

# ***IP Survey Report***

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# I . Intellectual Property Organisation of Pakistan

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Intellectual Property Organisation of Pakistan (IPO Pakistan) was established in 2005 as a focal organization for integrated management and enforcement coordinatio of all forms of Intellectual Property Rights in Pakistan. Ever since this Organization has fast developed into a lead model of integrated IP management of all forms of IP including Patents, Industrial Designs, Trade Marks, Service Marks, Copyrights, Layout Designs of Integrated Circuits (topographies), Geographical Indications, Genetic Resources, Traditional Knowledge and Folklore (GRTKF). Intangible Cultural Heritage (ICH) is included in GRTKF.

IPO Act, 2012 was passed by National Assembly and Senate and resultantly organization became legal entity after surviving on the Ordinances for seven years. IPO Act would empower the organization to adopt solid steps for the improvement of service delivery system, up gradation of IP Registries, establishment of IP tribunals and opening of new IP regional offices in the country.

As far as Patents, Trade Marks, Copyrights and Industrial Designs are concerned, they have already been mainstreamed under respective Registries and legal protection is in place to these IP forms.

The major challenge IPO-Pakistan is now facing is to put in place necessary legislations for protection of non-conventional Intellectual Property e.g. Genetic Resources, Traditional Knowledge, Folklore and ICH in order to protect Pakistan's immense indigenous IP assets.

Pakistan is a rich country in terms of Intangible Cultural Heritage (ICH). Even common people of our society are well aware of commercial value of Kinoo of Sargodha, Mango and Sohn Halwa of Multan, Basmati Rice, Sindhi Ajrak, Balochi Sajji, Peshawari Chapal and many other cultural products of Pakistan; medicinal value of Neem, Podina, Desi Khira and many other herbs and shrubs of northern and southern areas of our country; recreational value of folk tales like Heer Ranjha, Sassi Punnu and sufi poetry of Sultan Bahu, Bullehy Shah and Shah Abdul Latif Bhitai. Although we are proud of our history and culture but unfortunately we have neither preserved nor exploited our Traditional Knowledge and cultural heritage commercially at international level. We can provide protection and

commercial value to our local products at international level with dedication, determination and sincerity.

As far as WTO regime is concerned which has been introduced in 1995, the TRIPS Agreement did not mention Traditional Knowledge and Cultural Heritage as an IP form. However new dimensions were given to Intellectual Property by opening new subject of Genetic Resources, Traditional Knowledge and Folklore (GRTKF) during Doha Development Agenda in 2001 and UNESCO convention for the Safeguarding of the Intangible Cultural Heritage in 2003. Recognizing the fact, the WIPO General Assembly, at its 26<sup>th</sup> Session, held in Geneva from September 26 to October 3, 2000, established an Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore (GRTKF). During 12 years of its establishment this committee has conducted 17 sessions to date. Pakistan's stance is very clear on this forum that issues such as benefit sharing and Prior Informed Consent to protect against misappropriation of Genetic Resources, Traditional Knowledge and cultural heritage should be addressed by legally binding international instrument on text-based negotiations and with a well-defined time frame for an outcome. Pakistan, being the member of world community actively takes part in negotiations and deliberations regarding protection of Genetic Resources, Traditional Knowledge and cultural heritage at the forums of WTO, WIPO, UNESCO and other intergovernmental organizations. We are making serious efforts at international level with the support of developing countries (Asian and African Groups) to introduce an international treaty/agreement for protection of Traditional Knowledge and cultural heritage.

At National level, IPO-Pakistan is developing database of Genetic Resources, Traditional Knowledge and Folklores which will be a step forward towards protection and commercialization of cultural expertise and heritage. Drafting of *sui generis* (stand alone) legislation for protection of Genetic Resources, Traditional Knowledge and Cultural Heritage is part of our future prospects.

IPO-Pakistan has stepped forward for the protection and management of national IP assets. Now, it is being contemplated that stakeholding institutes like National Institute of Health, Hamdard University, Lok Virsa, Ministry of Environment, Ministries of Culture at Federal and Provincial level and other public and private organizations should join hands with IPO-Pakistan for drafting of the most appropriate legislation and developing of database of Genetic Resources, Traditional Knowledge and Folklore (GRTKF).

Except IPO Pakistan there are many organization which are officially responsible for the safeguarding of Intangible cultural heritage and intellectual property

issues in Pakistan: Ministry of Information Broad casting and Heritage, National Institute of Folk and Traditional Heritage (commonly called as Lok Virsa), Pakistan National Council of Arts, Rawalpindi Council of Arts, Multan Council of Arts, Punjab Council of Arts, Karachi Council of Arts, Small Industries of Punjab, Small Industries of Balochistan, Small Industries of Sind, Small Industries of Khyber Pakhtoonkha, Small Industries of Azad Jammun Kashmir, Sindhology Institute of Sind University, Jamshoro, Culture departments of Sind, Culture department of Punjab, Culture department of Balochistan, Culture department of Khyber Pakhtoonkha, Culture department of Gilgat Baltistan, and culture department of Azad Jammun Kashmir, and UNESCO office of Pakistan.

There are also many non governmental organizations working in different fields of ICH and their IP Issues in their respective regions and all over the country for example; National Rural Support Programme (NRSP), Sungi, Thaap, KADO (Karakoram Development Association), Ahhan, BCDF (Baltistan Cultural and Development Foundation), GECA (Gojal Educational and Cultural Association), Cholistan Cultural Development Association, National Craft Council (NCC), Mehrgharh, Gandhara Association, Folklore Society, Agha Khan Culture Support Programme (AKCSP) etc.

ICH subjects, for instance; individual artisans, designers, photographers, film makers are also more or less busy in the process of IP issues recognition or solving.

A brief overview of the National Institute of Folk and Traditional Heritage (Lok Virsa) and of some of its activities is given below regarding safeguarding of cultural heritage and IP issues.