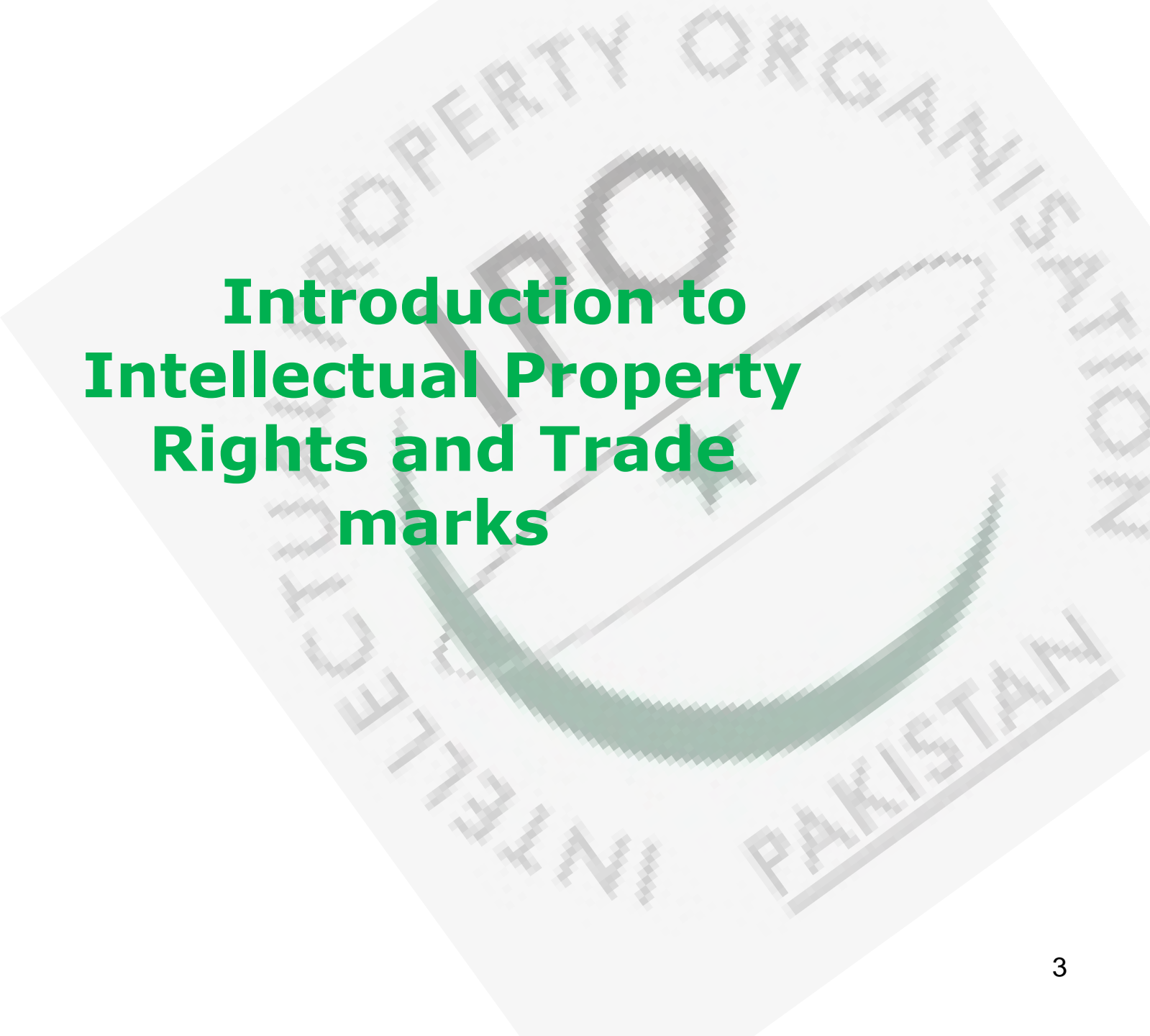


بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الْحَمْدُ لِلَّهِ الَّذِي
خَلَقَ الْمَوَدَّعَةَ
وَالْحَمْدُ لِلَّهِ الَّذِي
خَلَقَ الْمَوَدَّعَةَ
وَالْحَمْدُ لِلَّهِ الَّذِي
خَلَقَ الْمَوَدَّعَةَ

IPO-PAKISTAN

Regional Office, Lahore

Shakra Khurshid
Assistant Controller
Shakra.Khurshid@ipo.gov.pk

The background of the slide features a large, light gray watermark of the Intellectual Property Organization of Pakistan logo. The logo is circular and contains the text 'INTELLECTUAL PROPERTY ORGANIZATION' around the top and 'PAKISTAN' at the bottom. In the center of the logo is a stylized emblem consisting of a circle with a vertical line through it, and a curved line below it.

Introduction to Intellectual Property Rights and Trade marks

Outline



- Intellectual Property;
- Intellectual Property Management in Pakistan;
- IP types: Patents, Trademarks, Copyrights, and Designs;
- Importance of Innovative Activity for SMEs and entrepreneurs.

What is Intellectual Property

Intellectual Property is a property that arises from the human intellect. It is a product of human creation.

INTELLECTUAL PROPERTY ASSETS



Patents

Trade Secrets

Industrial Designs

Genetic Resources

Trade Marks

Traditional Knowledge

Geographical Indications

Copyrights

Plant Breeders Rights

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 ACT, 2012**

**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**

IP Management in Pakistan

IPO-Pakistan was established in 2005 and working under Commerce Division for integrated management of all IP forms under one umbrella organization. IPO-Pakistan was given permanent status in the form of IPO Act in 2012.

Offices of IPO-Pakistan

- **IPO-HQs, Islamabad**
- **Trademark Registry, Karachi**
- **Patent and Design Office, Karachi**
- **Copyright Office, Karachi**
- **IPO Regional Office, Lahore**
- **IPO Regional Office, Peshawar**

'Trade Mark' – Definition under the Trade Marks Ordinance, 2001



Trade mark means, a mark

capable of being represented graphically
and

which is capable of distinguishing the goods
or services of one person from those of
others and

Must be distinctive and must not be
deceptive.

'Trade Mark' – in nut shell



A Trade Mark may includes-

- **Word**
- **Device (picture, figure or geometrical design)**
- **Label**
- **Ticket**
- **Logo**
- **Name, personal name, abbreviation of name**
- **Signature**
- **Letters**
- **Numerals**
- **Figurative elements (3 dimensional shapes, packaging of the Goods)**
- **Colours**
- **Sound**
- **Or combination thereof**

Steps for registration of trademark

- **Select a good mark**
- **Application for Registration of a Mark (Form: TM-1) (Fee: Rs. 3000/-);**
- **Classify your goods & services and specify them properly and**
- **Respond to office queries/notices properly and on time**

What to Remember when selecting Trademark



- ▣ ***Easy to speak & spell*** (in case of word mark),
- ▣ ***Appealing and easy to remember or recollect.***
- ▣ ***invented or coined*** word, unique monogram, logo or a geometrical device



- **Create inherently distinctive mark**
- **Think about fanciful names as: “Kodak”**
 - **Arbitrary marks and logos as: “apple” for computers**
 - **Suggestive marks as : SUNNY for heaters**
- **Suitable for export markets with a corresponding domain name which is not already used**

What to Remember when selecting Trademark

Don't go for a trademark -

- ▣ Which is *not* capable of distinguishing your goods or services from those of others- like one/two digit letters or numerals, common surnames/ names, words or pictures of the product concerned, etc.
- ▣ Which *refers to* character or quality of goods/services concerned, which indicate geographical origin, which are common to trade, **Generic**: CHAIR to sell chairs
- ▣ Descriptive: SWEET to sell chocolates

What to Remember.....

- ❑ a deceptive, scandalous or offensive matter or a matter prohibited by law to be used as a trademark, “ORWOOLA” or “Pure whool” for 100% synthetic material.
- ❑ a mark which is same/similar to an already existing trademark.

Appropriate Forms and fee

Form TM-1. [..\TM-1.doc](#)

Fee ordinarily Rs.3000/-per class, per mark in the form of pay order or demand draft in favour of Director General, IPO Pakistan.

Classification of goods and services

- » For the purpose of registration of trademarks, goods & services are classified in accordance with international classification of goods and services
- » (NICE Classification)
- » Goods are classified in classes from 1 to 34, and services are classified in classes from 35 to 45
- » The classification of goods & services are published on the office website

Registration Procedure of a Mark

- Filing of application
- Examination of Application;
- Publication in the Trade Marks Journal;
- Opposition and Proceedings;
- Registration;
- Renewal of Registration.
- Revocation or cancellation

INFORMATION FOR TRADEMARK REGISTRATION

- The application for Trade Mark Registration can be submitted on TM-1 Form.
- The TM-1 Form is available on our website www.ipo.gov.pk and it is also available free of cost in our office.
- After completion 2 original and 6 copies of TM-1 Form should be submitted in our office.
- The official fee of TM-1 Form is only Rs. 3000/- which should be submitted in any branch of a Commercial Bank in the form of Bank Draft/Pay order in the name of Director General IPO-Pakistan.
- IPO Regional Office Lahore has also set up [Free Help Desk](#) for public information and guidance

Benefits of Registration of Trade Mark

- Registration is prima facie evidence of proprietorship of the trademark
- It gives the exclusive right to use the trademark in respect of goods/services; and to take legal action in case of infringement
- The registered proprietor may assign or license the trademark as any other property
- The registered proprietor can enjoy the Goodwill associated with registered trademark forever, if the mark is renewed from time to time

Trade & Service Mark



Marks Same – Goods Different

Trade Mark	Original Good	Infringing Good
7 UP	Beverages	Candies
BATA	Shoes	Threads
Mc CLEAN	Tooth paste	Brushes
KAWASAKI	Motorcycle	Lubricating Oil
KSB	Water pumps	Electric Fans
TOSHIBA	TV	Sewing Machine
LIPTON	Tea	Banaspati Ghee
MARS	Chocolates	Drinks

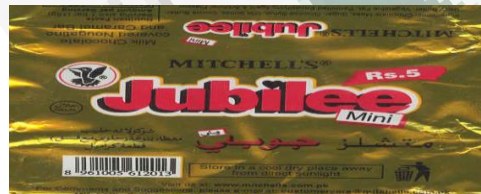
Marks Confusingly Similar

Colgate	Tringate
Calpol	Kaypol
Crystamycin	Vistamysin
Nurpur	Pakpur

Some Famous Trade Marks of Pakistan



Pakistan State Oil



Some Famous Service Marks of Pakistan



SERENA HOTELS
SAFARI LODGES • HOTELS • RESORTS



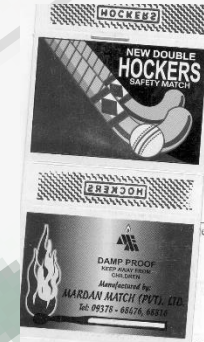
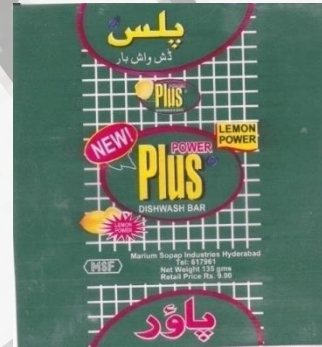
SIDAT HYDERTM



PIA
Pakistan International

Some Examples of Counterfeiting





Some Examples of Counterfeiting (contd.)



Some Examples of Counterfeiting (contd.)



CASE LAW

2003 C L D 1531

Using a copyright material as a substitute for the trade mark was not the intent and purpose of Copyright Ordinance, 1962-- Such copyright material independently could not be used or associated with any vendible or saleable goods unless, of course, such copyright was registered under the Trade Marks Act, 1940.

CASE LAW

2015 SCMR 1230

Copyright material could not be allowed to be used as an alternate and/or in substitution for the trade mark, unless, of course, such copyright in the artistic work was also registered under the Trade Marks Act, 1940

APPLIED ART WORK

بھلے بھی بھلے

خانتھوال کی مشہور
یاہن کولڈن نمکو

Tel: 065-2551273
Cell: 0300-6893953

یاہن کولڈن نمکو کا اوتنی نمبر 1 خانتھوال

چارکہ

OPPONENT REGISTERED TRADEMARK

ایک دم چمکے گا

بھلے بھلے

مکس نمکو

Manufactured by
Ganga Enterprises, Gurgaon Ltd.
S-1, Sector 14, Gurgaon
& Mahesh Sweets
Kirti Vihar, New Delhi, India

APPLIED ART WORK



OPPONENT REGISTERED TRADEMARK



APPLIED ART WORK



OPPONENT WELL KNOWN REGISTERED TRADEMARK



APPLIED ART WORK



OPPONENT WELL KNOWN REGISTERED TRADEMARK



APPLIED ART WORK



OPPONENT WELL KNOWN REGISTERED TRADEMARK



APPLIED ART WORK



OPPONENT WELL KNOWN REGISTERED TRADEMARK



**DAR-E-ARQAM
SCHOOLS**

APPLIED ART WORK



OPPONENT WELL KNOWN REGISTERED TRADEMARK



APPLIED ART WORK



OPPONENT REGISTERED TRADEMARK & COPYRIGHT



CASE LAW

Writ Petition No. 3102 of 2020

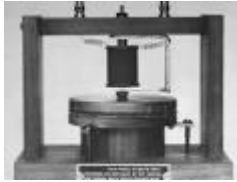
Section 13 (xix) read with section 39 confers exclusive jurisdiction on the Organization to initiate and conduct inquiries, investigations and proceedings related to offences under the laws specified in the Schedule. Thus, any person alleging infringement of his copyright must approach the Organization. Then, under section 13 (xx) the latter would refer his complaint to the concerned law enforcement agency or authority. It is thus clear that the FIA cannot entertain any complaint directly and register FIR. This has a purpose. The organization is a bulwark against frivolous complaints and undue harassment. It is a specialized body which has the expertise and the requisite data to verify whether there is actually a case of infringement of intellectual property rights under the applicable law

International Trade Mark Registration



- Paris Convention for the Protection of Industrial Property (1883);
- Madrid Agreement (1891);
- Madrid Protocol (1989).

Importance of Innovative Activity



Innovation Case Study-1



Famous shaving blades manufacturers of Pakistan in 1960s. Totally vanished in 1980s due to obsolete products and carelessness about innovation and IP rights protection.

Started as shaving blades manufacturers in 1960s from USA. Currently one of the leading multinationals having business in 144 countries due to

Innovation Case Study-2



Guard Filters

GUARD
Filters

Started as oil filter manufacturing small unit in 1960 at Lahore. Today it is third biggest filter manufacturing plant in East Asia. The range of production covers a large number of vehicles like cars, buses, trucks, tractors, construction machinery, marine, locomotives etc. Its Trademark is registered in more than 100 countries. Exporting guard filters to UAE, Qatar, Japan, EU, USA etc.

Source:

Innovation Case Study-3



Master Tiles and Ceramics



Launched in 1982 as small company in Gujranwala manufacturing and marketing high quality sanitary fittings. Master tiles were tremendous hit in the market with its quality **Designs**. Currently, Master is exporting its products to United Kingdom, Afghanistan many European, Middle Eastern, Asian and African markets.

Source: www.mastertiles.com

حقوق دانش

اپنا حق چھوڑومت
کسی کا حق چھیڑومت

IPO-PAKISTAN

**THANKS FOR YOUR
KIND ATTENTION**

www.ipo.gov.pk

lahore@ipo.gov.pk