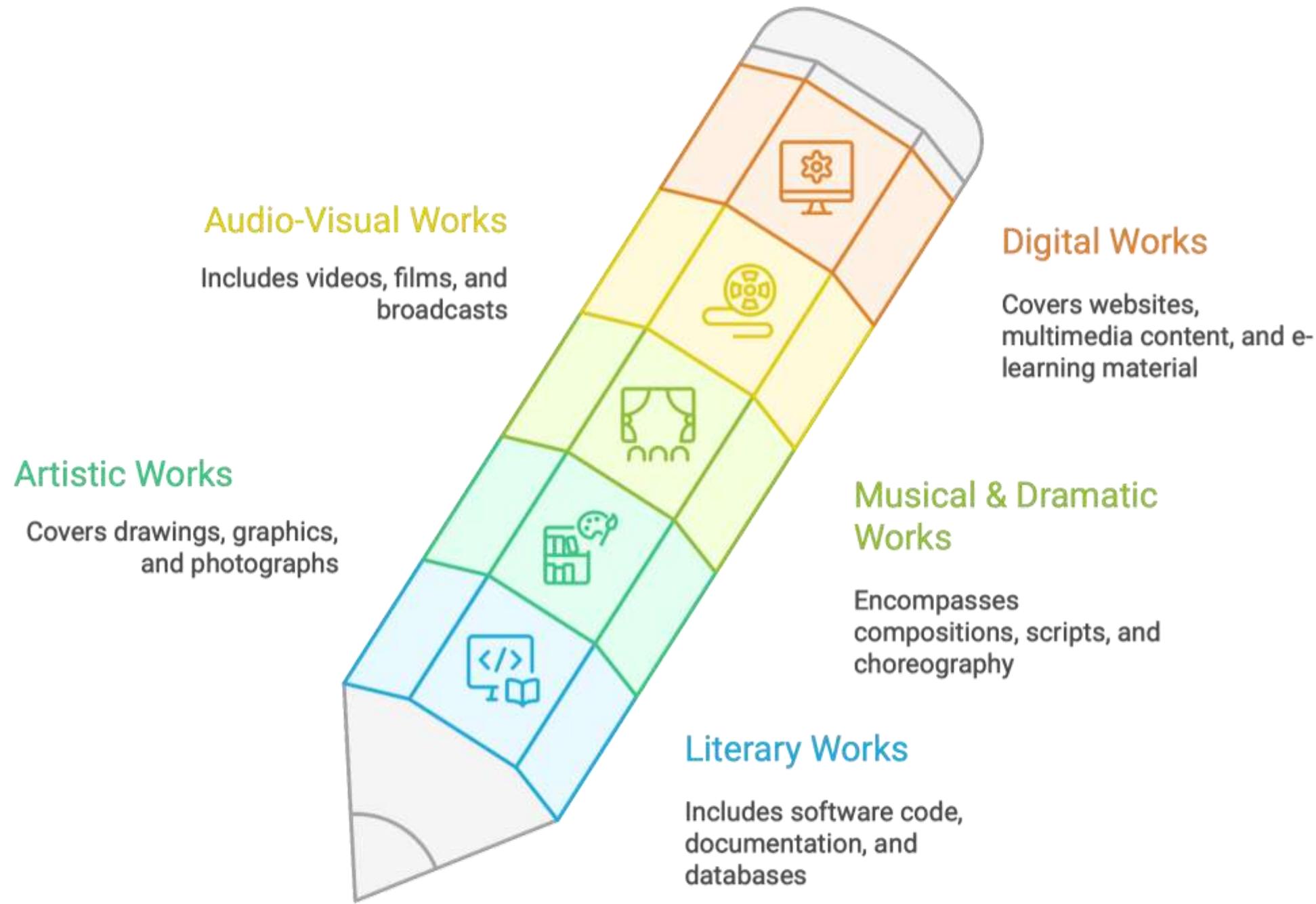
Copyright protects the **expression of ideas**, not the ideas themselves.

It applies to any original work that is in a **fixed form**, including:

- Software and source code
- Documents, reports, books
- Images, graphics, artwork
- Music, audio recordings
- Videos and films
- Databases and compilations

Key idea: Once you create an original work and record it, **copyright protection is automatic.**

What Does Copyright Protect?



Rights Granted by Copyright

Copyright gives the creator **exclusive control** over how their work is used. These rights include:

- 1. Reproduction Right:** The right to make copies of the work.
- 2. Distribution Right:** The right to distribute copies to the public.
- 3. Public Display Right:** The right to show the work publicly (images, videos, artwork, code snippets).
- 4. Public Performance Right:** The right to perform audio, video, music, or dramatic works in public.
- 5. Derivative Works Right:** The right to create adaptations, modifications, translations, or new versions of the original work.

Key idea: These rights allow creators to control commercial use and prevent unauthorized copying or modification.

Copyright Ownership

Copyright ownership depends on **who created the work** and **under what conditions**:

- 1. Individual Creator:** The author is the first owner of the work.
- 2. Employee Works:** If created in the course of employment, **the employer** is the copyright owner (unless the contract says otherwise).
- 3. Commissioned Work:** Ownership depends on the **agreement** between parties. If no agreement exists, the creator typically owns the copyright.
- 4. Licensing:** Creators can give others the right to use their work through **exclusive** or **non-exclusive** licenses.
- 5. Joint Works:** When two or more people contribute significantly, they share ownership.

Key idea: Copyright automatically belongs to the creator unless legally transferred.

Duration of Copyright Protection

Copyright protection lasts for a significant period to ensure creators benefit from their work.

Standard Duration

- Life of the author + 50 years (Under Pakistan Copyright Ordinance 1962)

For Anonymous or Corporate Works

- 50 years from the date of first publication

No Renewal Needed

- Copyright is automatically granted when the work is created
- No registration required for protection (although registration strengthens enforcement)

After Expiry

- The work enters the public domain
- Anyone may use it freely without permission

Copyright Infringement: What counts as Copying?

A person infringes copyright when they use a protected work **without permission** in a way that violates the owner's exclusive rights.

Direct (Primary) Infringement

- Occurs when someone:
- Copies the work
- Stores it digitally (scan, fax, disk storage)
- Issues copies to the public
- Performs or displays it publicly
- Uploads or shares it online
- Makes adaptations or modifications

Key Principle:

Copying "**a whole or a substantial part**" is infringement.

There is **no fixed percentage**; even a small but important portion qualifies.

Copyright Infringement: What counts as Copying?

Secondary infringement happens when a person **supports, enables, or benefits** from someone else's direct infringement. It does not require copying the work personally.

Forms of Secondary Infringement

- Importing or exporting pirated copies
- Possessing or selling unauthorized copies
- Providing tools or equipment used to make illegal copies
- Allowing premises to be used for illegal performances
- Hosting or enabling access to infringing digital content

Why It Matters

Even if you did not copy the work yourself, assisting infringement can still make you legally liable.

Change of medium is still infringement!



What is Fair Use?

Fair Use allows limited use of copyrighted material **without permission**, but only under specific conditions.

1. Purpose and Character of Use

- Educational, research, review, or news reporting is more acceptable
- Commercial use weighs against fair use

2. Nature of the Work

- Published, factual works are more flexible
- Creative or unpublished works get stronger protection

3. Amount and Substantiality

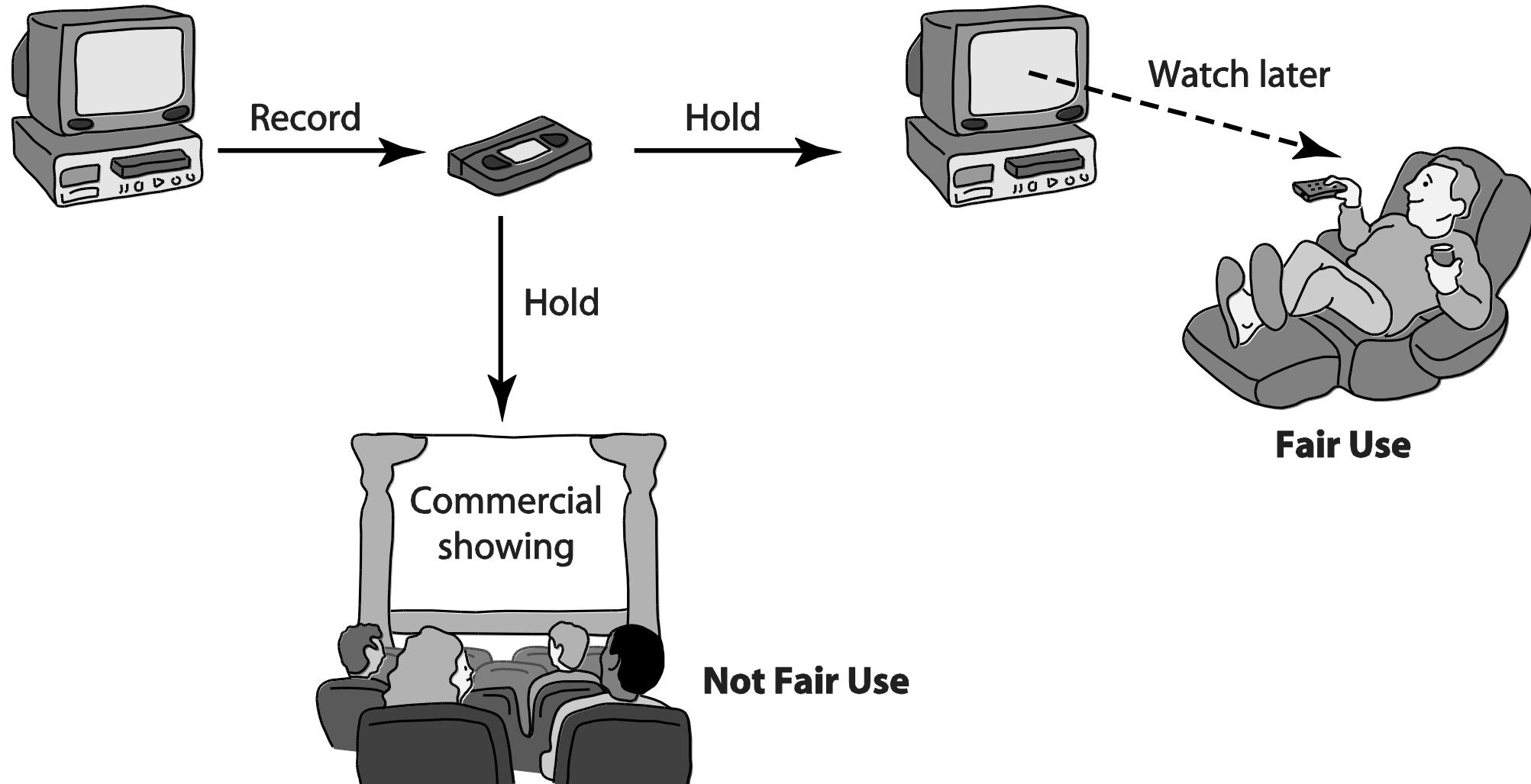
- Small excerpts may be acceptable
- Using the “heart” of the work is not allowed

4. Effect on Market Value

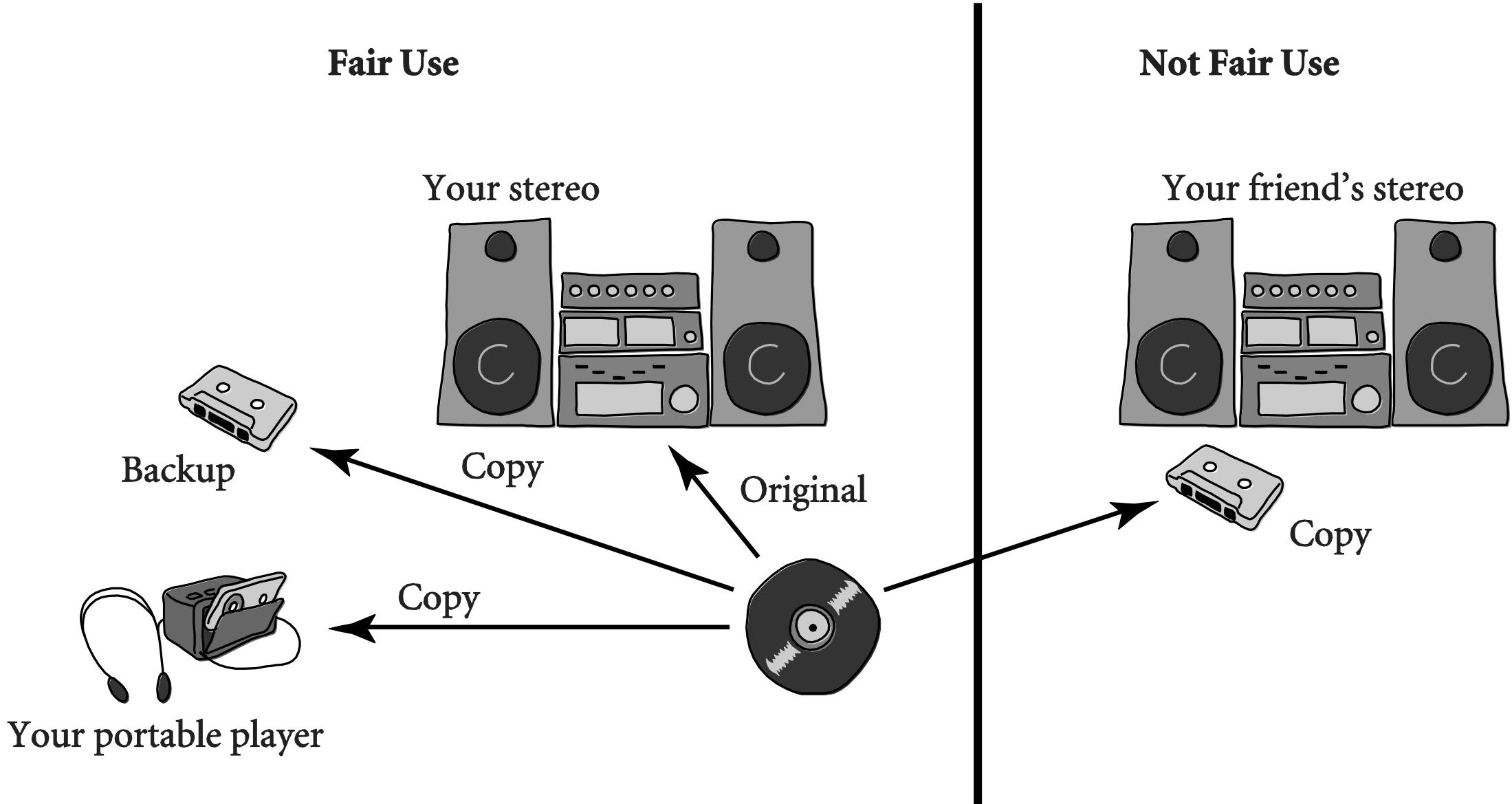
- If the use can replace the original and harm sales, it is **not** fair use

Important Note: Fair use is **narrow** and often applies only to journalism, teaching, criticism, and research.

Time Shifting - Fair Use



Space Shifting - Fair Use



Copyright Alternatives: Licensing Options

Creators can keep copyright ownership but still allow others to use their content under specific terms.

1. Standard License

- Owners give permission for certain uses
- Can be free or paid
- Conditions can restrict how, where, and by whom content is used

2. Open Licenses

- Allow broad sharing with conditions such as attribution.

Examples:

- **Creative Commons (CC BY, CC BY-SA, etc.)**
Allows reuse as long as credit is given
- **Open-Source Licenses (MIT, GPL, Apache)**
Allow use, modification, and distribution of software with specific obligations

3. Educational or Limited Use Licenses

- Allow schools, universities, or organizations to use content under predefined rules.

International Copyright Frameworks

1. Berne Convention (1886)

Foundational international copyright agreement which established:

- Automatic protection (no registration required)
- Minimum protection standards
- Recognition of foreign works in member countries
- Protection of literary, artistic, and creative works
- Concept of "national treatment" (same rights as locals)

2. TRIPS Agreement (1994/95)

Under the World Trade Organization (WTO):

- Makes Berne Convention **mandatory** for all WTO members
- Requires protection for **computer programs and databases** as literary works
- Adds rights related to **commercial rental** (e.g., software, films)
- Sets global standards for enforcement and dispute mechanisms

Why This Matters for Pakistan

As a WTO member, Pakistan must enforce TRIPS-level copyright standards.

Copyright Law in Pakistan

Copyright in Pakistan is governed by the following key legal instruments:

1. The Copyright Ordinance, 1962

- Primary law governing copyright protection
- Covers literary, artistic, musical, and digital works
- Automatically protects original works without registration

2. The Copyright Rules, 1967

- Provide procedures for enforcement and administration
- Outline processes for complaints, registration, and record-keeping

3. Registration (Optional but Helpful)

Handled by **IPO Pakistan (Intellectual Property Organization)**.

Registration strengthens legal standing for:

- Court cases
- Commercial licensing
- Proof of ownership

4. Scope of Protection

Covers software, documentation, UI, graphics, film, sound, and digital content.

Public Domain

A work is in the public domain when **no one owns its copyright** anymore, meaning anyone can use it freely.

How Works Enter the Public Domain

- Copyright **expires** (life of author + 50 years in Pakistan)
- The creator **explicitly releases** the work into the public domain
- Copyright is **forfeited** or not renewed (for countries that require renewal)
- Certain government publications may automatically be public domain (varies by jurisdiction)

What You Can Do with Public Domain Works

- Copy, Modify, Translate, Republish, Use commercially (no permissions needed)

Important Note

- Public domain is **not the same** as “free online.”
- Only works whose copyright has expired or been released qualify.

Patents



The Billion Dollar Code



What is a Patent?

A **patent** is a legal right granted by the state that gives the inventor **exclusive control** over an invention for a limited period.

A patent allows the inventor to **prevent others** from: **Making, Using, Selling, Importing the invention without permission.**

Key Purpose

To encourage innovation by giving inventors a temporary monopoly in exchange for publicly disclosing how the invention works.

Applies To

- New inventions
- New processes or methods
- Technical solutions
- Industrial innovations

What Can Be Patented?

A patent can only be granted if the invention satisfies all of the following requirements:



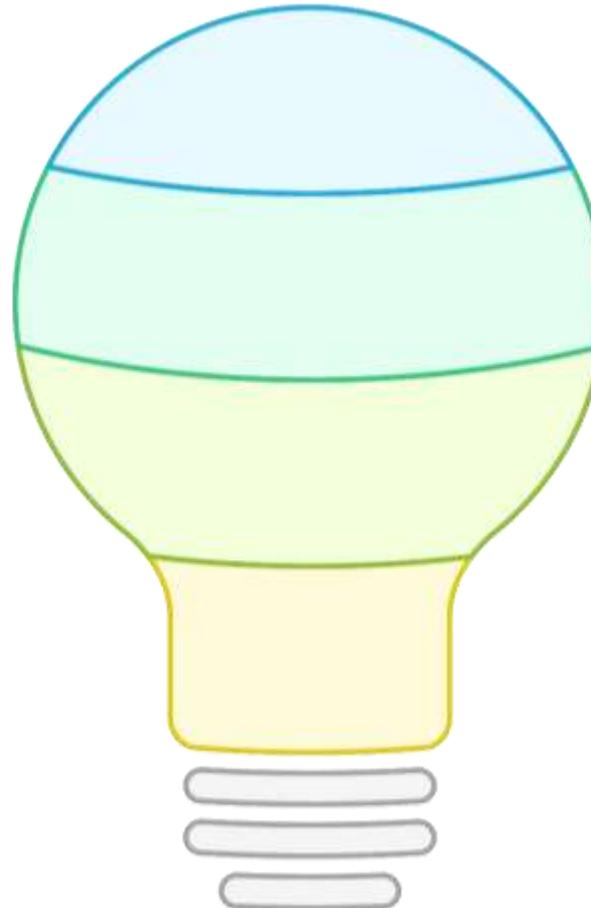
Novelty

The invention must be new and not previously known, published, or used anywhere in the world.



Industrial Applicability

The invention must be practically usable in industry, manufacturing, or technology.



Inventive Step

The invention should not be obvious to a skilled professional in that field. It must demonstrate a creative or technical advancement.



Patentable Subject Matter

It must fall within categories of inventions allowed by law (product or process).

Key idea: A patent protects how something works, not just the idea behind it.

What Cannot Be Patented (Pakistan Context)

Certain things are **not patentable** under Pakistani patent law, even if they appear new or creative.

Excluded from Patent Protection:

- Discoveries or scientific theories
- Laws of nature
- Mathematical formulas or abstract ideas
- Methods of writing music or poetry
- Business methods
- A system of shorthand or alphabets
- Purely scientific principles
- Computer programs *as such*
- Charts, diagrams, and printed sheets
- New properties of known substances (without technical innovation)

Key idea:

Patents protect **technical inventions**, not abstract concepts, ideas, or basic scientific knowledge.

The Patent Application Process

A patent application must clearly explain the invention and show how it works.

A complete application generally includes:

- 1. Title of the Invention:** A concise name describing what the invention is.
- 2. Abstract (Summary):** A brief overview explaining the key idea and purpose.
- 3. Detailed Description (Specification):** Explains how the invention works, how it is made, and how it is used. Must enable a skilled person to reproduce it.
- 4. Drawings / Diagrams:** Visual illustrations showing components, structure, or process flow.
- 5. Claims (Most Important Part):** Defines the **legal boundaries** of the invention. States exactly what is protected. If it is not in the claims, it is not protected.
- 6. Classification:** Patents are categorized into classes and subclasses for indexing and search.

What Happens After You File a Patent?

1. Formal Examination

Patent office checks if the application is complete and meets formal requirements.

2. Technical & Legal Examination

Experts review whether the invention meets all patent criteria:

- Novelty
- Inventive step
- Industrial applicability
- Patentable subject matter

3. Publication

The application is eventually published, making the invention publicly visible.

This is part of the “exchange” for patent protection.

4. Grant or Rejection

If all conditions are satisfied, the patent is granted.

If not, the applicant may respond to objections or amend claims.

5. Patent Enforcement

Once granted, the inventor can:

- License the patent
- Sell it
- Take legal action against unauthorized users

Important Note: Rights begin **only after** the patent is granted, not at filing.

Ways Inventors Can Use Their Patents

1. Work the Invention Privately (Keep It Secret)

- Possible but difficult for large-scale industrial products
- Risky because others might independently invent and patent it first

2. Work the Invention Openly (Without Patenting)

- You can manufacture and sell without seeking patent protection
- But others can legally copy and compete immediately

3. Patent the Invention and Enforce Rights

- Provides the strongest protection
- Ability to stop others from copying

- Enables licensing or selling the patent for profit

4. License the Patent to Others

- Allow companies to make or use your invention for royalties
- Useful when you prefer recurring income over manufacturing

5. Sell the Patent Outright

- Transfer ownership to another party
- Common when inventors want capital instead of long-term control

Key Principle:

Patenting enables **legal enforcement** and **commercial-scale profitability**.

Software Patents: What Can Be Protected?

While "computer programs as such" are not patentable in Pakistan, **software-related inventions** can still be patented **if they produce a technical effect**.

Patentable Software-Related Innovations

Software that enables or improves:

- Data compression techniques (e.g., MP3, GIF algorithms)
- Image or video compression
- Processor control methods
- Hardware-software interaction
- User input mechanisms (page up/down, double-clicking)
- Interface behavior with technical contribution (progress bars, pop-up logic)

Why These Are Patentable

They solve a **technical problem** in a **technical way**, which is the key criterion for software patents globally.

Not Patentable

- Pure algorithms
- Abstract code
- Business logic without technical innovation

Key idea:

Software becomes patentable when it produces a **measurable technical improvement**, not just a logical or business improvement.

Patent Law in Pakistan

1. Governing Legislation

▪ Patents Ordinance, 2000

▪ The primary law regulating patents in Pakistan

▪ Aligns with **TRIPS Agreement** obligations under WTO

2. What the Law Protects

Patents may be granted for:

▪ **New inventions**

▪ **New processes or methods**

▪ **Technical and industrial innovations**

▪ Inventions with **novelty, inventive step, and industrial applicability**

3. What the Law Excludes

Not patentable under Pakistani law:

▪ Pure software / computer programs

▪ Mathematical formulas, scientific principles

▪ Business methods

▪ Methods of teaching, mental acts

▪ Laws of nature and discoveries
▪ Schemes, rules, abstract ideas

4. Duration of Patent Protection

▪ **20 years** from the **filing date**

▪ Non-renewable

▪ Requires **annual renewal/maintenance fees**

▪ After expiry → invention enters **public domain**

5. Rights Granted

Patent owner has exclusive rights to:

▪ Make, use, sell, or import the invention

▪ License or assign the patent

▪ Take legal action against infringement

6. Enforcement & Authority

Handled by:

Intellectual Property Organization (IPO-Pakistan)

Trademarks

FUT FUT

100
0311-5345100, 0332-4724500

MAMOO BURGER

Since 1992
CHICKEN CHEESE BURGER, BEEF CHEESE BURGER, ZINGER BURGER

مامو برج کر پوائنٹ | میکل یال
MAMOO BURGER POINT

ASLI
MAMOO BURGER

مامو برج کر

JUMBO

What is a Trademark?

A **trademark** is a sign that identifies and distinguishes the goods or services of one business from another.

A trademark can be:

- A **name** (e.g., Google)
- A **logo** (e.g., Nike swoosh)
- A **symbol**
- A **phrase or slogan**
- A **design**
- A **combination** of the above

Purpose of a Trademark

- Helps consumers identify the **source** of a product
- Protects the **brand identity** of a company
- Prevents confusion in the market
- Builds reputation and customer trust

Examples

Microsoft

Coca-Cola

McDonald's

Oracle

What do Trademarks Protect?

Trademarks protect elements that help consumers **identify the source** of goods or services.

Trademarks Protect:

- Brand **names**
- Company **logos**
- Product **symbols**
- Distinctive **colors** or **shapes**
(if they identify a brand)
- **Slogans** (e.g., "Just Do It")
- **Product packaging** or trade dress
(overall appearance of a product)

What Trademarks Do NOT Protect:

- The product itself
- The idea behind the product
- Functional or technical features
- (those are protected by patents)

Purpose of Trademark Protection:

- Prevent others from using confusingly similar branding
- Protect the company's market reputation
- Provide legal remedies against counterfeit or imitation

Why Trademarks Matter?

1. Prevent Customer Confusion

A trademark ensures that customers can clearly identify the **true source** of a product or service.
Example: "iPhone" vs. a look-alike phone using a similar name or logo.

2. Protect Brand Reputation

Your logo, name, and identity build trust.

Trademarks stop others from taking advantage of your **brand value** or goodwill.

3. Strengthen Competitive Advantage

Companies invest heavily in branding.

Trademark rights prevent unfair competition and imitation.

4. Enable Legal Enforcement

A registered trademark allows the owner to sue counterfeitors and stop unauthorized use.

5. Create Long-Term Brand Equity

Trademarks can last forever if renewed and used continuously.



Trademark Usage Rules (Correct vs Incorrect Use)

Trademarks must be used **properly** to maintain their legal protection and avoid becoming generic.

Correct Usage Rules

- Use the trademark **as an adjective**, not as a noun or verb.
 - ✓ "Edited using Adobe® Photoshop® software"
- Always **capitalize** and use the exact spelling.
- Do **not** shorten or modify the trademark.
- Use the appropriate **symbol** when required (™, ®).

Incorrect Usage

- ✖ Using trademarks as verbs
 - "I photoshopped the image"
- ✖ Using trademarks as generic nouns
 - "Open the photoshop"
- ✖ Using slang or possessive forms
 - "My hobby is photoshopping"
 - "A photshopper created this"

Why It Matters

Misuse can weaken the trademark and risk losing exclusive rights (becoming generic, like "Xerox" or "Aspirin").

Trademark Symbols and Their Meaning



Registered trademark

- Used **only after** the trademark is officially registered
- Illegal to use before registration
- Provides stronger legal protection and easier enforcement



Unregistered trademark

- Used for **unregistered** trademarks
- Shows that a name, logo, or slogan is being claimed as a brand
- Can be used **anytime**, without filing



Unregistered service trademark

- Used for unregistered marks related to **services** instead of goods
- Example: consulting, banking, hospitality
- Not common in Pakistan, but still recognized

Trademark Registration: How It Works

1. First-to-File vs First-to-Use

- Many countries (including Pakistan) follow *first-to-file*

Meaning: whoever files first gets the rights

- Some countries (like the U.S.) consider *first-to-use*, but filing is still strongly recommended

2. Where to Register

- Register trademarks in the countries where you:

- Manufacture
- Sell
- Distribute
- License products or services

3. Why Registration Matters

- Stronger legal protection
- Ability to challenge infringers
- Prevent others from registering similar marks
- Clear commercial ownership for investors/partners
- Easier brand enforcement internationally

4. International Filing

- You can use WIPO's Madrid System to apply for multiple countries (Pakistan joined in 2021)

Key idea:

Trademark ownership is **not automatic**; filing is the strongest protection against misuse.

Selecting a Strong Trademark



WEAK
NOT DISTINCTIVE
CANNOT BE PROTECTED

NEUTRAL
ACQUIRED DISTINCTIVENESS
MAYBE PROTECTED

STRONG
DISTINCTIVE
CAN BE PROTECTED



Trademarks and Domain Names

Domain names are part of a company's digital identity, but they operate differently from trademarks.

Trademarks

- Territorial (apply country by country)
- Require examination and approval
- Categorized by industry classes
- Prevent others from using confusingly similar marks
- Used to protect brand identity

Domain Names

- Global and unique (one address worldwide)
- Registered on a **first-come, first-served** basis
- No examination for similarity to trademarks
- Used to identify online presence (e.g., brand.com)

Why It Matters

Trademark owners must secure domain names early to avoid misuse or cybersquatting.

Cybersquatting and Domain Names

Cybersquatting occurs when someone registers a domain name that includes another company's **trademark**, intending to profit from it.

What Cybersquatters Do

- Register domain names like **brandname.com** before the real company does
- Demand high payments to transfer ownership
- Create fake or misleading websites
- Divert traffic for advertising or scams

Why It Happens

Because domain registration is:

- First-come, first-served

- Not examined for trademark conflicts
- Global and inexpensive

How It Is Handled

WIPO created the **Uniform Domain Name Dispute Resolution Policy (UDRP)**:

- Trademark owners can file a complaint
- Domain can be transferred or canceled
- Fast and cost-effective alternative to litigation

Example

Registering **nike-shoes-official.com** to mislead customers or force Nike to buy it back.

Trademark Law in Pakistan

1. Trademarks Ordinance, 2001

The primary law governing trademarks in Pakistan.

Covers:

- Registration of trademarks and service marks
- Rights of the trademark owner
- Procedures for opposition, renewal, and enforcement
- Protection against infringement and passing off

2. Trademarks Rules, 2004

Provides procedural details for:

- Filing applications
- Examination process
- Publication in the Trademarks Journal
- Renewal requirements
- Assignment and licensing procedures

3. Registration Validity in Pakistan

- A registered trademark is valid for **10 years** from the filing date
- Can be renewed every **10 years indefinitely**
- Protection remains only if the trademark is actively used

4. Classification System

Pakistan follows the **Nice Classification**, which divides goods and services into 45 classes.

A mark must be registered in applicable classes where the brand operates.

5. Enforcement Mechanisms

- Civil remedies (injunctions, damages, account of profits)
- Criminal penalties for counterfeiting
- Customs recordation available to block counterfeit imports

6. Relevant Authority

All trademark registrations and enforcement matters are handled by:

Intellectual Property Organization of Pakistan (IPO-Pakistan)

Why It Matters

Registration under Pakistani law gives strong, exclusive rights and is necessary for enforcement, especially against counterfeiters and cybersquatters.

Industrial Designs

Coca-Cola®

In the Distinctive Bottle

est. 1886



1899



1900



1916



1957



What Are Industrial Designs?

An industrial design protects the visual appearance of a product, not its technical or functional aspects.

Industrial Designs Protect:

- Shape
- Contours
- Patterns
- Ornamentation
- Surface textures
- Aesthetic features of an article

Does NOT Protect:

- How the product works
- Any technical features
- Functional components (those require patents)

Examples

- Shape of a bottle
- Design of a smartphone body
- Pattern on a textile
- Shape of a chair or appliance

Protection & Scope of Industrial Designs

1. What Protection Does an Industrial Design Give?

The owner has the exclusive right to prevent others from:

- Making
- Selling
- Importing any product that copies the protected design **for commercial purposes**

2. What Is Protected?

- Aesthetic features
- Shape and configuration
- Pattern or ornamentation
- Visual appearance of an article

3. What Is NOT Protected?

- Industrial design **does not** protect:

- Technical or functional aspects (covered by patents)
- Internal mechanisms
- Ideas, processes, or software logic
- Purely artistic works (those are copyright)

4. Term of Protection (Pakistan)

Under **Designs Ordinance, 2000**:

- Protection is typically **10 years**
- Can be extended up to **15 years** in total (subject to renewal)

5. Requirement

The design must be:

- **New**
- **Original**
- Not previously disclosed or used publicly

Examples of Industrial Design

Industrial designs commonly protect the **look and feel** of products such as:

- The **shape of a smartphone** or its camera module
- The **design of a bottle** (e.g., Coca-Cola contour bottle)
- The **pattern on fabric or wallpaper**
- The **shape of furniture**, appliances, or decorative items
- The **visual layout** of a product's outer casing

These elements make products visually distinctive in the market.

Industrial Design Legal Framework in Pakistan

1. Designs Ordinance, 2000

Covers protection of:

- New and original industrial designs
- Aesthetic, non-functional aspects
- Rights against imitation, copying, or unauthorized commercial use

2. Registered Layout-Designs of Integrated Circuits Ordinance, 2000

Protects:

- **Semiconductor topographies**
- 3D layout of electronic circuits
- Mask works used for microchip manufacturing

2. What Industrial Designs Protect

Protection covers the **aesthetic, non-functional** appearance of products, including:

- Shape, Configuration, Pattern, Ornamentation, Surface decoration, Overall visual appearance

Not protected:

- Functional or technical features
- Ideas or concepts
- Internal workings of products

3. Requirements for Registration

To receive protection, the design must be:

- **New** (not previously disclosed anywhere)
- **Original** (created through intellectual effort)
- Applied to an **article** intended for manufacture

4. Duration of Protection (Pakistan)

- Initial term: **10 years**
- Renewal possible for **two additional 5-year periods**
- Maximum total protection: **15 years**
- After expiration, the design enters **public domain**

6. Relevant Authority

Industrial design registrations and disputes are handled by:

Intellectual Property Organization (IPO-Pakistan)

Geographical Indications



Profit

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Pakistan wins major basmati trademark case as New Zealand court rejects India's appeal

Court upholds ruling that basmati is grown in both Pakistan and India, dismisses India's bid for exclusive certification rights

What Is a Geographical Indication (GI)?

A **Geographical Indication (GI)** is a sign used on products that originate from a **specific place** and possess qualities, reputation, or characteristics that are linked **exclusively to that location**.

Key Elements of a GI

- Identifies goods as originating from a **particular region**
- The product's **quality or reputation** must be tied to its origin
- For manufactured goods, at least **one production or processing step** must take place in that location
- Prevents misuse of geographic names by producers outside the region

Protected Under TRIPS Agreement (Articles 22 & 23)

- Provides international recognition
- Prevents misleading indications
- Requires members to protect well-known geographical names

Why GIs Matter

- Protect local heritage and culture
- Preserve authenticity of regional products
- Support economic value for producers in specific areas
- Prevent unfair competition and false branding

Examples of Geographical Indications

These products are globally recognized because their unique qualities are tied to their geographical origin.

International Examples

- **Darjeeling Tea** (India)
- **Tequila** (Mexico)
- **Shiraz Carpets** (Persia/Iran)
- **Florida Oranges** (USA)
- **Washington Apples** (USA)
- **Nagpur Oranges** (India)

Why These Are Famous

- Climate, soil, culture, craftsmanship, or traditional methods
- Reputation built over generations
- Cannot be authentically reproduced elsewhere

Pakistan & Regional Examples

- **Basmati Rice** (Punjab region of Pakistan & India)
- **Kasuri Methi** (Kasur, Pakistan)
- **Lahori Fish** (Lahore, Pakistan)
- **Afghani Pulao** (Afghanistan)

Purpose of GI Protection

- Prevents misleading branding
- Ensures consumers receive authentic products
- Protects economic interests of local producers

Geographical Indications Legal Framework in Pakistan

1. Governing Legislation

Geographical Indications (Registration and Protection) Act, 2020

First dedicated GI law in Pakistan

Aligns with TRIPS Agreement (Articles 22 & 23)

2. What GIs Protect

GIs protect products whose:

- **Quality**,
- **Reputation**, or
- **Characteristics**

are **essentially linked** to their **geographical origin**.

3. Requirements for GI Protection

To qualify, a product must:

Originate from a **specific region**

Have qualities tied to **environment, tradition, or culture**

Follow established production standards

Have a recognized **collective reputation**

4. Duration of Protection (Pakistan)

GI registration is valid for **10 years**

Unlimited renewals (as long as the product maintains its unique characteristics and origin)
GI protection continues as long as the product remains authentic and recognized

6. Relevant Authority

Administered by:

Intellectual Property Organization (IPO-Pakistan)

Comprehensive Comparison of IP Rights in Pakistan

IP Type	What It Protects	Term / Duration (Pakistan)	Requirements for Protection	Relevant Pakistani Law / Ordinance	Notes (Tech/Software Context)
Copyright	Literary, artistic, musical works, software code, UI designs, documentation, multimedia, databases	Life of author + 50 years	Work must be original and fixed in tangible form	Copyright Ordinance, 1962 & Copyright Rules, 1967	Software source code and documentation are automatically protected. Registration optional but helpful for enforcement.
Patent	New inventions, processes, technical solutions, industrial innovations	20 years from filing date (non-renewable)	Must be novel, inventive, industrially applicable , and patentable subject matter	Patents Ordinance, 2000	Pure algorithms, business methods, and software <i>as such</i> are not patentable. Only technical-effect software is.
Trademark	Brand names, logos, slogans, symbols, product identifiers, service marks	10 years, renewable indefinitely	Must be distinctive and not deceptive, offensive, generic, or identical to existing marks	Trademarks Ordinance, 2001 & Trademarks Rules, 2004	Protects brand identity. Important for software product names, app logos, icons. Pakistan follows <i>first-to-file</i> .
Industrial Design	Appearance, shape, pattern, ornamentation of products (aesthetic only), Semiconductor chip topographies, mask works, circuit layouts	10 years , extendable up to 15 years	Design/layout must be new and original	Registered Designs Ordinance, 2000 Layout-Designs of Integrated Circuits Ordinance, 2000	Protects product packaging, device shapes, GUI layout designs (if aesthetic, not functional). Important for hardware startups; protects 3D layout of circuits, not the algorithm.
Trade Secret	Confidential business information, formulas, methods, customer lists, internal algorithms	No fixed term , lasts as long as secrecy is maintained	Information must be secret , have commercial value , and be protected with reasonable steps	No standalone act; governed by contract law, equity, and common law principles	Protects proprietary algorithms, AI models, internal architecture. NDAs essential.
Geographical Indications (GI)	Products with qualities tied to specific geographical origins (Basmati, Kasuri Methi, etc.)	No fixed global term , lasts as long as the GI remains valid & in use	Product qualities must relate to geographical origin	Geographical Indications (Registration & Protection) Act, 2020 (Pakistan's GI law)	Not directly relevant to software, but crucial for agriculture and handicrafts.

International & National IP Framework: Pakistan's Obligations

1. Major International IP Treaties

Pakistan is aligned with global IP standards through the following international agreements:

- **Paris Convention (1883)**
Protection of industrial property (patents, trademarks, designs)
- **Berne Convention (1886)**
Protection of literary & artistic works (copyright)
- **Universal Copyright Convention (1952, revised 1971)**
International copyright harmonization
- **Protocol 1 & Protocol 2 to the Universal Copyright Convention (1971)**
Additional obligations for copyright conformity
- **TRIPS Agreement (1994) — WTO**
Minimum global standards for copyright, patents, trademarks, designs, trade secrets
- **WIPO Treaties (various)**
Pakistan is part of multiple WIPO-administered frameworks

International & National IP Framework: Pakistan's Obligations

2. Pakistan's International Obligations

As a WTO & WIPO member, Pakistan must comply with:

- Paris Convention
- Universal Copyright Convention
- Protocol 1 and 2 (UCC)
- Berne Convention
- TRIPS Agreement
- Treaties applicable through WIPO membership

Additional Modern Developments:

- **Madrid Protocol (2021)** — Pakistan now part of the international trademark registration system
- **Geographical Indications (Registration & Protection) Act, 2020** — Pakistan's first GI-specific law
- **Strengthened role of IPO-Pakistan** in coordination with global IP standards

International & National IP Framework: Pakistan's Obligations

3. National IP Laws of Pakistan (Domestic Framework)

Pakistan's IP system is regulated through the following acts:

- **Copyright Ordinance, 1962**
- **Patents Ordinance, 2000**
- **Trade Marks Ordinance, 2001**
- **Registered Designs Ordinance, 2000**
- **Layout-Designs of Integrated Circuits Ordinance, 2000**
- **Geographical Indications (Registration & Protection) Act, 2020** (*new addition*)

Administered by:

IPO-Pakistan (Intellectual Property Organization of Pakistan)

International IP Protection Table for Startups

IP Type	Does Pakistan Registration Protect You Abroad?	How to Protect Internationally	International Systems Available	Notes for Startups
Copyright	✓ Yes (automatic globally under Berne Convention)	Automatic global protection	Berne Convention	Protects code, documents, UI, multimedia. Does NOT protect inventions or brand names.
Patent	✗ No	File in each country or use PCT	PCT (Patent Cooperation Treaty), Paris Convention	Use PCT to delay global costs for 30 months. No global patent exists.
Trademark	✗ No	File in each country or use Madrid Protocol	Madrid Protocol (Pakistan joined 2021)	Register brand early to prevent others from taking it abroad.
Industrial Design	✗ No	Must file in each target country (Pakistan not in Hague System)	<i>No Hague System access for Pakistan</i>	Protects look/shape, not functionality. Important for product startups.
Trade Secrets	⚠ Partially (depends on internal controls)	No registration, protected through contracts + secrecy in each market	Governed by contracts, NDAs , global trade secret principles	Best for algorithms, AI models, internal methods. No filing needed.
Geographical Indications (GI)	✗ No (Pakistan has its own GI law)	Must file in each country	TRIPS Agreement (requires protection)	Not usually relevant to IT or software startups.

Thank You