

## **Background Note:**

Policy Dialogue

on

## **Intellectual Property Rights in Pakistan: Problems and Prospects**

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#### **Background**

World Intellectual Property Day (World IP Day) is celebrated every year on April 26, to raise awareness of how patents, copyright, trademarks and designs impact on daily life and to celebrate creativity, and the contribution made by creators and innovators to the development of societies across the globe. World IP Day offers an exciting chance each year to join with others around the globe, to highlight, discuss and demonstrate the importance of Intellectual Property for the development of national and sub-national cultures and economies.

The term Intellectual Property refers broadly to the creations of the human mind. Intellectual Property is divided into two categories: Industrial Property includes patents for inventions, trademarks, industrial designs and geographical indications. Copyright covers literary works (such as novels, poems and plays), films, music, artistic works (e.g., drawings, paintings, photographs, sculptures) and architectural designs. Traditional Knowledge, Genetic Resources and Folklore are non-conventional forms of Intellectual Property.

The importance of protecting Intellectual Property was first recognized in the *Paris Convention for the Protection of Industrial Property* in 1883 and the *Berne Convention for the Protection of Literary and Artistic Works* in 1886. World Intellectual Property Organization (WIPO) was established under Article 1 the WIPO Convention of 1967 to protect the IP rights. The Intellectual Property Rights are also outlined in Article 27 of the *Universal Declaration of Human Rights*, which provides for the right to benefit from the protection of moral and material interests resulting from authorship of scientific, literary or artistic productions. The *Convention on Biological Diversity* in 1992 represents a commitment by nations to conserve biological diversity, to use biological resources sustainably, and to share the benefits arising from the use of genetic resources as Intellectual Property fairly and equitably with the local communities.

Intellectual Property Rights protect the interests of creators by giving them property rights over their creations. Many industrialized nations have intellectual property protection systems that are centuries old. Among developing countries, however, many are in the process of building up their patent, trademark and copyright legal frameworks and intellectual property systems. With the increasing globalization of trade and rapid changes in technological innovation, WIPO plays a key role in helping these systems to evolve through treaty negotiation; legal and technical assistance; and training in various forms, including in the area of enforcement.

Pakistan is in the process of strengthening its Intellectual Property Rights regime. Presently, the country suffers an estimated loss of Rs. 20 billion in sales tax per year, due to piracy of Intellectual Property in various forms. Pakistan is one of the world's leading producers and exporters of

pirated optical media of copyrighted sound recording, motion pictures, business software and published material. United States' companies bear loss worth \$500 million to \$1 billion every year due to piracy in Pakistan. Pakistan is the fourth largest source of counterfeit and piratical goods seized by US customs and border protection.

Pakistani government has demonstrated its commitment for protecting Intellectual Property Rights by establishing Intellectual Property Organization (IPO) in 2005, as a specialized organization for integrated Intellectual Property management, under the direct supervision of the Prime Minister. World Intellectual Property Organization (WIPO) and Intellectual Property Organization (IPO) Pakistan has been working to raise awareness of Intellectual Property Rights and enforce them within the framework of the World Trade Organization (WTO) and Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

The violations of Intellectual Property Rights have become a significant bilateral trade issue between the United States and Pakistan. United States Trade Representative (USTR) has placed Pakistan at the priority watch list of non-compliant countries, for committing violations of intellectual property rights, which deters foreign trade investments in the country. Pak-US talks on Trade Investment Facilitation Agreement (TIFA) are to be held on May 14-15 in Washington DC which hinges on the Pakistan's score on Intellectual Property Rights, for which Pakistan government needs to present a well thought-out strategy.

In view of the foregoing, C2D and I-SAPS are holding a panel discussion to feed into the discussion to raise awareness of the protection of Intellectual Property Rights through patents, copyright, trademarks and designs and celebrate the contribution made by national and international creators and innovators to the development of economies across the globe.

### **Aim and Objectives**

I-SAPS, in collaboration with C2D, is holding this event with a view to create and sustain a discussion among key stakeholders on the Intellectual Property Rights in Pakistan. These activities raise general awareness and understanding of how an efficient and equitable intellectual property system can help Pakistan to realize Intellectual Property's potential as a catalyst for economic development and social and cultural well-being. They also explore how through their research and advocacy programs, civil society organizations and academia can contribute to the strengthening of Intellectual Property Rights in Pakistan

### **Participants**

It will be attended by policy practioners, lawyers, academics, civil society organizations, and media.