



# THE INTELLECTUAL PROPERTY ORGANIZATION OF PAKISTAN ACT, 2012



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**THE SCHEDULE.**

# THE INTELLECTUAL PROPERTY ORGANIZATION OF PAKISTAN ACT, 2012

## ACT NO. XXII OF 2012

[6th Dec, 2012]

### *An Act to provide for the establishment of Intellectual Property Organization of Pakistan*

WHEREAS Intellectual Property Rights including copyrights, trade-marks, patents, designs, layout, designs of integrated circuits, trade secrets and other intellectual property laws; supported by other laws are powerful tools for economic growth. The protection of these and similar intellectual property rights of the citizens is essential to foster creative thinking, stimulate creativity, provide incentives for technological innovations, and attract investment;

AND WHEREAS it is expedient to establish the Intellectual Property Organization of Pakistan to provide for the institutional arrangement in the state setup 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;

It is hereby enacted as follows—

**1. Short title, extent and commencement.**—(1) This Act may be called the Intellectual Property Organization of Pakistan Act, 2012.

(2) It extends to the whole of Pakistan.

(3) It shall come into force with effect from the 28th August, 2012 except the provisions of Section 15, 16, 17, 18 and 19 which shall come into force on such date as the Federal Government may, by notification in the official Gazette, appoint.

**2. Definitions.** In this Act, unless there is anything repugnant in the subject or context,—

(a) "Board" means the Policy Board constituted under section 4;

(b) "Chairman" means the Chairman of the Organization appointed under section 9;

(c) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898) or Code of Civil Procedure (Act V of 1908), as the case may be;

(d) "Director General" means the Director-General appointed under section 12;

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- (e) "employee" means any officer or staff of the Organization excluding a person hired on daily wages or contingent basis;
- (f) "Fund" means the fund established under section 26;
- (g) "Intellectual Property" includes a trademark, patent, industrial design, layout-design (topographies) of integrated circuits, copyright and related rights and all other ancillary rights;
- (h) "Intellectual Property Laws" means the laws specified in the Schedule;
- (i) "Member" means a member of the Board;
- (j) "offence" means an offence as defined in Intellectual Property Laws;
- (k) "Organization" means the Intellectual Property Organization of Pakistan established under section 3;
- (l) "prescribed" means prescribed by rules;
- (m) "rules" means the rules made under this Act;
- (n) "regulations" means the regulations made under this Act;
- (o) "Secretary" means the Director-General of the Organization;
- (p) "Schedule" means the schedules to this Act; and
- (q) "Tribunal" means an Intellectual Property Tribunal established under section 16.

**3. Establishment of the Organization.**—(1) There shall be established an Organization to be known as Intellectual Property Organization of Pakistan to carry out the purposes of this Act.

(2) The Organization shall be an autonomous body having perpetual succession and a common seal with powers, subject to the provisions of this Act, to hold and dispose of property both movable and immovable and shall by the said name sue and be sued and may enter into contracts, acquire, purchase, take, hold, enjoy, convey, assign, surrender, yield up charge, mortgage, demise, reassign, transfer or otherwise dispose of or deal with, any movable or immovable property of every description or any interest vested in it, upon such terms as it deems fit.

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(3) The head office of the Organization shall be in Islamabad. The Organization may establish and close down offices, with approval of the Board, at such places in Pakistan, as it considers appropriate.

**4. Policy Board.**—(1) The Federal Government shall, by notification in the official Gazette, constitute a Policy Board of the Organization consisting of the Chairman and fourteen other Members as specified in sub-section (2).

(2) The Board shall consist of the following, namely:—

(a) five Member from the public sector who shall be the,—

(i) Secretary to the Government of Pakistan, Cabinet Division, *ex-officio*;

(ii) Secretary to the Government of Pakistan, Interior Division, *ex-officio*;

(iii) Secretary to the Government of Pakistan, Commerce Division, *ex officio*;

(iv) Secretary to the Government of Pakistan, Information and Broadcasting Division, *ex-officio*; and

(v) Chairman, Federal Board of Revenue, *ex-officio*;

(b) five Members to be appointed by the Federal Government from private sector; and

(c) four Members from the provinces, as recommended by the Provincial Governments to be appointed by the Federal Government. Eligibility criteria of these Members shall be specified by the Federal Government, by notification in official Gazette, in consultation with the Chairman.

(3) The Chairman shall be the Chairman of the Board.

(4) The Director-General shall also act as Secretary of the Board.

(5) If any Member specified in clause (a) of sub-section (2) is absent or is unable to attend a meeting of the Board, he may authorize an officer, not below the rank an officer of BPS-20 of his Division.