

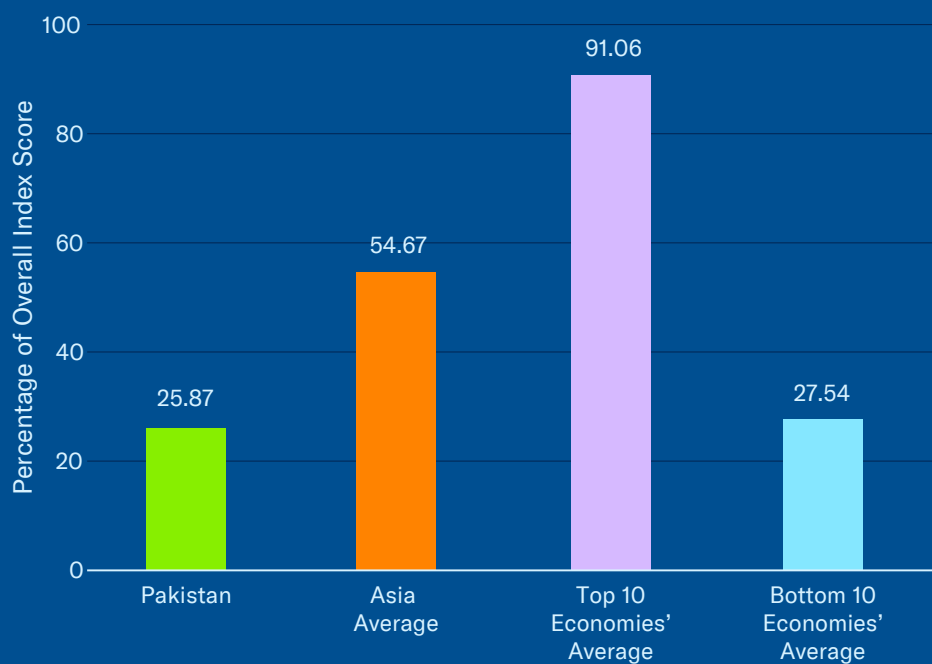
Pakistan

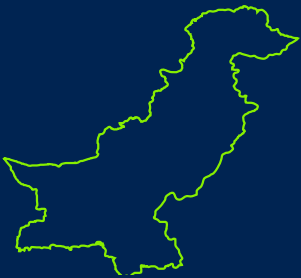
Rank
52/55

Category Scores



Overall Score in Comparison





Pakistan

Rank
52/55

Key Areas of Strength

- Acceded to the Madrid Protocol in 2021
- Basic IP laws and legal framework are in place
- Specialized IP courts and capacity building were introduced in 2015
- Greater efforts made regarding public education, modernization of IP laws, and enhancing coordination among enforcement agencies

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Limited sector-specific IP protections are available
- A significant discrepancy exists between IP rights in law and the level of practical enforcement
- Enforcement is often arbitrary and nondeterrent, although efforts to improve are underway
- High counterfeiting and piracy rates; latest BSA estimates put software piracy at 83%
- Punitive changes to the Patent Ordinance under consideration would exclude protections for CIIIs and new-form biopharmaceuticals

Indicator	Score	Indicator	Score
Category 1: Patents Rights and Limitations	2.50	29. Direct government intervention in setting licensing terms	0.25
1. Term of protection	1.00	30. IP as an economic asset	0.50
2. Patentability requirements	0.25	31. Tax incentives for the creation of IP assets	0.33
3. Patentability of CILs	0.25	Category 7: Enforcement	1.35
4. Plant variety protection	1.00	32. Physical counterfeiting rates	0.18
5. Pharmaceutical-related enforcement	0.00	33. Software piracy rates	0.17
6. Legislative criteria and use of compulsory licensing	0.00	34. Civil and precedural remedies	0.25
7. Pharmaceutical patent term restoration	0.00	35. Pre-established damages	0.00
8. Membership of a Patent Prosecution Highway	0.00	36. Criminal standards	0.25
9. Patent opposition	0.00	37. Effective border measures	0.50
Category 2: Copyrights and Limitations	1.28	38. Transparency and public reporting by customs	0.00
10. Term of protection	0.53	Category 8: Systemic Efficiency	2.75
11. Exclusive rights	0.25	39. Coordination of IP rights enforcement	0.75
12. Expeditious legal remedies disabling access to infringing content online	0.00	40. Consultation with stakeholders during IP policy formation	0.50
13. Cooperative action against online piracy	0.00	41. Educational campaigns and awareness raising	1.00
14. Limitations and exceptions	0.25	42. Targeted incentives for the creation and use of IP assets for SMEs	0.25
15. TPM and DRM	0.00	43. IP-intensive industries, national economic impact analysis	0.25
16. Government use of licensed software	0.25	Category 9: Cutting-Edge Innovation	0.00
Category 3: Trademarks Rights and Limitations	1.50	44. IP incentives for orphan medicinal product development	0.00
17. Term of protection	1.00	45. IP incentives for orphan medicinal product development, term of protection	0.00
18. Protection of well-known marks	0.25	46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
19. Exclusive rights, trademarks	0.25	Category 10: Membership and Ratification of International Treaties	0.50
20. Frameworks against online sale of counterfeit goods	0.00	47. WIPO Internet Treaties	0.00
Category 4: Design Rights and Limitations	1.25	48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
21. Industrial design term of protection	1.00	49. Patent Law Treaty and Patent Cooperation Treaty	0.00
22. Exclusive rights, industrial design rights	0.25	50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
Category 5: Trade Secrets and the Protection of Confidential Information	0.50	51. Membership of the Convention on Cybercrime, 2001	0.00
23. Protection of trade secrets (civil remedies)	0.25	52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
24. Protection of trade secrets (criminal sanctions)	0.25	53. Post-TRIPS FTA	0.00
25. Regulatory data protection term	0.00		
Category 6: Commercialization of IP Assets	2.08		
26. Barriers to market access	0.25		
27. Barriers to technology transfer	0.25		
28. Registration and disclosure requirements of licensing deals	0.50		

Percentage of Overall Score: 25.87%

• Total Score: 13.71

Spotlight on the National IP Environment

Past Editions versus Current Score

Pakistan's overall score remains unchanged at 13.71 out of 53 indicators.

Patent Rights and Limitations

2. Patentability requirements; and 3. Patentability of computer-implemented inventions (CII):

The Intellectual Property Organization of Pakistan (IPO-Pakistan) is in the process of proposing new amendments to the Patent Ordinance with several draft changes published in 2022 and late 2023. These proposed amendments make substantive changes to Pakistan's legal regime for patents, including with respect to patentable subject matter. As noted over the course of the Index, patentability standards in Pakistan have historically stood outside of international norms, especially with respect to high-tech arts such as computer software and biopharmaceuticals. Unfortunately, the revised Section 7 of the draft amendments to the Patent Ordinance further limits or eliminates the potential patentability of CII and biopharmaceutical innovation. Under the existing statute, CII were not explicitly excluded, and the possibility remained to seek and gain patent protection. However, the new amendments explicitly exclude "computer programs" as inventions. Given that computer software and CII are at the heart of virtually all socioeconomic activity (such as desktop PCs, smartphones, AI, and the Internet of Things), it is hard to see how eliminating patent eligibility for computer programs will help drive investment and resources into developing new digital and ICT-based technologies in Pakistan.

Similarly, a new Subsection (7(4)(f)) on biopharmaceutical inventions would eliminate the patentability of a "new form or new property of a known substance which does not result in the enhancement of the known efficacy of that substance." This subsection would appear to restrict the eligibility of incremental biopharmaceutical innovation, including changes to form and the application of a known substance. This is a curious change to Pakistan's patent law because incremental innovation is an essential and, in many respects, elemental part of the biopharmaceutical R&D process. Follow-on medications and incrementally improved or altered therapies frequently reduce side effects, improve existing delivery systems or the administration of a medicine, increase effectiveness, and reduce the dosages required. Without incremental innovation—and the IP rights that drive investment and resources into developing them—the world would not have access to the latest generations of some of the most used medicines and medical devices. Thus, it is critical for countries to have in place the IP protection needed to encourage continued investment in innovation. Should these amendments be enacted into law, the score for indicators 2 and 3 will be reduced.

9. Patent opposition:

As noted last year, in a positive move, the 2022 proposed amendments to the Patent Ordinance published by IPO-Pakistan would eliminate Section 23 and the system of pre-grant oppositions. Under existing patent statute, an *inter-partes* opposition system is in place, which can be triggered within four months after an application is published. Unfortunately, the updated draft amendments published in 2023 have retained this system of pre-grant opposition. If adopted in their current form, amendments to the Patent Ordinance would result in no score change with the score for this indicator remaining at 0.

Copyrights and Limitations; Enforcement

15. Technological protection measures (TPM) and digital rights management (DRM) legislation; and 36. Criminal standards, including minimum imprisonment and minimum fines:

IPO-Pakistan is also in the process of drafting proposed amendments to the Copyright Ordinance with proposed changes published in both 2022 and late 2023. As noted over the course of the Index, Pakistan's Copyright Ordinance provides a basic legal framework that remains underdeveloped and ill-suited to the challenges of the internet era. Levels of copyright piracy and counterfeit goods remain high because relevant enforcement mechanisms are weak and nondeterrent. The proposed amendments do not include a notice-and-takedown notification system for online piracy or an injunctive-style relief option whereby rightsholders can directly request the disabling of access to infringing content through a court of law or administrative mechanism. However, the amendments include new provisions related to TPM and DRM. Until now, no legal definitions or provisions in copyright law related to the use of circumvention devices and overriding or disabling TPMs or DRMs. Some provisions of the Cyber Crime Act and Prevention of Electronic Crimes Act could potentially be applied within the context of copyright, but these are broad-based and not defined or structured in a way to apply to circumvention devices or copyright infringement. New Sections 56A and 56B of the Copyright Ordinance would remedy this and would provide legal definitions and remedies for the violation of TPMs and DRMs. As the IPO-Pakistan and Pakistani legislature work on these amendments, it is important that these new provisions extend not only to the use of circumvention devices but also to the distribution, offering for sale, distribution, and importation of such devices.

Another positive feature of the draft amendments is the increase in criminal penalties. Specifically, draft Sections 66A–70A and 70B provide both higher minimum sentences and tougher punishment for repeat offenders. Should these amendments be enacted into law, the score for indicators 15 and 36 would potentially increase.

Incentives for Cutting-Edge Innovation

44. Special market exclusivity incentives for orphan medicinal product development; 45. Special market exclusivity incentives for orphan medicinal product development, term of protection; and 46. Restrictions on the effective use of existing market exclusivity incentives for orphan medicinal product development:

Interest in rare diseases has grown in South Asia. Through both public and private initiatives, several Index economies in the region have introduced specific health programs and awareness-raising efforts. Pakistan does not have in place any special IP-based market exclusivity incentives for orphan medicinal product development.

Membership and Ratification of International Treaties

Being a contracting party to key international IP treaties reflects an economy's broader participation in the international IP community and embrace of the highest IP standards. As such, treaty participation is a strong signal of the extent to which an economy chooses to both participate in the international IP system and adhere to established standards and best practices. Pakistan's score in this category of the Index has increased from a score of 0.00 in the fifth edition of the Index (the first year Pakistan was included) to a score of 0.50, or 7.14% of the total available score.

This score is notably lower than most other economies included in the Index, regardless of income level or stage of development. Overall, Pakistan is a contracting party and has acceded to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks. Pakistan is not a contracting party to WIPO Internet Treaties; the Patent Cooperation Treaty; the Patent Law Treaty; the Singapore Treaty on the Law of Trademarks; the International Convention for the Protection of New Varieties of Plants, Act of 1991; the Convention on Cybercrime, 2001; or the Hague Agreement Concerning the International Registration of Industrial Designs. Pakistan has concluded several post-TRIPS FTAs, however, none of these treaties include “substantive IP provisions and chapters in line with international best practices” as defined under this indicator.

49. Patent Law Treaty and Patent Cooperation Treaty:

In a potential positive development, as part of its proposed amendments to the Patent Ordinance, in November 2023, the Pakistan IPO announced that it was considering joining the PCT. In 2024, the IPO hosted a WIPO PCT training program for local patent examiners in anticipation of Pakistan’s potential accession. Pakistan remains one of only a handful of Index economies that is not a contracting party to the PCT. The PCT today has over 150 contracting parties and constitutes one of the most direct and impactful international efforts aimed at helping inventors protect their innovations across the globe. Pakistan joining the PCT would be a meaningful and positive development and would result in a score increase for this indicator. The Index will continue to monitor these developments in 2025.