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ORDINANCE NO. XLIV OF 2007

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ORDINANCE

further to amend the Patents Ordinance, 2000

WHEREAS it is expedient further to amend the Patents Ordinance, 2000 (LXI of 2000);

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist, which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Patents (Second Amendment) Ordinance, 2007.

(2) It shall come into force at once and shall be deemed to have taken effect on the 18th day of August, 2007.

2. **Amendment of section 16, Ordinance LXI of 2000.**—In the Patents Ordinance, 2000 (LXI of 2000), hereinafter referred to as the said Ordinance, in section 16,—

(a) in sub-section (2), the comma and words “, but before the period of eighteen months from the date of filing of application in Pakistan” shall be omitted and shall be deemed always to have been so omitted; and

(b) sub-section (6) shall be omitted.

3. **Omission of section 19, Ordinance LXI of 2000.**—In the said Ordinance, section 19 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Patent and Design office headed by the Controller of Patents and Registrar of Designs (BS-19) was established in Karachi in March 1948 under Patent and Designs Act, 1911. The said office was placed under the administrative control of the M/o Industries & Production. This office deals with the applications of Patents and Industrial designs. The offices like Trade Marks Registry, Copyright office and Patent Office Trade worked under the Law/Rules and under different Ministries/Divisions. There was no effective coordination between the three separate Organizations. A need was, therefore, felt to integrate all the different Organizations, for protection of Intellectual Property Rights in Pakistan. Accordingly the Patent Office was integrated with IPO Pakistan on 8th April, 2005.

2. The Patents and Designs Act, 1911 was amended as Patents Ordinance 2000 (LXI of 2000). Section 16 of the said ordinance envisaged the time limit for the acceptance/refusal of the Patent Application received by the patent Office, which was 18-21 months. Pakistan has signed the TRIPs agreements in 1995. In compliance with the TRIPs agreement Pakistan has to make the Amendments in Patent & Design Act 1911, to receive the "Product Patent Applications" in the name of Mail Box/Black Box application. In this provision it was decided that Patent Office receives the applications but not examined them until 31-12-2004.

3. In January 2005 Patent Office has started the examination of Mail Box/Black Box applications which were about 4214 in numbers & the Patent Office has only five Examiners. Therefore IPO-Pakistan was of the opinion that it was impossible for the Patent Office to dispose of such big number of applications in statutory time limit i.e. 18-21 months. In 2007 an amendment was made through which time limit was abolished. After the amendment in Section 16, there is no need of Section 19 which is to be deleted.

4. In order to protect the amendment made in Section 16, to delete Section 19 of Patent Ordinance 2000 and to make it consistent with the best practices of the international IPO offices and laws, the president was pleased to promulgate Ordinance No. XLIV of 2007 on 7th September, 2007. The Ordinance was aimed to facilitate the Intellectual Property Organization of Pakistan to dispose of the Patent applications smoothly and efficiently.

5. The said Ordinance seeks to achieve the above said object.

DR. ZAHEERUDDIN BABAR AWAN
Minister for Parliamentary Affairs
Member-in-Charge
