

Important Events

28th Session of WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, Geneva, July 7 to 9, 2014

The 28th Session of Inter Governmental Committee on Genetic Resources, Traditional Knowledge and Folklore held in Geneva from 7 to 9 July, 2014. The representatives of Member States, Intergovernmental Organizations (IGOs) and Non-Governmental Organizations (NGOs) participated in the proceedings of the meeting. Following officials from Pakistan participated the three day deliberations of this meeting:-



- i. Ms. Fareha Bugti, 1st Secretary, Pakistan Mission to UN, Geneva (Diplomat)
- ii. Mr. Muhammad Ismail, Deputy Director, IPO-Pakistan (Technical Expert)

Recommendations

The following recommendations are made on the basis of five days comprehensive discussions on Genetic Resources, Traditional Knowledge and Folklore; informal meetings with different delegates from developing and developed world; and deliberations with officials of WIPO and Pakistan Mission to UN:

- A national database for GRTKF may be developed to protect indigenous community intellectual assets. IPO-Pakistan may develop public database having information about indigenous resources of Pakistan. Although work is in process to develop such type of database, however it may be streamlined to convert private databases into public database by involving stakeholder organizations/institutes
- Legislation for protection of Genetic Resources, Traditional Knowledge and Folklore at National level may be drafted by IPO-Pakistan during the work plan of years 2010-2011. All the stakeholder institutes in the field of Genetic Resources, Traditional Knowledge and Folklore may be involved for drafting this legislation and the Law should be approved from the parliament at the earliest.
- Pakistan should actively take part in the international deliberations on GRTKF at the fora of WIPO, WTO, CBD, FAO, UPOV etc. IPO-Pakistan should develop capacity of its officials through special indigenous and foreign training courses in the field of GRTKF. Pakistan's

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Mission to UN, Geneva should be regularly advised by IPO-Pakistan to present national stance at international level with confidence.

- IPO-Pakistan may develop coordination with concerned organizations/institutes of like minded countries e.g. Brazil, Thailand, Turkey, Iran, China, Malaysia, Indonesia etc. to address the issues of public database development, drafting of GRTKF legislation and market access for promotion of Pakistan's indigenous and cultural products. The protection, development and utilization systems for genetic resources should be strengthened to prevent loss and inappropriate use of them. We should balance interests between the need to protect genetic resources and the need to develop and utilize them, and to develop a reasonable mechanism for genetic resource access and benefit sharing.
- A sound protection system for traditional knowledge should be established. IPO-Pakistan should support the collation and passing down of traditional knowledge to further its development. A coordination mechanism for administration, protection and utilization of IPRs for traditional medicine needs to be improved.
- Protection of folklores and promotion of their development should be strengthened. We should extensively gather folklores and set up a benefit sharing mechanism that will assure a reasonable balance between conservators of folklores and those who use these resources to create new works, in order to protect the lawful rights and interests of individuals and communities.

Collaboration with Civil Services Academy (CSA) to Provide Resource Persons

The Director General IPO-Pakistan requested Director General, Civil Services Academy (CSA) on 5th August, 2014 to include topics on Intellectual Property in the syndicate Research carried out at CSA. IPO-Pakistan will provide resource persons for Common Training Programs (CTP) to build capacity of civil servants in the field of Intellectual Property management, protection, policy and enforcement. The Director General CSA has agreed with the above proposal and syndicate research on IP issues shall commence from the next CTP, expected to begin in October, 2014

Meetings of IPO-Pakistan Delegation with Commercial Law Development Program (CLDP) Team in Dubai, August, 11-12, 2014

IPO-Pakistan has close collaboration with international agencies/Organizations under Section (13)(xvi) of IPO Act, 2012 for capacity building and exchange of information. Coordination with United States Commerce Department, Commercial Law Development Program (CLDP) is part of this collaboration. A number of Judges, IP Attorneys, Enforcement Officials, Patent Examiners and other professionals have been trained under CLDP program since establishment of IPO-Pakistan in 2005.

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The subject activity is part of these collaborations. The meeting held in Dubai with purpose to update Pakistan's Intellectual Property Laws in accordance with IPO Act, 2012 and international best practices. This session was jointly organized by IPO-Pakistan and US Commerce Department with financial assistance from CLDP.



Following officials from Government of Pakistan participated in this meeting;

- i. Engr. Aamir Hasan, Director General, IPO-Pakistan;
- ii. Dr. Iram A. Khan, Joint Secretary(RA), Cabinet Division

Following officials from US Government, CLDP and private sector participated in the meeting:

- i. Joe Yang, Attorney-Advisor, CLDP;
- ii. Mia Ter Haar, Economic Officer, U.S. Embassy Islamabad ;
- iii. Ms. Kalpana Reddy, First Secretary for Intellectual Property, USPTO, US Embassy, New Delhi;
- iv. Ms. Ann K. Ford, Partner, DLA Piper, USA;
- v. Mr. Thomas E. Zutic, Partner, DLA Piper, USA;
- vi. Mr. Hasan Irfan Khan, Partner, UTPS, Pakistan.

In the first session of meeting, Director General IPO-Pakistan presented current situation of IP in Pakistan, IP Management, existing laws and proposed changes in the IP legal system of Pakistan. Mr. Hasan Irfan Khan presented the view of IP Attorneys and proposals for amendment from his side. Later on discussion was held on need to update Pakistan's IP Laws; necessary amendments in Patent, Trademark and Copyright Laws; potential Resource Partners; Developing a Framework, Action Items and Timeline for Updates; and Future Capacity Building Activities. The U.S side agreed to examine the IPO Act, 2012 and the national IP Laws given in its schedule and suggest changes to bring the National IP Laws in consonance with the IPO Act, 2012. It was agreed that the next meeting shall be held in January, 2015 in which the changes suggested by CLDP shall be examined.



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Patent Examiners' Training in the United States of America (USA)

A Training Program for the patent examiners of IPO was exclusively arranged in the United States from August 12-15, 2014 on the request made by the Director General, IPO-Pakistan during his visit to USPTO in Washington in May, 2014.



There were 5 nominations from IPO Pakistan to attend the training program. From USPTO Patent attorneys, office of policy and international relations and patent examiners deliberated on different subjects. Training program covered topics related to overview of US Patent law, patent examination criteria in US, requirement for US patent application, patent searches in patent and non patent literature databases, Patent grant proceedings, Patent Cooperation Treaty (PCT) and US patent law & practices vis-à-vis Manual of Patent Examination Practices (MPEP).

Training was delivered face-to-face by instructors in the form of lecturers, presentations, practical exercises, group discussions in a round table setting. On the first day trainee group was introduced with patent examiners working in USPTO in different Technology Centers (TCs), some of whom delivered presentations during the training. Problems/issues were also brought under discussion facing by the Pakistan's examiners in patent examination.

Meeting of Director General, IPO-Pakistan with the Representatives of APCA (All Pakistan Clerks' Association), September, 10, 2014

A delegation of All Pakistan Clerk's Association visited IPO-HQs, Islamabad for meeting with Eng. Aamir Hasan, Director General IPO-Pakistan on 10th September, 2014 to discuss matters of mutual concern and problems being faced by lower staff at IP Registries in Karachi and Regional Office at Lahore. Following members of APCA visited IPO-HQs for subject meeting:



- i. Mr. Sharifzada, President, APCA, Karachi Division, Patent Office, Karachi;
- ii. Mr. Akbar Hussain Baloch, General Secretary, APCA, TMR, Karachi

Following agenda items were discussed during the meeting:

- i. Progress on the previous meetings with APCA;
- ii. Progress on pending promotion cases;

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- iii. Progress on option exercised to be civil servants by the absorbed employees of IPO Registries;
- iv. Pension Contribution by the Organization and Issuance of Pension Book;
- v. Award of benefit on GP Fund;
- vi. Reimbursement of Medical Bills;
- vii. Grant of honorarium for the year 2013-14;
- viii. Grant of Current Charge;
- ix. Up-gradation of Posts;
- x. Transfer, Deputation and shortage of staff.

APCA members thanked Director General for inviting them to the Head Office for the meeting and submitted their views on the above mentioned issues and requested the Director General, IPO-Pakistan to address these problems which would motivate the lower staff to work whole-heartedly for the betterment of the Organization;



Director General assured the APCA members that their genuine grievances shall be addressed and issued necessary instructions for immediate actions on their concerns.

Meeting of Director General, IPO-Pakistan with US Embassy Delegation, September, 24, 2014

Following officers of US Embassy visited IPO-HQs, Islamabad on 24th September, 2014 for meeting with the Director General, IPO-Pakistan, Engr. Aamir Hasan and other officers;

- i. Ms. Daniela A. Ballard, Counselor for Economic Affairs, US Embassy, Islamabad;
- ii. Ms. Mia Ter Haar, Deputy Counselor for Economic Affairs, US Embassy, Islamabad;
- iii. Mr. Alexander R. Orr, Economic Officer, US Consulate General, Karachi.

The following issues were discussed during the meeting

(a) Follow up of Meeting with CLDP in August, 2014:

After introduction of officers from both sides, Ms. Mia Ter Haar informed that purpose of their visit to IPO-Pakistan was firstly, to introduce Ms. Daniela A. Ballard, Counselor for Economic Affairs, US Embassy, Islamabad, who has recently joined her new assignment and secondly, to discuss issues as follow up of meeting on updation of IP Laws, held in Dubai with Commercial Law Development Program (CLDP) team. Director General IPO-Pakistan inquired about the progress of work after Dubai meeting. Ms. Mia Ter Haar informed that her office is working on the issue in collaboration with CLDP. The

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group shall send its inputs by November-December, 2015 which shall be discussed in the meeting proposed in January, 2015.

(b) Establishment of IP Tribunal:

Ms. Daniela A. Ballard said that she has been informed that establishment of IP Tribunals is included in the new IPO Law. She appreciated that it will be good initiative by Pakistan to deal with IP infringement cases. She asked about the time frame for establishing these Tribunals. Director General IPO-Pakistan informed that Law Division has recently moved



summary to the Prime Minister of Pakistan for establishment of IP Tribunals. Initially these Tribunals will be set up at Islamabad, Karachi and Lahore. We hope IP Tribunals will be set up soon in near future. Ms. Daniela stated that US government will be pleased to build capacity of judges appointed in specialized IP Tribunals. Director General IPO-Pakistan appreciated the offer by US delegate.

(c) Constitution of IPO Policy Board and Appointment of the Chairman:

On a question by Ms. Daniela about constitution of IPO Policy Board and appointment of the Chairman, Director General IPO-Pakistan replied that both matters are under consideration by the Federal Government. He further informed that IPO Policy Board will have membership of 5 officials from Federal Government, 4 from Provincial Governments and 5 from Private Sector in addition to the Chairman. Director (A/HR) Mr. Meesaq Arif shared details of proposed members from private sector. He said that both local and foreign business communities have been recommended for membership.



(d) Training of IPO Technical Staff:

Regarding training of Technical staff of IPO-Pakistan, Ms. Mia informed that first group of 6 Patent Examiners from Patent Office of IPO-Pakistan has been trained at USPTO in August, 2014 while second group will be invited during first quarter of 2015. Mr. Meesaq Arif highlighted that training of Trademark Examiners is as necessary as that of Patent Examiners. It would be appreciated if Trademark Examiners are also trained at USPTO. Director General also endorsed the statement. Ms. Mia and Ms. Daniela assured that they will look into the matter in consultation with USPTO.

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(e) Roundtable on IP:

Director General IPO-Pakistan requested Ms. Mia Ter Har to update the participants about the proposed Roundtable on IP in collaboration with IPO-Pakistan. Ms. Mia responded that this Roundtable is the part of their schedule during first quarter of 2015. The dates, venue and agenda of the program will be finalized in consultation with IPO-Pakistan.

(f) Excellence Award for Entrepreneurs:

It was informed by US delegation that an activity for development of small businesses and entrepreneurs to grant excellence award to innovative entrepreneurs is being held in near future in collaboration with a non-profit local organization named TIDE. IPO-Pakistan may join hands to successfully organize this event as promotion of IP is one of the major aspects of this activity. Director General IPO-Pakistan appreciated the effort of US Embassy in this context and advised Ms. Mia to share Plan of Activity with IPO-Pakistan for consideration.

Data Digitization under TRTA-II Program

Under Data Digitization Project of TRTA-II Program about 7 millions pages/IP records were to be digitized. Progress till September 30, 2014 has been tabulated below:

Patent Statistics

| Category | Total Scope | Scope Achieved in Jul-Sep, 2014 | Total Scope Completed |
|---|-------------|---------------------------------|-----------------------|
| Number of records to be scanned | 45,765 | 6,194 | 80% |
| Number of records to be entered into IPAS | 15,982 | 3,442 | 100% |
| Number of records to be verified | 25,982 | 4,824 | 100% |

Trade Mark Statistics

| Category | Total Scope | Scope Achieved in Jul-Sep, 2014 | Total Scope Completed |
|---|-------------|---------------------------------|-----------------------|
| Number of records to be scanned | 288,000 | 49,226 | 55% |
| Number of records to be entered into IPAS | 9,210 | NIL | 20% |
| Number of records to be verified | 140,846 | 6,274 | 100% |

Copyright Statistics

| Category | Total Scope | Scope Achieved in Jul-Sep, 2014 | Total Scope Completed |
|---------------------------------|-------------|---------------------------------|-----------------------|
| Number of records to be scanned | 32,000 | 12,000 | 78% |

Copyright Office, Karachi

| Copyright | July | August | September | TOTAL |
|-----------------------|------|--------|-----------|-------|
| Application Received | 366 | 297 | 250 | 913 |
| Registrations Granted | 7 | 42 | 7 | 56 |

The Patent Office, Karachi

| Patent | July | August | September | TOTAL |
|-----------------------|------|--------|-----------|-------|
| Application Received | 74 | 50 | 79 | 203 |
| Registrations Granted | 13 | 18 | 18 | 49 |

| Design | July | August | September | TOTAL |
|-----------------------|------|--------|-----------|-------|
| Application Received | 49 | 23 | 45 | 117 |
| Registrations Granted | 4 | 19 | 19 | 42 |

Trade Mark Registry, Karachi

| Trade Mark | July | August | September | TOTAL |
|-----------------------|-------|--------|-----------|-------|
| Application Received | 2,142 | 1,702 | 2,252 | 6,096 |
| Registrations Granted | 1,696 | 1,846 | 1,358 | 4,900 |

Protection of Genetic Resources, Traditional Knowledge and Folklore (GRTKF) in Pakistan

Ms. Humera Ihsan, Assistant Director (PBR, GRTKF), IPO-Pakistan

Background

Intellectual property protection is an issue of universal concern in the international political, economic, scientific, technological and cultural exchanges, international bilateral and multilateral negotiations on this topic, especially the reaching of the Agreement on TRIPS has raised worldwide intellectual property protection to a new level. Whereas subjects of Patents, Trade Marks, integrated Circuit, Designs and sui generis system for Plant varieties protection has been recognized under TRIPS Agreement on the other hand new dimensions have been given to IP by opening new subjects i.e. Genetic Resources, Traditional Knowledge and Folklore (Traditional Cultural expressions) in Doha Development Agenda in 2001. Intellectual property issues related to genetic resources, traditional knowledge and folklore have emerged in a wide range of policy areas, including food and agriculture, biological diversity, environment, human rights, cultural policy, trade and economic development and SMEs policy. Intellectual property rights have been granted for uses of plants which form part of traditional knowledge systems in the agricultural, health and environmental fields. Traditional designs, songs, lyrics and dances have been used by the entertainment and fashion industries to create works which are protected under intellectual property rights. Discussions about such uses of genetic resources, traditional knowledge and folklore have linked the protection of intellectual property to policy objectives as diverse as the promotion of free trade, environmental conservation, food security etc. These linkages, established by discussions in other international forums, have significant technical, administrative and policy implications for the intellectual property system.

Latest Developments by the Developing Countries

- i. China has developed a Digital database of Chinese Traditional Medicine and more than 25000 patents have been granted on the basis of these medicines.
- ii. India has developed a Traditional Knowledge Digital Library (TKDL) which contains more than 200,000 scanned documents in 6 different languages of the world about the traditional medicines of India. More than 500 patents have been revoked worldwide on the basis of TKDL by Indian authorities.
- iii. Peru has its own law for the protection of the Traditional Cultural Expression since 2000.
- iv. Panama has its national system of the TK and TCEs protection since 2001.

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Need for the GRTKF Database in Pakistan

- A national database for GRTKF may be developed to protect indigenous community intellectual assets. IPO-Pakistan may develop public database having information about indigenous resources of Pakistan. It may be streamlined to convert private databases into public database by involving stakeholder organizations/institutes.
- IPO-Pakistan may develop coordination with concerned organizations/institutes of like minded countries e.g. Brazil, Thailand, Turkey, Iran, China, Malaysia, Indonesia etc. to address the issues of public database development, drafting of GRTKF legislation and market access for promotion of Pakistan’s indigenous and cultural products.
- The protection, development and utilization systems for genetic resources should be strengthened to prevent loss and inappropriate use of them. We should balance interests between the need to protect genetic resources and the need to develop and utilize them, and to develop a reasonable mechanism for genetic resource access and benefit sharing.
- A sound protection system for traditional knowledge should be established. IPO-Pakistan should support the collation and passing down of traditional knowledge to further its development. A coordination mechanism for administration, protection and utilization of IPRs for traditional medicine needs to be improved.

Proposed Action Plan

A national database for GRTKF will be developed to protect indigenous community rights. Through the development of the database we will prevent the bio piracy of the GRTKF.

Following work plan is proposed to be initiated for the development of GRTKF database:

| # | Work to be Done | Timeline | Team of Experts |
|----|--|------------|---|
| 1. | Meeting with stakeholders and visits of stakeholder institutions for the data collection | One year | DD(PBR), AD(PBR), stakeholder’ representatives |
| 2. | Compilation and evaluation of the data | Six months | WIPO, NIH, PARC, QAU, and Hamdard University etc. |
| 3. | Development of software for data digitization | Six months | IT team of IPO-Pakistan |
| 4. | Proper launching of GRTKF web portal | Six months | IT team of IPO-Pakistan |

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Collective Management Organization (CMO) in Pakistan

Mrs. Saima Kanwal, Assistant Director (Copyright), IPO-Pakistan



Creative individuals like writers, artists, musicians, singer, performers and others are among the society's most valuable assets. Their creative skills and talent has enormous contribution and influence on our cultural lives. In order to enhance the creative landscape of a nation and to encourage these artists to create, there is need to give them monetary incentives, in return for permission to make use of their work.

However individual management of licensing and royalties between the right holders and users becomes increasingly impossible when there are large number of individual users and large number of different works. An author is not practically capable of monitoring all uses of his work e-g a music composer cannot individually trace how many radio or television station, restaurants, clubs, cafes, shops are playing his music. He cannot contact every single user to negotiate licenses and remuneration for the use of his works. Conversely, it is not possible for a user to seek specific permission from every author for the use of every copyrighted work. The complexity of managing these activities individually, gave rise to the need of collective organization which could provide link between right holders and users. Such organizations are commonly known as Collective Management Organizations (CMOs) or Copyright Societies.

A Collective Management Organization, on behalf of its members, negotiates rates and terms of use with users, issues licenses authorizing uses, collects and distributes royalties. The individual right owner does not become directly involved in any of these steps.

Collective management system have been used widely in developed countries, particularly in the field of music, and the developing countries and also least developing countries, are attaching more and more importance to its establishment and promotion. Developing countries like India, China, Philippine, Malaysia, Thailand and many others have fully operational CMOs in different fields.

In Pakistan, Collective management of copyrights and related rights has come a long way since 2007, when first feasibility study was conducted. Under TRTA-II program sponsored by European commission along with WTO, UNIDO and WIPO, an updated study paper on the "Establishment of a Collective Management Organization (CMO) in Pakistan" was prepared by Mr. Ang Kwee Tiang, Regional Director and Counsel Asia Pacific international confederation of societies of Authors and Composers (CISAC).

In the follow up of this study, IPO-Pakistan organized a series of consultative meetings with singers, composers, broadcasters and other stakeholders in Lahore and Islamabad. Finally Collective Organization for Music Rights in Pakistan (COMP) was mutually recognized as first CMO in the country. Currently, newly established CMO is in process of negotiating agreement

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Write-ups



with Broadcasting companies and other prospective users for terms and tariffs, a lot more is needed to make the COMP fully operational and effective. However with the current momentum of awareness and engagement there are high hopes that we may be able to develop a sustainable and swift collective administration system to reward the creators of our society.

IPO-Pakistan collaborates with International Organizations to arrange training programs for its officers and different stakeholders in order to give them insight to various issues of IP. During the 3rd Quarter of 2014, IPO-Pakistan collaborated for the following Capacity Building activities:

| # | NAME & DESIGNATION | ACTIVITY | COUNTRY | DATES | ORGANIZATION |
|----|--|--|------------------------------|-----------------------|------------------------------|
| 1. | Mr. Abdul Qadir Khan Orakzai, Controller of Patent | Regional Seminar on Utilization of Intellectual Property to Develop and Disseminate Appropriate Technology | Korea | July 2 to 4, 2014 | IPO-Pakistan, Karachi |
| 2. | Mr. Muhammad Ismail, Deputy Director (PBR/GRTKF) | 28th Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (GRTKF) | Switzerland | July 7 to 9, 2014 | IPO-Pakistan, Islamabad |
| 3. | Mrs. Shakra Khurshid, Assistant Director (Patent) | USPTO Patent Examination Program | The United States of America | August 12 to 15, 2014 | IPO-Pakistan, Islamabad |
| 4. | Mr. Muhammad Fayyaz Ahmad, Patent Examiner | USPTO Patent Examination Program | The United States of America | August 12 to 15, 2014 | IPO-Pakistan, Karachi |
| 5. | Mrs. Tafseer Fatima, Patent Examiner | USPTO Patent Examination Program | The United States of America | August 12 to 15, 2014 | IPO-Pakistan, Karachi |
| 6. | Mr. Adnan Sabir, Patent Examiner | USPTO Patent Examination Program | The United States of America | August 12 to 15, 2014 | IPO-Pakistan, Karachi |
| 7. | Mr. Zahoor Ahmad, Patent Examiner | USPTO Patent Examination Program | The United States of America | August 12 to 15, 2014 | IPO-Pakistan, Lahore |
| 8. | Dr. Faisal Aftab, Director ORIC | Regional Seminar on IP, Technology Transfer and Commercialization | Singapore | August 27 to 28, 2014 | Bahria University, Islamabad |

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