

Pakistan – Intellectual Property Law

Establishment of IP Tribunals

Originally all three Intellectual Property offices in Pakistan were under the control of three different ministries. In order to bring all the Intellectual Property offices under one roof, in 2005 the Intellectual Property Organization of Pakistan (IPO-P) was established under the supervision of the Cabinet Division of Pakistan. One of the purposes of IPO-P is to provide for an institutional arrangement in the state set-up for taking up exclusively and comprehensively all subjects and matters relating to intellectual property rights in an integrated manner and for matters connected therewith or incidental thereto. In line with the said policy the Government enacted the Intellectual Property Organization of Pakistan Act, 2012, which came into force with effect from 28th August, 2012, except for the provisions of Sections 15, 16, 17, 18 and 19, which were to come into force on such date as the Federal Government may, by notification in the official Gazette, appoint.

Now, the Federal Government has moved one step forward and brought into effect the provisions of Sections 15, 16, 17, 18 and 19. Furthermore, in exercise of powers conferred under the Act in December, 2014 the Government has established three IP Tribunals one each in the provinces of Punjab and Sindh and one in Islamabad Capital.

The Tribunals have both civil and criminal jurisdictions. As for its civil jurisdiction it shall have all the powers of a civil court under the Code of Civil Procedure, 1908 and for criminal jurisdiction the Court of Sessions under the Code of Criminal Procedure, 1898 respectively. In all matters about which the procedure has not been provided in the Act, follow the procedure laid down in the Codes. All proceedings before the Tribunal shall be deemed judicial proceedings within the meaning of Sections 193 and 228 of the Pakistan Penal Code, 1860 and no court other than a Tribunal shall have power to exercise any jurisdiction in any matter in which the jurisdiction is vested in Tribunal under the Act.

The Tribunal may, if it so requires, in technical aspects of intellectual property rights involved in any case, be assisted by an expert, who has experience and expertise in the matters of intellectual property rights.

Any person aggrieved by the final judgement/order of the Tribunal may, within thirty days of the final judgement/order of the Tribunal, prefer an appeal in the High Court having territorial jurisdiction.

According to a news item posted on the website of IPO-Pakistan dated October 1st, 2015, the Federal Government has appointed Muhammad Khalid Nawaz (District & Sessions Judge), Mr Shakil Ahmed Abbasi (Advocate) and Mr Nisar Baig (Judge Accountability Court-II) as presiding officers for the three Tribunals in Punjab, Sindh and Islamabad respectively. Consequently, all suits and proceedings, which are currently pending and instituted under the intellectual property laws in any court stands transferred to the respective Tribunal to proceed from the stage the same have reached prior to the transfer.



Imtiaz Ahmed Sheikh
Advocate
Bharucha & Co.
Tel: +92 21 3537 9544
Imtiaz.sheikh@bharuchaco.com
www.bharuchaco.com

