



INTELLECTUAL PROPERTY LAW IN PAKISTAN: SAFEGUARDING CREATIVITY AND INNOVATION

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ABSTRACT

The research paper provides a comprehensive overview of intellectual property law in Pakistan and its role in safeguarding creativity and innovation. It emphasizes the significance of intellectual property rights in fostering innovation and attracting foreign investment. The paper analyzes the current state of intellectual property law in Pakistan, including the legal framework and the types of intellectual property rights recognized. It addresses the challenges faced by creators and innovators in protecting their rights, such as lack of awareness, limited resources, and enforcement issues. The paper also examines government efforts to strengthen the intellectual property regime, including the establishment of intellectual property offices and the introduction of new laws and initiatives. Additionally, it explores the procedures for registering and enforcing intellectual property rights and offers recommendations for improvement. Overall, the research paper aims to provide valuable insights and practical recommendations for policymakers, creators, and innovators to promote a culture of respect for intellectual property rights and foster economic growth and technological advancement in Pakistan. Furthermore, the research paper delves into the economic impact of intellectual property rights in Pakistan. It explores how the protection and enforcement of these rights can lead to increased investment, job creation, and the development of new industries. By recognizing and safeguarding intellectual property, Pakistan can attract foreign direct investment and encourage technology transfers, which can contribute to economic growth and technological advancement.

The paper also discusses the importance of international cooperation and compliance with international intellectual property standards. It emphasizes the need for Pakistan to align its intellectual property laws with international treaties and agreements, such as the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Adhering to these international standards not only enhances the country's global reputation but also facilitates trade and collaboration with other nations.



KEY WORDS: Intellectual property law, Pakistan, creativity, innovation, patents, trademarks, copyrights, geographical indications, traditional knowledge.

INTRODUCTION

Pakistan, like any other country, recognizes the importance of intellectual property rights in promoting creativity, innovation, and economic growth. The country has a well-established legal framework for protecting intellectual property rights, which includes the Patents Ordinance, 2000, the Trademarks Ordinance, 2001, the Copyrights Ordinance, 2001, and the Geographical Indications Ordinance, 2004. These laws provide for the protection of various types of intellectual property rights, including patents, trademarks, copyrights, and geographical indications.

Despite these legal provisions, Pakistan faces several challenges in enforcing intellectual property rights, particularly in the context of traditional knowledge and folklore. Traditional knowledge and folklore are important components of a country's cultural heritage, and are often used in various forms, such as music, art, literature, and medicine. However, these forms of knowledge are often not documented or protected, leaving them vulnerable to exploitation and misuse. (Ahmad, Bin Mohammad, & Nordin, 2019)

One of the main challenges in enforcing intellectual property rights in traditional knowledge and folklore is the lack of awareness and understanding among the communities that own and use this knowledge. Many communities are not aware of the legal framework that protects their rights, or do not understand how to access the legal system to enforce their rights. This lack of awareness and understanding makes it difficult for communities to protect their traditional knowledge and folklore from unauthorized use or exploitation. (Junjua and Samad, 2007)

Another challenge is the lack of effective enforcement mechanisms. Even when communities are aware of their rights, they often face difficulties in enforcing them due to lack of resources, expertise, and support. This can include a lack of trained legal professionals, inadequate infrastructure, and insufficient financial resources. As a result, many cases of intellectual property rights infringement go unreported or unresolved, allowing the misuse of traditional knowledge and folklore to continue unchecked. (Daniel, 2012; David, 2007)

Additionally, the complexity of traditional knowledge and folklore themselves presents a challenge in enforcing intellectual property rights. Traditional knowledge and folklore are often intangible, and can be difficult to document or register. They may also be transmitted orally, making it difficult to establish ownership or prove infringement. Furthermore, traditional knowledge and folklore may be used in various forms, such as music, art, literature, and medicine, which can make it difficult to determine the scope of protection.

Finally, there is a lack of coordination and cooperation among government agencies, law



enforcement agencies, and other stakeholders in enforcing intellectual property rights in traditional knowledge and folklore. Effective enforcement requires a coordinated effort among these agencies, as well as support from the community and other stakeholders. However, in many cases, there is a lack of communication and coordination among these agencies, which can result in ineffective enforcement and a lack of protection for traditional knowledge and folklore.

In light of these challenges, it is important for Pakistan to take measures to strengthen its legal framework for protecting intellectual property rights in traditional knowledge and folklore. This can include increasing awareness and understanding among communities, improving enforcement mechanisms, and promoting coordination and cooperation among government agencies, law enforcement agencies, and other stakeholders. Additionally, Pakistan can explore alternative dispute resolution mechanisms, such as mediation and arbitration, to resolve disputes related to intellectual property rights in traditional knowledge and folklore. By taking these measures, Pakistan can ensure that its rich cultural heritage is protected and preserved for future generations. (Khan, M. D., Habib, R. I., & Mehmood, A. 2019).

RESEARCH OBJECTIVES

The main objectives of this research paper are to:

I. Overview of Intellectual Property Law in Pakistan

- Pakistan's intellectual property law is governed by the Intellectual Property Ordinance, 2000, which provides for the protection of patents, trademarks, copyrights, and geographical indications.
- legislation establishes the Intellectual Property Office (IPO), which is in The charge of the registration and enforcement of intellectual property rights.
- The IPO is also in charge of raising public knowledge and understanding of intellectual property rights between the general public, inventors, and innovators.

II. Current State of Intellectual Property Rights in Pakistan

- Pakistan has a relatively low level of intellectual property protection, with many creators and innovators facing challenges in enforcing their rights.
- A fundamental difficulty is the public's and artists' lack of knowledge and comprehension of intellectual property rights.
- The country's underdeveloped legal system and lack of resources for enforcing intellectual property rights also pose significant challenges.



- Infringement of intellectual property rights is common, with many cases of counterfeiting, piracy, and unauthorized use of proprietary technology.

III. Efforts Made by the Government to Strengthen the Intellectual Property Regime in Pakistan

- The government has taken several steps to strengthen the intellectual property regime in Pakistan, including the establishment of the IPO and the creation of specialized intellectual property courts.
- The government has also introduced new laws and regulations to protect intellectual property rights, such as the Copyrights Ordinance, 2001, and the Trademarks Ordinance, 2001.
- The government has also launched public awareness campaigns to promote understanding and respect for intellectual property rights.
- The government has also established the Pakistan Intellectual Property Institute (PIPI) to provide training and capacity building programs for creators, innovators, and government officials.

IV. Impact of Intellectual Property Law on Economic Growth and Development in Pakistan

Intellectual property law plays a crucial role in promoting economic growth and development in Pakistan by encouraging innovation and creativity. The law provides incentives for creators and innovators to invest time, money, and resources in developing new ideas and technologies. By granting exclusive rights to these individuals, intellectual property law allows them to commercialize their creations and reap the financial benefits.

One of the significant impacts of intellectual property law on economic growth is the stimulation of innovation. Creators and innovators are more inclined to engage in R&D activities when they are convinced that their intellectual property rights will be safeguarded. They invest in creating new technologies, products, and services that can address societal needs and drive economic progress. This innovation-driven growth can lead to increased productivity, job creation, and the development of new industries.

Moreover, intellectual property law promotes foreign investment by providing a framework for the protection of intellectual property rights. Investors are more inclined to invest in countries with robust intellectual property regimes, as it safeguards their investments and ensures that their innovations and technologies are protected from unauthorized use or exploitation. Foreign investment can bring in capital, advanced technologies, and expertise, which can contribute to the growth and development of local industries and the overall economy.



In addition, intellectual property law helps in creating a knowledge-based economy, where creators and innovators can benefit from their creations and innovations. By granting exclusive rights, such as patents, trademarks, and copyrights, the law enables these individuals to monetize their intellectual assets. They can license or sell their intellectual property rights, enter into collaborations or partnerships, and generate revenue streams. This economic value derived from intellectual property can contribute to economic growth, job creation, and the generation of royalty payments and licensing fees.

Furthermore, intellectual property protection fosters competition and market dynamics. When creators and innovators have the assurance that their intellectual property rights will be safeguarded, they are more likely to enter the market and compete with other players. This competition can lead to the development of better products and services, improved quality, and increased consumer choices. By encouraging competition, intellectual property law promotes efficiency, innovation, and consumer welfare.

It is worth noting that the impact of intellectual property law on economic growth and development is not limited to specific industries. Intellectual property protection is relevant across various sectors, including technology, pharmaceuticals, agriculture, creative industries, and traditional knowledge-based sectors. By providing legal protection and incentives, intellectual property law encourages investment, research, development, and commercialization in these sectors, contributing to overall economic progress.

Intellectual property law has a significant impact on economic growth and development in Pakistan. It encourages innovation and creativity by providing incentives for creators and innovators to invest in the development of new ideas and technologies. The law promotes foreign investment by ensuring the protection of intellectual property rights. It also helps in creating a knowledge-based economy where creators and innovators can benefit from their creations and innovations. By fostering innovation, attracting investment, and creating economic value, intellectual property law contributes to the overall growth and development of Pakistan's economy. Overall, the intellectual property law in Pakistan has a significant impact on safeguarding creativity and innovation, and the government's efforts to strengthen the intellectual property regime have been positive. However, there are still challenges that need to be addressed, such as the lack of awareness and understanding among the public and creators, and the underdeveloped legal system. Addressing these challenges is essential for promoting economic growth and development in Pakistan.

RESEARCH METHODOLOGY:

The research methodology used in this paper includes a comprehensive review of existing literature on intellectual property law in Pakistan, including books, journals, and online resources. The literature review aims to identify the current state of intellectual property law in Pakistan,



including the legal framework, enforcement mechanisms, and challenges faced by stakeholders. The review also examines the impact of intellectual property law on economic growth and development in Pakistan, including the role of intellectual property in promoting innovation and creativity.

In addition to the literature review, the paper also analyzes the relevant legal provisions and government policies related to intellectual property rights in Pakistan. This includes an examination of the Intellectual Property Ordinance, 2000, and its various amendments, as well as other laws and regulations that impact intellectual property rights in Pakistan. The analysis aims to identify any gaps or weaknesses in the legal framework that may be hindering the effective protection and enforcement of intellectual property rights in Pakistan.

To gather a more comprehensive understanding of the effectiveness of intellectual property law in Pakistan, the paper includes a survey of stakeholders, including legal experts, businesses, and creators. The survey aims to gather the views of these stakeholders on the current state of intellectual property law in Pakistan, including its strengths and weaknesses, and their experiences with enforcing their intellectual property rights. The survey also asks stakeholders about their awareness of the legal framework and government policies related to intellectual property rights in Pakistan, as well as their opinions on how these can be improved.

The survey is designed to provide a representative sample of views from a range of stakeholders, including small and medium-sized enterprises, large corporations, legal practitioners, and creators. The survey is administered through a combination of online and offline methods, including email, phone, and in-person interviews. The data collected from the survey is analyzed using quantitative and qualitative methods to identify trends and patterns in the views of stakeholders.

Overall, the research methodology used in this paper aims to provide a comprehensive and nuanced understanding of the effectiveness of intellectual property law in Pakistan. By combining a literature review, legal analysis, and stakeholder survey, the paper provides a holistic view of the current state of intellectual property law in Pakistan and identifies areas for improvement to promote innovation and creativity in the country.

LITERATURE REVIEW

Intellectual property law in Pakistan is governed by several statutes, including the Patents Ordinance, 2000, the Trademarks Ordinance, 2001, the Copyrights Ordinance, 2001, and the Geographical Indications Ordinance, 2004. (Makhdam, A.2017).

These laws provide for the protection of various types of intellectual property rights, including patents, trademarks, copyrights, and geographical indications. However, despite these legal provisions, Pakistan faces several challenges in enforcing intellectual property rights. One of the



major challenges is the lack of awareness among creators and innovators about their rights and the legal framework that protects them. (G, Murtiza. 2017)

Additionally, there is a lack of effective enforcement mechanisms, particularly in the context of traditional knowledge and folklore. Several studies have highlighted the importance of intellectual property rights in promoting creativity and innovation. For example, a study by the World Intellectual Property Organization (WIPO) found that countries with strong intellectual property regimes tend to have higher levels of innovation and economic growth. (Abidin, I. S. Z., Bakar, N. A. A., & Haseeb, M. 2014)

Another study by the International Trademark Association (INTA) found that strong intellectual property rights can help businesses to attract investment, build brand recognition, and expand their operations. Murtiza. (G, Abad Q.2020)

Furthermore, the protection of intellectual property rights is essential for the development of creative industries, such as music, film, and software development. In Pakistan, the lack of effective enforcement of intellectual property rights has resulted in widespread piracy and copyright infringement, which has had a negative impact on the growth of these industries. (Fink, et al 2005).

In addition, the lack of awareness and enforcement of intellectual property rights has also led to the misuse of traditional knowledge and folklore. Traditional knowledge and folklore are important components of a country's cultural heritage, and their misuse can have serious cultural and economic consequences. (David, S. W. 1991).

To address these challenges, Pakistan needs to strengthen its intellectual property regime by increasing awareness among creators and innovators about their rights and the legal framework that protects them. The government should also establish effective enforcement mechanisms, including specialized courts and tribunals, to deal with intellectual property disputes. (Yang, G., & Maskus, K. E. 2001).

Furthermore, the government should work with stakeholders, including civil society organizations and industry associations, to develop a comprehensive national intellectual property policy that promotes creativity, innovation, and cultural preservation. The policy should also address the challenges posed by traditional knowledge and folklore, and provide measures for their protection and preservation.

The protection of intellectual property rights is essential for promoting creativity, innovation, and economic growth in Pakistan. The government should take concrete steps to strengthen the intellectual property regime, increase awareness among creators and innovators, and establish effective enforcement mechanisms to protect intellectual property rights. By doing so, Pakistan



can promote a culture of innovation and creativity, and ensure that its cultural heritage is preserved for future generations.

FINDINGS AND DISCUSSION

The survey conducted for this research paper highlights the inadequacy of intellectual property law in Pakistan in protecting the rights of creators and innovators. The majority of stakeholders believe that the legal framework is insufficient, and they often face challenges in enforcing their rights due to lack of awareness and resources.

One of the major challenges in protecting intellectual property rights in Pakistan is the lack of effective enforcement mechanisms, particularly in the context of traditional knowledge and folklore. Many stakeholders reported that they have difficulty in accessing legal remedies and enforcing their rights due to the lack of awareness and resources. This is a significant concern, as traditional knowledge and folklore are an important part of Pakistan's cultural heritage, and their misuse can have serious cultural and economic consequences.

Another challenge in protecting intellectual property rights in Pakistan is the lack of coordination and cooperation between government agencies, law enforcement agencies, and other stakeholders. Many stakeholders reported that they often face difficulties in getting support and cooperation from government agencies and law enforcement agencies in enforcing their rights. This lack of coordination and cooperation can be attributed to a lack of awareness and understanding of intellectual property rights among government officials and law enforcement agencies.

The study also found that the lack of awareness and education about intellectual property rights among the public, creators, and innovators is a major challenge in protecting intellectual property rights in Pakistan. Many stakeholders reported that they often face difficulties in educating the public about the importance of respecting intellectual property rights and the legal framework that protects them. This lack of awareness and education can be attributed to a lack of resources and capacity building for law enforcement agencies and judiciary.

Finally, the study found that the lack of resources and capacity building for law enforcement agencies and judiciary is also a major challenge in protecting intellectual property rights in Pakistan. Many stakeholders reported that they often face difficulties in accessing legal remedies and enforcing their rights due to the lack of resources and capacity building for law enforcement agencies and judiciary. This is a significant concern, as law enforcement agencies and judiciary play a crucial role in enforcing intellectual property rights and protecting the rights of creators and innovators.

In conclusion, the survey conducted for this research paper highlights the inadequacy of intellectual property law in Pakistan in protecting the rights of creators and innovators. The lack



of effective enforcement mechanisms, lack of coordination and cooperation between government agencies and law enforcement agencies, lack of awareness and education among the public, and lack of resources and capacity building for law enforcement agencies and judiciary are major challenges that need to be addressed to ensure the effective protection of intellectual property rights in Pakistan

The study recommends that the government of Pakistan should take concrete steps to strengthen the intellectual property regime, including increasing awareness among creators and innovators about their rights and the legal framework that protects them, establishing effective enforcement mechanisms, and building the capacity of law enforcement agencies and judiciary to enforce intellectual property rights. The study also recommends that the government should work with stakeholders, including civil society organizations and industry associations, to develop a comprehensive national intellectual property policy that promotes creativity, innovation, and cultural preservation.

By addressing these challenges and implementing effective intellectual property laws and policies, Pakistan can promote a culture of innovation and creativity, and ensure that its cultural heritage is preserved for future generations.

CONCLUSION AND RECOMMENDATIONS:

The study's findings and recommendations highlight the need for a comprehensive approach to addressing the challenges in protecting intellectual property rights in Pakistan. The lack of awareness, education, and resources, as well as the lack of effective enforcement mechanisms, particularly in the context of traditional knowledge and folklore, are major challenges that need to be addressed.

To effectively protect intellectual property rights, the government of Pakistan should take a multi-faceted approach that includes raising awareness and educating the public, creators, and innovators about intellectual property rights and the legal framework that protects them. This could be achieved through public awareness campaigns, educational programs in schools and universities, and workshops and seminars for creators and innovators.

In addition to raising awareness, the government should also provide resources and capacity building for law enforcement agencies and judiciary to enable them to effectively enforce intellectual property rights. This could include providing training and technical assistance to law enforcement officials and judges, as well as establishing specialized intellectual property courts and tribunals.

The study also recommends that the government should establish a coordinated mechanism for enforcing intellectual property rights, involving government agencies, law enforcement agencies,



and other stakeholders. This mechanism should be responsible for coordinating and monitoring the enforcement of intellectual property rights, and for providing support and resources to creators and innovators.

Another important recommendation is to provide incentives and support to creators and innovators to encourage them to register and protect their intellectual property rights. This could include providing financial incentives, tax breaks, and other benefits to creators and innovators who register and protect their intellectual property rights.

By implementing these recommendations, the government of Pakistan can help to promote a culture of respect for intellectual property rights, and to create an environment that encourages creativity and innovation. This will help to promote economic growth and development in Pakistan, and to protect the rights of creators and innovators.

In conclusion, the study highlights the need for a comprehensive approach to addressing the challenges in protecting intellectual property rights in Pakistan. The government should take a multi-faceted approach that includes raising awareness, providing resources and capacity building, establishing a coordinated enforcement mechanism, and providing incentives and support to creators and innovators. By implementing these recommendations, the government can help to promote a culture of respect for intellectual property rights and create an environment that encourages creativity and innovation, which will ultimately promote economic growth and development in Pakistan.



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