

# ORDINANCE NO. IV OF 2012

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## ORDINANCE

*to provide for the establishment of Intellectual Property Organization of Pakistan*

WHEREAS Intellectual Property rights including copyrights, trademarks, patents, designs, lay-out designs of integrated circuits and ancillary rights are powerful tools for economic growth. The protection of these and similar Intellectual Property rights of the citizens are essential to foster creative thinking, stimulate creativity, provide incentives for technological innovations, and attract investment;

AND WHEREAS it is expedient to establish the Intellect Property Organization of Pakistan to provide for the awareness of Intellectual Property Rights in Pakistan and for matters connected therewith or incidental thereto;

AND WHEREAS the Senate and National Assembly are 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, namely:—

### PART I

#### PRELIMINARY

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

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once, 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 Ordinance, 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;

- (e) "employee" mean 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 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) "person" includes, unless the context otherwise requires, Chairman, Director-General, directors, by whatever name called, or anyone exercising control over the affairs of such company or body corporate and in the case of firm, partnership, association of person or sole proprietorship, the partners, proprietor or any person having interest in such firm, partnership, association of person, sole proprietorship concern or direction or control thereof;
- (m) "prescribed" means prescribed by rules;
- (n) "rules" means the rules made under this Ordinance;
- (o) "regulations" means the regulations made under this Ordinance;
- (p) "Secretary" means the Director-General of the Organization;
- (q) "Schedule" means the Schedule to this Ordinance; and
- (r) "Tribunal" means an Intellectual Property Tribunal established under Section 16.

## **PART II**

### **THE ORGANIZATION**

**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 Ordinance.

(2) The Organization shall be an autonomous body having perpetual succession and a common seal with powers, subject to the provisions of this Ordinance, 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.

(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 Members 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*;

(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 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 (1) is absent or is unable to attend a meeting of the Board, he may authorize an officer, not below the rank of an officer of BPS-20 of his Division.

(6) The Chairman shall, in the event of a tie, have a casting vote.

(7) The Members from private sector shall be appointed by the Federal Government for a term of three years and shall be eligible for re-appointment for a second term of three years.

(8) In case of death, resignation or removal of a Member another person may be appointed as a Member for the term specified in sub-section (7).

(9) The Chairman shall initiate the proposal for appointment of members, other than *ex-officio* Members within sixty days of occurrence of vacancy for the approval of the Federal Government.

(10) No person shall be appointed or continued as a Member if he,--

(a) has been convicted of an offence involving moral turpitude; or

(b) has been or is adjudged insolvent;

(c) is incapable of discharging his duties by reason of physical, psychological or mental unfitness and has been declared so by a registered medical practitioner appointed by the Federal Government, and;

(d) deemed incapable of carrying out his responsibilities for any other reason.

**5. Power of the Federal Government.**—Notwithstanding anything contained in this section the Federal Government may, by notification in the official Gazette, increase or decrease the number of Members of the Board and issue directions to the Organization.

**6. Functions etc., of the Board.**—(1) The Board shall be responsible for setting of objectives and policy guidelines of the Organization.

(2) Subject to the provisions of this Ordinance, in particular and without prejudice to the generality of sub-section (1), the Board shall,—

(a) take policy decisions as well as advise the Federal Government on all matters relating to—

(i) developing processes, service structure and propose rules for the services specifically designed to ensure protection of Intellectual Property Laws in Pakistan;

(ii) ensuring implementation of Intellectual Property rights in Pakistan in coordination with concerned agencies; and

(iii) expressing its opinion in writing on any policy matter referred to it by the Federal Government or the Organization;

(b) consider and approve policies, plans and programmes of the Organization;

(c) consider and approve, with or without modification, any regulations, with respect to implementation of policy decisions proposed to be made by the Organization under this Ordinance;

(d) formulate procedures and necessary framework for utilization of funds generated or acquired through services, donations, investments or grants, etc.;

- (e) specify and propose fees, penalties and other charges chargeable by the Organization with the approval of Federal Government for carrying out the purposes of this Ordinance; and
- (f) exercise all such powers and perform all such functions as are conferred or assigned to it under this Ordinance.

(3) All policy decisions, including the change in the previously established policy, in respect of all and any matters within the jurisdiction of the Organization shall be made only by the Board.

(4) All policy decisions and directives of the Board shall be published in the official Gazette.

**7. Delegation of powers.**—The Board may, by general or special order in writing subject to such limitations, restrictions or conditions, delegate all or any of its powers and functions to the Chairman.

**8. Meetings of the Board.**—(1) The meeting of the Board shall be convened by and under the directions of the Chairman:

Provided that the Federal Government may direct convening of a meeting of the Board at any time, on any matter requiring a decision by the Board.

(2) The Board shall meet as often as may be necessary for the performance of its functions but it shall meet not less than two times in a calendar year.

(3) A simple majority of the total membership shall constitute the quorum for a meeting of the Board. Agenda of the meeting shall be presented only once the quorum is complete. The decision in the Board shall be taken by simple majority of the Members present and voting.

(4) Subject to the provisions of this Ordinance, the procedure and conduct of business of the Board shall be regulated by the regulations.

(5) No act or proceedings of the Board shall be invalid by reason only of the existence of a vacancy in the constitution of the Board.

(6) In case the Chairman is absent or his office is vacant for any reason, the Secretary Cabinet Division shall chair the meetings of the Board.

**9. Chairman.**—(1) There shall be a Chairman of the Organization to be appointed by the Federal Government for a term of three years.

(2) The Chairman shall be entitled to such privileges and perquisites as may be prescribed.

(3) The Chairman may resign from his office at any time by notice in writing addressed to the Federal Government.

(4) A vacancy in the Organization caused by the death or resignation of the Chairman shall be filled by the Federal Government within ninety days of the occurrence of such vacancy.

(5) The Chairman may, by general or special order in writing, subject to such limitations, restrictions or conditions, delegate all or any of his powers and functions to the Director-General including the powers delegated to him under Section 7.

**10. Privileges and perquisites of the Members.**—The Members other than public sector Members, shall be entitled to such privileges and perquisites as may be prescribed.

**11. Functions and powers of the Chairman.**—(1) The Chairman shall preside the meetings of the Board.

(2) The Chairman shall supervise and oversee the Director-General in the performance of his duties and responsibilities under this Ordinance and shall guide and direct him, as deemed necessary.

(3) The Chairman shall exercise all such powers and perform all such functions as are conferred or assigned to him under this Ordinance.

**12. Director-General.**—(1) There shall be a Director-General of the Organization who shall be appointed by the Federal Government in consultation with the Chairman on such terms and conditions as may be prescribed.

(2) A person shall not be appointed as a Director-General unless he is a Federal Government officer of not below the rank of BPS 21.

(3) The Director-General shall be the functional head of the Organization and shall be responsible for day to day administration of the affairs of the Organization.

(4) The Director-General shall comply with such directions and decisions of the Federal Government, Chairman or the Board issued from time to time.

(5) The Director-General shall assist the Chairman in formulating policy framework to update the Organization and to fulfill obligations of the State on the subject to be presented before the Board for approval.

(6) The Director-General shall be competent in managing the human resource and other recourses of the Organization in the light of Ordinance and the decisions of the Federal Government, Chairman and the Board.

**13. Powers and functions of the Organization.**—The powers and functions of the Organization shall be to,—

- (i) administer and coordinate all Government systems for the protection and strengthening of Intellectual Property Laws and the rules and regulations made thereunder;

- (ii) manage or implement measures and standards on any matter related to or connected with Intellectual Property;
- (iii) accredit or certify any person as Intellectual Property agent;
- (iv) levy such charges or fees for services and facilities provided by the Organization and its constituent offices with the approval of Federal Government;
- (v) carry out such other works or activities as may be deemed by the Organization to be necessary, with a view to making the best use of the assets of the Organization;
- (vi) coordinate, monitor or engage, in conjunction with other authorities, international agencies or organizations, in any study, training or cooperation project related to Intellectual Property;
- (vii) enter into contracts for the supply of goods or services or materials or for the execution of works as may be necessary for the discharge of any of its duties and functions;
- (viii) control, manage, supervise, direct and coordinate the working of all offices established under Intellectual Property Laws and any other office or registry established under Intellectual Property Laws to be notified by the Federal Government and any other registry or office as may be prescribed;
- (ix) evolve and maintain a system to provide access to public documents and information relating to any Intellectual Property kept or maintained by the Organization;
- (x) advise the Federal Government on policy relating to Intellectual Property rights;
- (xi) plan for development and upgradation of the Intellectual Property infrastructure and capacity in Pakistan;
- (xii) promote education and research in the field of Intellectual Property;
- (xiii) advise the Federal Government regarding the international negotiations in the area of Intellectual Property;
- (xiv) engage in human resource development and training of its officers and staff;
- (xv) promote awareness about Intellectual Property issues in the public and private sector through print and electronic media, etc;

- (xvi) liaise and interact with counterpart Intellectual Property related organizations in other countries for capacity building and exchange of information;
- (xvii) propose and initiate Intellectual Property Rights legislation for the protection of Intellectual Property Rights in Pakistan;
- (xviii) initiate and monitor the enforcement and protection of Intellectual Property rights through designated law enforcement agencies of the Government, Federal or Provincial and collect related data and information;
- (xix) initiate and conduct inquires, investigations and proceedings related to offences in the prescribed manner;
- (xx) refer matters and complaints, related to offences under the laws specified in the Schedule, to the concerned law enforcement agencies and authorities as may be necessary for the purposes of this Ordinance;
- (xxi) any person, legal or natural, on any matters related to Intellectual Property rights including compliance, enforcement and infringement thereof;
- (xxii) develop working manuals, references, materials and procedures in order to assist in improving the protection of Intellectual Property rights;
- (xxiii) engage in Intellectual Property rights advocacy;
- (xxiv) coordinate the implementation of foreign-aided technical assistance projects on Intellectual Property;
- (xxv) attend foreign funded international forums, conferences, meetings or training programmes etc., with the approval of Federal Government.
- (xxvi) work for rectification of instruments as suited to the best national interest; and
- (xxvii) perform and carry out any such other acts, things or functions relating to Intellectual Property assigned to it by the Board or the Federal Government.

**14. Intellectual Property rights advocacy.**—The Organization shall promote Intellectual Property through advocacy which, among others, shall include,—

- (a) creating awareness and imparting training about Intellectual Property issues and taking such other actions as may be necessary for the protection of Intellectual Property rights;



- (b) reviewing policy frameworks for Intellectual Property rights and making suitable recommendations for amendments to other laws that affect Intellectual Property rights in Pakistan to the Federal Government and Provincial Governments;
- (c) holding open hearings on any matter affecting the state of Intellectual Property rights in Pakistan or affecting the State's commercial activities in this regard and expressing publicly an opinion with respect to the issue;
- (d) posting on its website inquiries under review and completed and educational material etc; and
- (e) coordinating with trade associations and other related Organizations or fora for awareness and implementation of the laws mentioned in the schedule.

**15. Trial and offences.**—Notwithstanding anything contained in any other law for the time being in force, an accused shall be tried and prosecuted for an offence in the Tribunal and the case shall be heard from day to day and shall be disposed of within ninety days.

**16. Establishment of Intellectual Property Tribunals.**—(1) The Federal Government may, by notification in the official Gazette, establish as many Tribunals as it considers necessary to exercise jurisdiction under this Ordinance, appoint a Presiding Officer for each of such Tribunal and where it establishes more Tribunals than one, it shall specify in the notification the territorial limits within which each of the Tribunal shall exercise its jurisdiction.

(2) Where more than one Tribunal has been established to exercise jurisdiction in the same territorial limits, the Federal Government shall define the territorial limits of each such Tribunal.

(3) Where more than one Tribunal has been established in the same or different territorial limits, the High Court may, if it considers it expedient to do so in the interest of justice or for the convenience of the parties or of the witnesses, transfer any case from one Tribunal to another.

(4) A Presiding Officer of the Tribunal shall be appointed by the Federal Government after consultation with the Chief Justice of the High Court concerned in which the Tribunal is established and no person shall be appointed a Presiding Officer of a Tribunal unless he,—

- (a) has been a Judge of High Court; or
- (b) is or has been a District and Sessions Judge; or
- (c) is an advocate qualified for an appointment as a Judge of the High Court.

(5) A Tribunal shall hold its sitting at such places within its territorial jurisdiction as may be determined by the Federal Government.

(6) The Presiding Officer of a Tribunal, not being a District and Sessions Judge, shall be appointed for a term of three years from the date on which he enters upon his office.

(7) The salary, allowances and other terms and conditions of service, of a person appointed as a Presiding Officer of a Tribunal shall be the same as that of a Judge of a High Court.

(8) A person, not being a District and Sessions Judge, appointed as a Presiding Officer of a Tribunal may, by notice in writing under his hand addressed to the Federal Government, resign from his office.

(9) A Presiding Officer shall not be removed or transferred from his office before the completion of term of office without the consultation of the Chief Justice of the High Court concerned.

(10) A Presiding Officer shall be eligible for re-appointment for a similar term and shall cease to hold office on attaining the age of sixty-five years or the expiry of term, whichever is earlier.

(11) The Tribunal may, if it so requires, be assisted in technical aspects of Intellectual Property rights involved in any case by an expert who has experience and expertise in the matters of Intellectual Property rights.

(12) Remuneration of the expert, and the party or parties by whom the same shall be payable shall be determined by the Tribunal keeping in view the circumstances of each case.

**17. Powers of the Tribunals.**—(1) Subject to the provisions of the Ordinance, the Tribunal shall,—

- (a) in the exercise of its civil jurisdiction have all the powers vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908);
- (b) in the exercise of its criminal jurisdiction, try offences made punishable under this Ordinance and shall, for this purpose have the same powers as are vested in a Court of Sessions under the Code of Criminal Procedure, 1898 (Act V of 1898);
- (c) in the exercise of its appellate jurisdiction have all the powers vested in a Court of appeal under the Code of Civil Procedure, 1908 (Act V of 1908).

(2) The Tribunal shall in all matters with respect to which the procedure has not been provided for in this Ordinance, follow the procedure laid down in the Code.

(3) All proceedings before the Tribunal shall be deemed to be judicial proceedings within the meaning of Sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860).

(4) Subject to sub-section (5), no Court other than a Tribunal shall have or exercise any jurisdiction with respect to any matter to which the jurisdiction of the Tribunal extends under this Ordinance.

(5) Nothing in sub-section (4) shall be deemed to affect any proceedings pending before such Court immediately before the coming into force of this Ordinance.

(6) All suits and proceedings pending in any Court instituted under Intellectual Property laws shall stand transferred to, and be heard and disposed of by, the Tribunal having jurisdiction under this Ordinance. On transfer of proceedings under this sub-section, the parties shall appear before the Tribunal concerned on the date previously fixed.

(7) In respect of proceedings transferred to the Tribunal under sub-section (6), the Tribunal shall proceed from the stage which the proceedings had reached immediately prior to the transfer and shall not be bound to recall and re-hear any witness and may act on the evidence already recorded or produced before a Court from which the proceedings were transferred.

**18. Jurisdiction of the Tribunals.**—(1) All suits and other civil proceedings regarding infringement of Intellectual Property Laws shall be instituted and tried in the Tribunal.

(2) Notwithstanding anything contained in any other law for the time being in force, the Tribunal shall have exclusive jurisdiction to try any offence under Intellectual Property Laws.

(3) Notwithstanding anything contained in any other law for the time being in force, any person aggrieved by any order or decision of,—

- (a) the Registrar or the Copyright Board under the Copyright Ordinance, 1962 (Ordinance XXXIV of 1962);
- (b) the Registrar under the Trade Marks Ordinance, 2001 (Ordinance XIX of 2001);
- (c) the Controller under the Patents Ordinance, 2000 (Ordinance LXI of 2000);
- (d) the Registrar under the Registered Designs Ordinance, 2000 (Ordinance XLV of 2000);
- (e) the Controller under the Registered Layout-Designs of Integrated Circuit Ordinance, 2000 (Ordinance XLIX of 2000); and
- (f) any other authority created under any Intellectual Property Law as may be notified by Federal Government, may prefer an appeal to the Tribunal, within sixty days of such order or decision.

**19. Appeals from Tribunal.**—Any person aggrieved by the final judgment and order of the Tribunal under this Ordinance may, within thirty days of the final judgment or order of the Tribunal, prefer an appeal to the High Court having territorial jurisdiction over the Tribunal.

**20. Authentication of orders and other instruments of the Organization.**--All orders, decisions and all other instruments issued by the Organization shall be authenticated only by the signatures of such officer or officers who are authorized by the Director-General in this behalf.

**21. Prohibition of use of certain names, marks, seals, etc.**—No person shall use—

- (a) any name, mark or seal, which may resemble the name, mark or seal of the Organization or contain the expression or any abbreviation of such expression; or
- (b) any mark or Intellectual Property in relation to any article or process containing the expression Organization of Pakistan or any abbreviation of such expression.

**22. Exercise of powers of the Organization by other bodies.**—The Federal Government may, in consultation with the Organization, by notification in the official Gazette, direct that any power exercisable by the Organization under this Ordinance shall, in relation to such matters and subject to such conditions as may be specified in the direction, be exercisable also by such body or such organization as may be specified in the notification.

**23. Certain matters to be kept confidential.**—Any information coming into notice of the Organization or any of its officers in relation to any article or process, subject to the provision of this Ordinance or any other law for the time being in force shall be treated as confidential and shall not be communicated or revealed to any person:

Provided that nothing in this section shall apply to the disclosure of any information for the purpose of prosecution under this Ordinance.

**24. Appointment of officers, etc. by the Organization.**—(1) The Organization may, with the prior approval of the Board, create posts and appoint such officers, employees, experts and consultants, on such terms and conditions as may be prescribed.

(2) The Director-General shall be empowered for transfers and postings of all the officers, employees and servants of the Organization, the Trademarks Registry, Copyright Office and Patent Office as he deems fit and appropriate for proper and efficient working of the Organization.

(3) The civil servants working in the Organization shall be governed by the Civil Servants Act, 1973 (LXXI of 1973), and rules made there under unless absorbed in the Organization.

**25. Members and officers, etc., to be public servants.**—The Chairman, Members, Director-General, officers, employees, experts and consultants of the Organization shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance, be deemed to be public servants within the meaning of Section 21 of the Pakistan Penal Code (Act XLV of 1860).

**26. Intellectual Property Organization of Pakistan Fund.**—(1) There shall be established a fund to be known as Intellectual Property Organization of Pakistan Fund which shall vest in the Organization and shall be utilized by the Organization to meet charges in connection with its functions under this Ordinance including the payment of salaries provident fund, loans and advances, staff welfare assistance package, and other remuneration to the Chairman, Director-General, officers, employees, experts and consultants of the Organization and payment against hired services of and for the Organization. The Fund may also be used for workshops, seminars and other events arranged by the Organization regarding Intellectual Property Rights.

(2) The Fund shall be financed from the following sources, namely:—

- (a) grants and loans made by the Federal Government or a Provincial Government;
- (b) loans, aid and donations from the national or international agencies;
- (c) revenue earned from the levy of various charges or fees, etc; and
- (d) income and profits derived from the investments made by the Organization.

(3) The Fund shall be kept in one or more accounts maintained by the Organization, in local or foreign currency, in any scheduled bank in Pakistan and shall be operated in accordance with the directions of the Board.

**27. Budget.**—The Organization shall, in respect of each financial year submit for approval of the Federal Government, on such date as may be prescribed, a statement of the estimated receipts and expenditure, including requirements of foreign exchange for the next financial year.

**28. Audit and Accounts.**—(1) The Organization shall cause proper accounts to be kept and shall as soon as practical after the end of each financial year cause to be prepared for that financial year a statement of accounts of the Organization, which shall include balance sheet and an account of income and expenditure.

(2) Within sixty days after the end of each financial year, the annual financial statements of the Organization shall be audited by the Auditor-General of Pakistan or a firm of chartered accountants nominated by the Auditor-General of Pakistan.

(3) The auditors shall make a report to the Organization upon the balance sheet and accounts and in such report they shall state whether in their opinion the balance sheet is a full and fair balance sheet containing all necessary particulars and properly drawn up so as to exhibit true and correct view of the affairs of the Organization and, in case they have called for any explanation or information from the Organization, whether it has been satisfactorily given or not.

**29. Power to amend the Schedule.**—The Federal Government may, in consultation with the Board, amend the Schedule so as to add any entry thereto or modify or omit any entry there from.

**30. Submission of yearly reports and returns.**—(1) Within three months of the conclusion of each financial year, the Board shall submit an Annual Report together with a copy of statement of accounts of the Organization certified by the auditors and a copy of the auditors' report to the Federal Government in respect of the activities of the Board including the status of its existing programmes, projects and further plans formulated in furtherance of its aims and objectives.

(2) The Federal Government may require the Organization to submit it to,—

- (a) any return, statement, estimate, statistics or other information regarding any matter under the control of the Organization;
- (b) a report on any subject with which the Organization is concerned; and
- (c) a copy of any document in the charge of the Organization.

**31. Protection of action taken under the Ordinance.**—No suit, prosecution or other legal proceeding shall lie against the Federal Government, the Board or the Organization or any person acting under the Federal Government or the Organization for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rule or regulation made there under.

**32. Exemption from any provision of this Ordinance**—The Federal Government may, by Notification in the official Gazette, exempt any article or class of articles from the operation of all or any of the provisions of this Ordinance.

**33. Policy directives.**—The Federal Government may, as and when it considers necessary, issue policy directives to the Board in respect of its role and functions and the compliance of such directives shall be binding on the board.

**34. Power to make rules.**—The Organization may, with the approval of Federal Government, by notification in Official Gazette make rules for carrying out the purposes of this ordinance.

**35. Power to make regulations.**—The Organization may, with the prior approval of the Board and by notification in the official Gazette, make regulations regarding appointment and other terms and conditions of employees not inconsistent with this Ordinance or the rules made there under to carry out the purposes of this Ordinance.

**36. Integration of the Intellectual Property's Registry, Copyright Office and Patent Office.**—Notwithstanding anything contained in any other law for the time being in force and upon the commencement of this Ordinance, the Trademarks Registry, Copyright Office and Patent Office hereinafter referred to as the said offices shall become part of the Organization,—

- (a) all assets rights, powers, authorities and privileges and all properties, movable and immovable, cash and bank balance, reserve funds, investment and all other interest and rights in, or arising out of such properties and all debts, liabilities and obligations of whatever kind of the said offices subsisting

immediately before their integration shall stand transferred to and vest in the Organization;

- (b) all officers and other employees of the said offices shall, notwithstanding anything contained in any law or in any agreement, deed, document or other instrument, shall stand absorbed and transferred to the Organization and shall be deemed to have been appointed or engaged by the Organization in accordance with the terms and conditions which shall not be less favourable than in the said offices; and no officer or other employee whose services are so absorbed and transferred shall be entitled to any compensation because of such absorption or transfer. Such officers and other employees shall have the option either to remain civil servants or to be employees of the Organization. The option once exercised shall be irrevocable. After exercising the option, the employee or employees shall cease to be a civil servant for all purposes and shall be entitled to such remuneration, allowances and other terms and conditions of the employment as are applicable to the employees of the Organization. In the event of such a person opting to remain as a civil servant, he shall continue to be governed by Civil Servants Act, 1973 (LXXI of 1973) and the ancillary rules made thereunder in all matters. The Organization shall contribute to the pension, gratuity and final payment of provident fund in accordance with the rules as applicable to the civil servant;
- (c) all debts and obligations incurred or contracts entered into or rights acquired and all matters and things engaged to be done by, with or for the said offices before their integration, shall be deemed to have been incurred, entered into, acquired or engaged to be done by or for, the Organization; and
- (d) all suits and other legal proceedings instituted by or against the said offices before their integration shall be deemed to be suits and proceedings by or against the Organization and may be proceeded or otherwise dealt with accordingly.

**37. Authorities to assist and aid the Organization.**—All concerned law enforcement agencies and authorities in the Federation and the Provinces shall be under an obligation to provide and render full and complete assistance to the Organization as the Chairman or Director-General may deem fit and proper to demand or require for carrying out the purposes of this Ordinance.

**38. Removal of difficulties.**—In case any difficulty arises in giving effect to this Ordinance, the Federal Government may, for the purposes of removing such difficulty, make such order as it considers expedient and any such order shall be deemed to be, and given effect to, as a part of the provisions of this Ordinance.

**39. Ordinance to override other laws.**—The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

**40. Validation of actions, etc.**—Anything done, actions taken, orders passed, instruments made, notifications issued, agreements made, providing, initiated, process or communication issued, powers confirmed, assumed or exercised, by the Intellectual Property Organization or its officers on or after 25th March 2010 and before commencement of this Ordinance, shall be deemed to have been validly done, made, exercised, taken, initiated, confirmed, assumed, executed, exercised and provisions of this Ordinance shall have, and shall be deemed to always to have had, effect accordingly.

#### **THE SCHEDULE**

*[See Section 2(h)]*

- (1) The Trade Marks Ordinance, 2001 (XIX of 2001);
  - (2) the Copyrights Ordinance, 1962 (XXXIV of 1962); •
  - (3) the Patents Ordinance, 2000 (LXI of 2000);
  - (4) the Registered Designs Ordinance, 2000 (XLV of 2000);
  - (5) the Registered Layout-Design of Integrated Circuits Ordinance, 2000 (XLIX of 2000);
  - (6) Sections 478, 479, 480, 481, 482, 483, 485, 486, 487, 488 and 489 of Pakistan Penal Code (XLV of 1860).
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