

Country Report
Integrated Intellectual Property Management in Pakistan

Mainstreaming IP

Intellectual Property (IP) is highly critical for competitive economy in the back drop of ongoing globalization. Sustainable economic growth now depends largely on hi-tech research and development base of the country and efficient knowledge input through innovation and creativity. IP is in fact a powerful driver of innovation and creativity for wealth creation. The new concept of IP based nation is therefore gaining ground because intellectual property management is a significant enabler of technology creation, technology transfer and creativity. That is precisely why intellectual property management has been mainstreamed in Pakistan by abolishing the age-old fragmentation of IP management among three different Ministries and establishing IPO-Pakistan on 8th April, 2005 which is a focal organization for integrated management of IP in Pakistan.

TRIPS Compliant IP Legislation

- i. The Patents Ordinance, 2000.
- ii. The Registered Designs Ordinance, 2000.
- iii. The Registered Layout-Designs of Integrated Circuits Ordinance, 2000.
- iv. The Copyright Ordinance, 1962 (As Amended in 2000)
- v. The Trade Marks Ordinance, 2001.
- vi. Plant Breeders Rights (PBR) Legislation has been approved by the Federal Cabinet. It is now undergoing necessary processes before submission to the Parliament.
- vii. A Sui Generis GI Law has been drafted. It is undergoing necessary scrutiny and cross-checks required before its presentation to the Federal Cabinet for approval and submission to the Parliament.
- viii. Data Protection Legislation in compliance of Article 39.3 is also under active consideration of Ministry of Health.

Out-of-the Box Package of Reform Measures:

In light of these recommendations the Government of Pakistan put in place an unprecedented package of parallel decisions as follows:-

- Established IPO-Pakistan on 8th April, 2005, as a focal organisation for integrated management of all forms of intellectual property and enforcement coordination;
- Empowered the Federal Investigation Agency (FIA) which is Pakistan's elite force for control of white collar crime, to eliminate piracy by including the Copyright Legislation in the FIA Act, 1974;
- Activated Pakistan Customs to institute effective border measures to control counterfeiting and piracy.
- Energized Pakistan Electronic Media Regulatory Authority (PEMRA) against signal piracy.

Support Package:

This package of upgradation and enforcement measures was reinforced by a number of support decisions, namely:-

- The new organisation was attached with the Cabinet Division which is directly supervised by the Prime Minister of Pakistan;
- The private sector was effectively involved in the governance structure of IPO-Pakistan;
- The status of the Director General IPO-Pakistan was upgraded to the rank of Federal Secretary which is the highest level in Pakistan’s civil administration;
- Liberal funding was provided to meet the initial setting-up requirements of the new organisation;
- A small start-up team of IP literate and experienced officers was provided to kick-start the new organisation;
- An attractive salary package was provided to attract and retain quality manpower in the new organization; and
- The new organization was made fully autonomous for management flexibility; and
- An IP fund was created for financial strength of the new organization.

Governance Structure of IPO-Pakistan

A high profile Policy Board was constituted for effective supervision of IPO-Pakistan. Composition of the Policy Board is as follows:-

- Members -
 - Chairman (Private Sector)
 - Vice Chairman (Public Sector)
 - Federal Secretaries
 - Corporate Executives
- Secretary (Non Member)
 - Director General

The IPO Policy Board effectively symbolizes the spirit of Public-Private Partnership which is the new paradigm of participative governance in Pakistan. It also combines the finest expertise of public administration and corporate management to best serve the national interest. The Deputy Chairman, Planning Commission and six Federal Secretaries of the stake-holding Ministries represent the Public Sector and eleven Members including the Chairman represent the Private Sector comprising top executives of the leading national and multinational companies in Pakistan. Thus the finest human capital has been invested in the governance structure of IPO-Pakistan.

Vision

IPO-Pakistan has set for itself the following Vision namely:-

“To put Pakistan on the IP map of the world as a compliant and responsible country by promoting and protecting intellectual property rights.”

Mission

The Mission Statement of IPO-Pakistan is as follows:-

“Integrating and upgrading IP infrastructure for improved service delivery; increased public awareness and enhanced enforcement coordination for achieving the goal of being an IP based nation.”

Management Improvement Initiatives

Although the new Organization is constantly on the run ever since its inception to meet its initial setting-up requirements, yet it has done reasonably well in achieving the following:-

(i) Integrated Model

IPO-Pakistan has fast developed into a lead model of integrated IP management of all forms of IP including Patents, Industrial Designs, Trade Marks, Service Marks, Layout Designs of Integrated Circuits (Topographies), Geographical Indications and Copyrights. The Government has also recently decided to integrate management of Plant Breeder’s Rights under IPO-Pakistan. IPO Pakistan is now being increasingly recognized and appreciated for being a lead model of integrated IP management for the developing countries. Export Committee of Organisation of Islamic Countries (OIC) has recommended this model for adopting by the member states.

(ii) Joint Committee of IP Registries

A joint committee of Heads of IP Registries has been constituted in Karachi for consensual management of their common problems. The Committee meets regularly for finding corporate solutions to organizational problems.

(iii) One Building Operation

Location of IP Registries is being consolidated in one building for operating a “One Building Operation” of IP registries for the convenience of dealing public. The objective has been partially achieved because an integrated IPO HQ has been established in Islamabad and in Lahore, an integrated Regional Office of IPO-Pakistan has been established and upgraded. Efforts are underway to locate all IP Registries of Karachi in the defunct CCI&E Building after renovating, refurbishing and upgrading it into a full-fledged IP House.

(iv) Automation

Automation is critical for transformation of IP Registries into an accelerated service delivery mode. Business Process Re-engineering (BPR), formulation of Standard Operating Procedures (SOPs), automation and capacity building of the core staff constitute the fundamentals of IPO strategy to improve service delivery. Accordingly automation of data base of Trade Marks Registry has been completed. Patent Registry has also initiated automation of Patent data bases with the help of Electronic Government Directorate (EGD) and World Intellectual Property Organization (WIPO), Geneva. Plans are in hand to convert Copyright Registry from manual to automation mode at the earliest. The ultimate objective is to bring IP management online in Pakistan in the shortest possible time. EGD is preparing an overall automation plan for IPO-Pakistan. This will involve an additional outlay of Rs. 50 Million over and above the normal expenditure budget of IPO-Pakistan.

Public Awareness

In order to improve public awareness, IPO has launched a Public Outreach Program for linking and leveraging its internal and external constituencies i.e. Chambers of Commerce and Industry, business enterprises, R&D institutions, universities, academia and general public. ‘World Trade Review’, a fortnightly newspaper focused on WTO news is also regularly publishing IP news. ‘Pledge’ a periodical against counterfeiting and piracy is being regularly published by Anti-Counterfeiting and Infringement Forum (ACIF), Karachi.

Reform and Restructuring of IP Registries

The existing organizational and administrative set-up of IP Registries requires extensive reform and restructuring. A nine tier flat and lean administrative setup has been put in place. IPO HQ in Islamabad is being organized on modern lines. The IP Registries and their Regional Offices will also be reformed and restructured accordingly. IPO-Pakistan, its Registries and Regional Offices are being reorganized on competitive lines to put in capacity for adequate response to convert the challenges of globalization in the 21st century into opportunities for Pakistan.

This however needs a lot of capacity building, vision, foresight and patience. There is no dearth of political will and financial commitment on the part of Government of Pakistan. Lack of expertise and capacity problems constitute the most major challenges for IPO-Pakistan.

Core Functions

IPO-Pakistan has been assigned the following core functions namely:

- Integrating IP management;
- Improving service delivery;
- Increasing public awareness; and
- Enhancing enforcement coordination

Initial Priorities

Being a new organization, the initial priorities of IPO-Pakistan were set-up as follows:-

- Consolidation of inheritance from the past;
- Putting in core capacities in the new organization;
- Achieving higher order professionalisation; and
- Operating on modern and competitive lines.

IPO-Initiatives

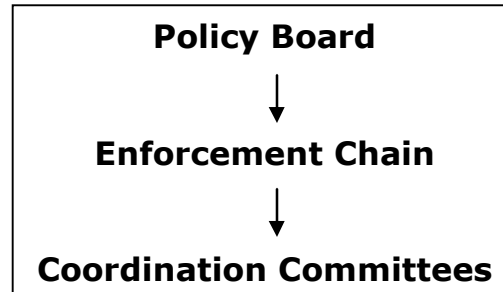
After its inception in April, 2005 IPO-Pakistan launched a number of organisational, administrative and functional initiatives to upgrade the institutional infrastructure; design a flat and lean service structure; provide attractive salary package and afford necessary capacity building opportunities to reform, restructure and reorganize intellectual property management in Pakistan. IPO-Pakistan’s Enforcement Coordination Initiative has not only developed effective linkages with all the agencies in the enforcement chain but also with the private sector investigation agencies engaged in detection of IP crime. As this initiative is developing its synergies, the market space for piracy and counterfeiting has started shrinking and dwindling with expanding enforcement and deepening IP awareness in the country.

Enforcement Coordination

Enforcement coordination is logically structured at the policy level, supervisory level and operational level as follows;

Structured Enforcement Coordination

- Policy Board Interface
(Policy Level)
- Organizational Interface
(Supervisory Level)
- Enforcement Coordination
Committee Interface
(Operational Level)



At the operational level, enforcement coordination has been institutionalized through the Regional Enforcement Coordination Committees, comprising all agencies in the enforcement chain, in Islamabad, Karachi and Lahore. Its membership comprises IPO-Pakistan, Central Intelligence, Law Division and Pakistan Electronic Media Regulatory Authority. Private Investigation Agencies and Citizen-Police Liaison Committees already existing in the major urban areas will also be brought into the enforcement loop by special invitation.

Agencies in the Enforcement Chain

- i. District Police
- ii. Federal Investigation Agency (FIA)
- iii. Customs
- iv. Pakistan Electronic Media Regulatory Authority (PEMRA)
- v. Judiciary
- vi. Law Division
- vii. Private Detection Agencies

Enforcement Strategy

A top down gradual and selective approach based on special and differential treatment principle of WTO is being followed under which the developed regions like Karachi, Lahore and Islamabad of Pakistan have been prioritized for IPR enforcement. The less developed areas of Pakistan will be focused later. The approach is two pronged; (i) supply side controls; and (ii) demand side controls. The enforcement agencies are eliminating supplies of counterfeit and pirated goods through relentless enforcement. IPO Pakistan is containing demand through its massive public awareness program under its Public Outreach Initiative. Ministry of Information Technology is providing affordable open source solutions to enable migration to legitimate business software.

OFFICES OF IPO-PAKISTAN

IPO-Pakistan presently comprises of the following offices namely:

- i. IPO HQs, Islamabad;
- ii. Trade Marks Registry, Karachi;
(including Service Marks and GIs)
- iii. Patents and Designs Office, Karachi;
- iv. Copyright Office, Karachi; and
- v. IPO's Regional Office, Lahore

Industry-Academia collaboration for Technology Transfer

The government of Pakistan has taken initiatives to ensure the technology transfer with collaboration of academia and industry. The objective of this collaboration and some of the key initiatives are mentioned as under;

Objective:

“To link the research efforts with the future commercial applications of technology”

- a. Establishment of Patent Advisory Cell in Higher Education Commission
- b. Establishment of Technology Incubation Centers in reputed Universities in Pakistan
- c. Pakistan Council of Science and Industrial Research is an organization of the government which works on promotion of science and technology in the country. One of the objectives of this organization is

“To conduct R&D work on problems faced by the industrial sector and maintain linkages through seminars, workshops, publications, and provision of assistance to academic institutions.”

Example of Technology Transfer by PCSIR

The first technology incubation and transfer agreement of its nature was signed between PCSIR Laboratories Complex, Karachi and M/s Reign Nutro Pharma (Pvt.) Ltd, Karachi. The main purpose of the agreement is to grant a license for the transfer of technologies of "Energy Drink, Malt Base Iron and Zinc Syrup Technologies" with incubation of four years by acquiring processes developed by PCSIR.

d. Pakistan Science Foundation is another organization of government which works primarily on development of science and technology. The Promotion of Scientific Research and related activities is the major objective of Pakistan Science Foundation, which provides funding for research projects in the areas of Agricultural Sciences, Biological Sciences, Bio-technology and Genetic Engineering, Chemical Sciences, Computer/Information Technology, Mathematical Sciences, Environmental Sciences, Engineering, Earth sciences, Medical sciences and Physics.

Most importantly, the Foundation provides grants to universities and other R&D organizations for projects undertaken by individuals or groups of scientists. The Foundation has developed requisite infrastructure for carrying out its research support activity.
