

WIPO International Symposium on IP and Sustainable Development Documentation and Registration of TK and TCEs



Panel Discussion

“Special Protection for Traditional Knowledge and Traditional Cultural Expressions: Role of Formalities”.



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Muscat, Oman

Outlines



- Basic Description of Pakistan
- Intellectual Property Management in Pakistan
- Historical Background, glimpses of TK and TCEs of Pakistan
- Role of Formalities as legal element for special protection of TK and TCEs
- Legal Protection of TK and TCEs in Pakistan

Basic Description of Pakistan

- Country Name: Islamic Republic of Pakistan
- Capital: Islamabad
- Independence: August 14, 1947
- Government type: Federal Government
- Area: 803,940 sq km
- Land boundaries: China, Iran, India and Afghanistan

Map of Pakistan



Mainstreaming IP Management

- IPO-Pakistan established in 2005 as a specialized organization for integrated IP management
- The organization placed under direct supervision of the Prime Minister of Pakistan
- A high level Policy Board constituted for policy management and guidelines
- Private-Public Partnership introduced in the governance structure of IPO-Pakistan
- Liberal funding provided by the Government to operate the new organization on modern and competitive lines

Legal Framework (Old and New)



OLD

PATENTS AND DESIGNS ACT, 1911

TRADE MARKS ACT, 1940

COPYRIGHT ORDINANCE 1962

NEW

**THE INTELLECTUAL PROPERTY ORGANISATION
OF PAKISTAN ORDINANCE, 2005 (renewed, 2010)**

**PATENT ORDINANCE 2000
(AMENDED IN 2002 & 2006)**

TRADE MARKS ORDINANCE 2001

**COPYRIGHT ORDINANCE 1962,
(AMENDED IN 2000)**

THE REGISTERED DESIGNS ORDINANCE, 2000

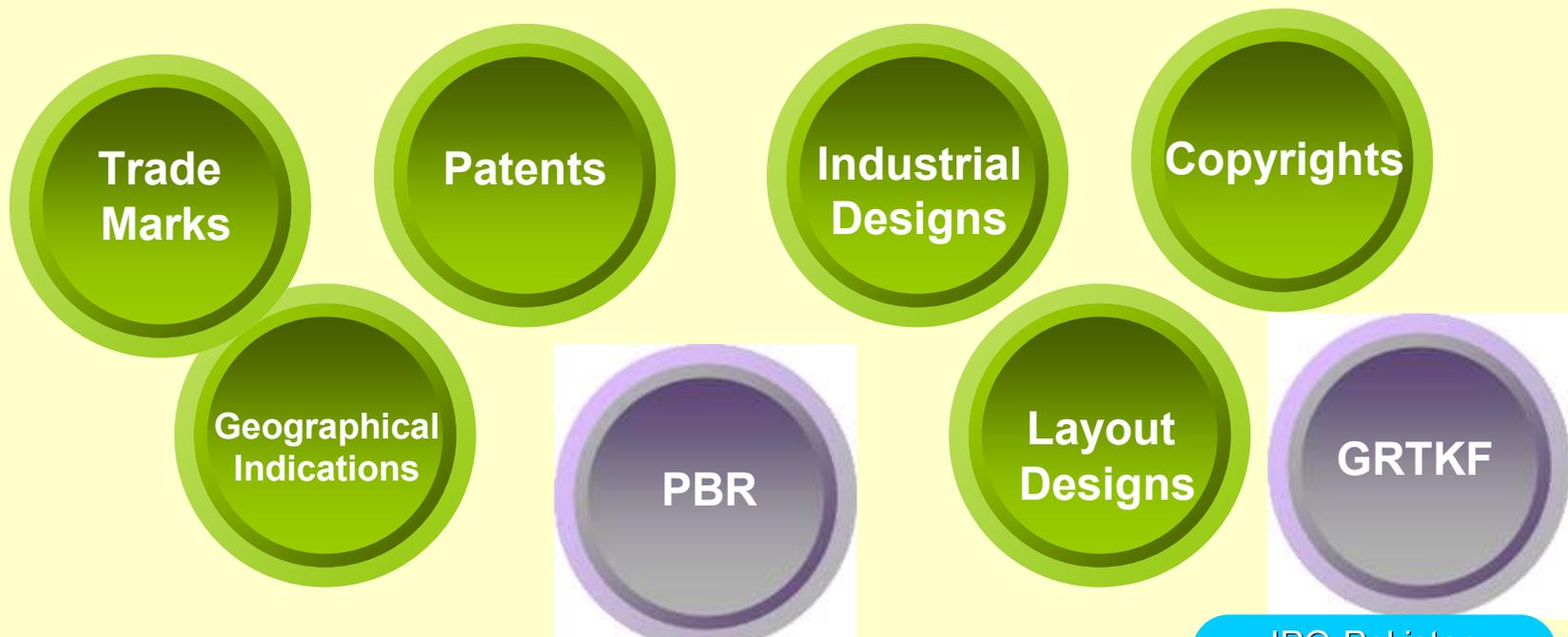
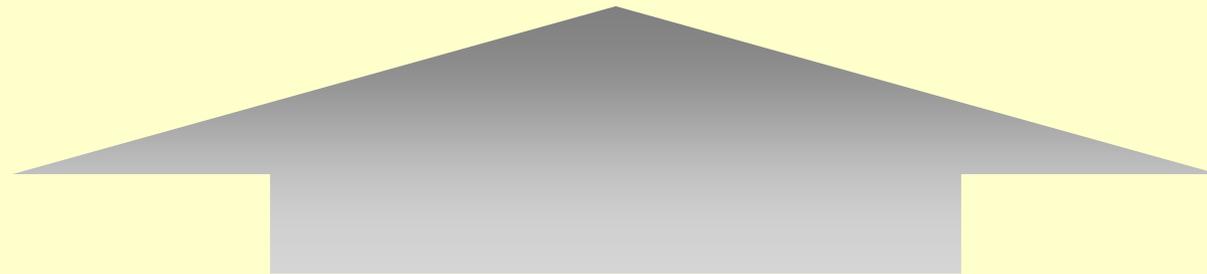
**THE REGISTERED LAYOUT-DESIGNS OF
INTEGRATED CIRCUITS ORDINANCE, 2000**

PLANT BREEDERS RIGHTS BILL (Under approval)

**STAND-ALONE GEOGRAPHICAL
INDICATION LAW (Under submission)**

GRTKF Legislation (Drafting stage)

Integrated IP Management



Ancient Civilizations having effect on TK and TCEs of Pakistan



<u>Soanian People</u>	~500,000 years ago
<u>Mehrgarh Culture</u>	7000–2800 BC
<u>Indus Valley Civilization</u>	3300–1750 BC
<u>Vedic Civilization</u>	2000–600 BC
<u>Indo-Greek Kingdom</u>	250 <u>BC</u> -11 <u>AD</u>
<u>Gandhara Civilization</u>	200 <u>BC</u> –1000 <u>AD</u>

Glimpses of Ancient Civilizations



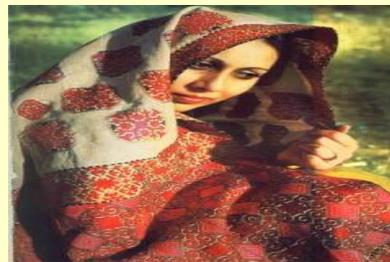
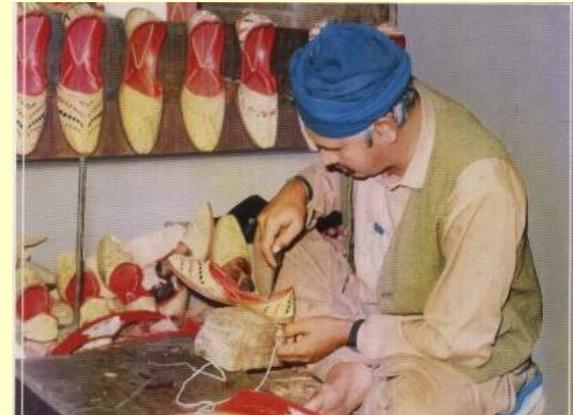
Mohenjodaro



Harapa



Glimpses of Existing TKs and TCEs



Glimpses of Existing TKs and TCEs



Legal Elements for Protection of TK and TCEs



- Subject matter of protection
- Criteria for Protection
- Beneficiaries
- Scope of Protection
- Exceptions and Limitations
- Management of Rights
- Term of Protection
- **Formalities**
- Enforcement
- Legal Proceedings
- Dispute Resolution
- Relationship with IP Protection
- Relationship with ABS regime
- International and Regional Protection

Role of Formalities

- How protection is acquired?
- How it is maintained?

How Protection is Acquired?

- Automatic Protection (without formalities)
- Registration or Notification System
- A hybrid of Automatic protection and Registration

How Protection is maintained?

- Establishment of Database
- Maintenance of Register for acquisition of Rights
- Multiple Registers

Legal Protection of TK and TCEs in Pakistan

- **Patent Ordinance, 2000:-**

Sec8. Novelty.- (1) An invention shall be considered to be new if it does not form part of the **state of the art**. (2) The state of the art shall comprise-(c) traditionally developed or existing knowledge available or in possession of a local or indigenous community.

•GRTKF Database is being developed

• Legislation at draft stage

- **Draft PBR Law:-**

Chapter VI Section 32 (6) The amount of **benefit sharing** to a variety determined under this section shall be deposited by the breeder of such variety in the manner prescribed. The amount of benefit sharing determined under this section shall, on a reference made by the Registrar in the prescribed manner, be recoverable as an arrear of land revenue by the High Court within whose local limits of jurisdiction the breeder liable for such benefit sharing resides.

**THANKS FOR YOUR
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