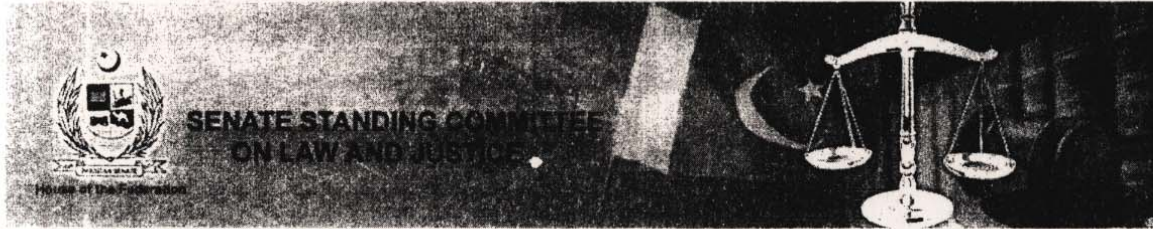


REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE



“THE PATENTS (AMENDMENT) BILL, 2015”

**Report No. 15
(Thirteenth Parliamentary Year)**

PRESENTED BY

**SENATOR MUHAMMAD JAVED ABBASI
CHAIRMAN**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE PATENTS (AMENDMENT) BILL, 2015"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Patents (Amendment) Bill, 2015" as passed by the National Assembly and introduced in the Senate on 1st January, 2016. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	<i>Senator Muhammad Javed Abbasi</i>	<i>Chairman</i>
2.	<i>Senator Raja Muhammad Zafar ul Haq</i>	<i>Member</i>
3.	<i>Senator Aitzaz Ahsan</i>	<i>Member</i>
4.	<i>Senator Dr. Muhammad Ali Khan Saif</i>	<i>Member</i>
5.	<i>Senator Syed Muzafar Hussain Shah</i>	<i>Member</i>
6.	<i>Senator Saleem Zia</i>	<i>Member</i>
7.	<i>Senator Ms. Ayesha Raza Farooq</i>	<i>Member</i>
8.	<i>Senator Nawabzada Saifullah Magsi</i>	<i>Member</i>
9.	<i>Senator Saeed Ghani</i>	<i>Member</i>
10.	<i>Senator Zaheer ud Din Babar Awan</i>	<i>Member</i>
11.	<i>Senator Mrs. Zahida Khan</i>	<i>Member</i>
12.	<i>Senator Farooq Hamid Naek</i>	<i>Member</i>
13.	<i>Minister for Law and Justice</i>	<i>Ex-Officio Member</i>

3. The Committee considered the Bill in its meetings held on 25th January and 16th February, 2016.

4. The proposed Bill seeks to amend the Patent Ordinance, 2000, in order to provide electronic publication of Patent journal. According to the Statement of Objects and Reasons "in pre internet era, countries all over the world used to publish patent applications in hard form, now a days these are available on the official websites of IP offices and after certain period of time (usually after 18 months of patent filing) general public can access the complete filed patent application. In Pakistan, patent office

notifies/ publishes patent applications on weekly basis in Official Gazette Part-V to make it available to the public in hard form. This process delays access to patent information to the public. Once it is published in electronic form it will improve accessibility and circulation of patent information at appropriate time”.

5. The Committee discussed the proposed amendments at length and desired that the proposed amendments should incorporate simultaneous provisions regarding advertisement in the official Gazette and publication in the patent journal. Accordingly, the Committee recommends following amendments in the said Bill as under:-

i. In Clause 2, in the proposed amendment in Clause (e) of Section (2), after the word “form”, the words “in the relevant part of official Gazette” shall be inserted.

ii. Clause 3 shall be substituted with the following:-

“3. Amendment of Section 13, Ordinance LXI of 2000:- In this said Ordinance, in section 13,

(a) in sub-section (7), for the full stop of the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

“Provided that where the application has been withdrawn before the advertisement of its acceptance in the official Gazette or publication in the Patents journal, the application and the specification, claims and drawings, if any, shall not be open to public inspection.”

(b) In sub-section (9), the proviso shall be omitted;”

iii. Clause 4 shall be substituted with the following:-

“4. Amendment of section 21, Ordinance LXI of 2000:- In the said Ordinance, in section 21, after the words “advertise in the Official Gazette”, the words “and publish in the Patents Journal” shall be added.”

iv. Clause 5 shall be substituted with the following:-

“5. Amendment of section 44, Ordinance LXI of 2000:- In the said Ordinance, in section 44, in sub-section (3), after the words “advertised in the Official Gazette”, the words “and published in the Patents Journal” shall be added.”

v. Clause 6 shall be substituted with the following:-

"6. Amendment of section 48, Ordinance LXI of 2000:- In the said Ordinance, in section 48, in clause (c), after the words "Official Gazette", the words "and in the Patents Journal" shall be added."

vi. Clause 7 shall be substituted with the following:-

"7. Amendment of section 90, Ordinance LXI of 2000:- In the said Ordinance, in section 90 -

(a) after the words "Official Gazette", the words "or in the Patents Journal" shall be added."

6. The Committee recommends that the "The Patents (Amendment) Bill, 2015", as reported by the Committee may be passed by the Senate. (The Bill reported by the Committee is annexed as "A" and the Bill introduced in the Senate is annexed as "B").



(Rabeea Anwar)
J.S / Secretary Committee



(Senator Muhammad Javed Abbasi)
Chairman

[AS REPORTED BY THE COMMITTEE]

A

Bill

further to amend the Patents Ordinance, 2000

WHEREAS it is expedient further to amend the Patents Ordinance, 2000 (LXI of 2000), for the purposes hereinafter appearing:

It is hereby enacted as under:-

1. Short title and commencement: (1) This Act may be called the Patents (Amendment) Act, 2016.

(2) It shall come into force at once.

2. Amendment of section 2, Ordinance LXI of 2000:- In the Patents Ordinance, 2000 (LXI of 2000), hereafter referred to as the said Ordinance, in section 2, for clause (e) the following shall be substituted, namely:-

“(e) “date of advertisement”, wherever appearing in this Ordinance, shall be the date on which the Patents Journal is published or uploaded on the website of Intellectual Property Organization of Pakistan or printed in hard form in the relevant part of Official Gazette, whichever is earlier:”

3. Amendment of section 13, Ordinance LXI of 2000:- In this said Ordinance, in section 13,

(a) in sub-section (7), for the full stop of the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

“Provided that where the application has been withdrawn before the advertisement of its acceptance in the official Gazette or publication in the Patents journal, the application and the specification, claims and drawings, if any, shall not be open to public inspection.”

(b) in sub-section (9), the proviso shall be omitted;

4. Amendment of section 21, Ordinance LXI of 2000:- In the said Ordinance, in section 21, after the words “advertise in the Official Gazette”, the words “and publish in the Patents Journal” shall be added.

5. Amendment of section 44, Ordinance LXI of 2000:- In the said Ordinance, in section 44, in sub-section (3), after the words “advertised in the Official Gazette”, the words “and published in the Patents Journal” shall be added.

6. Amendment of section 48, Ordinance LXI of 2000:- In the said Ordinance, in section 48, in clause (c), after the words “Official Gazette”, the words “and in the Patents Journal” shall be added.

7. Amendment of section 90, Ordinance LXI of 2000:- In the said Ordinance, in section 90 -

(a) after the words “Official Gazette”, the words “or in the Patents Journal” shall be added.

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Patents Ordinance, 2000

WHEREAS it is expedient further to amend the Patents Ordinance, 2000 (LXI of 2000) for the purposes hereinafter appearing,

It is hereby enacted as under -

- 1 **Short title and commencement.**—(1) This Act may be called the Patents (Amendment) Act, 2015.
(2) It shall come into force at once.
- 2 **Amendment of section 2, Ordinance LXI of 2000.**—In the Patents Ordinance, 2000 (LXI of 2000), hereinafter referred to as the said Ordinance, in section 2, for clause (e) the following shall be substituted, namely:—
“(e) “date of publication”, wherever appearing in this Ordinance, shall be the date on which the Patent Journal is uploaded on Intellectual Property Rights Organization or printed in hard form, whichever is earlier.”
- 3 **Amendment of section 13, Ordinance LXI of 2000.**— In the said Ordinance, in section 13, in sub-section (9), in the proviso,—
(a) for the word “advertisement”, the word “publication” shall be substituted; and
(b) for the words “official Gazette”, the words “Patent Journal” shall be substituted
- 4 **Amendment of section 21, Ordinance LXI of 2000.**— In the said Ordinance, in section 21, for the words “advertise in the official Gazette”, the words “published in the Patent Journal” shall be substituted.
- 5 **Amendment of section 44, Ordinance LXI of 2000.**— In the said Ordinance, in section 44, in sub-section (3), for the words “advertised in the official Gazette”, the words “published in the Patent Journal” shall be substituted.
- 6 **Amendment of section 48, Ordinance LXI of 2000.**— In the said Ordinance, in section 48, in clause (c), for the words “official Gazette”, the words “Patent Journal” shall be substituted.
- 7 **Amendment of section 90, Ordinance LXI of 2000.**—In the said Ordinance, in section 90, —
(a) for the word “advertisement”, the word “publication” shall be substituted; and
(b) for the words “official Gazette”, the words “Patent Journal” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Pakistan Intellectual Property Rights Organization (IPO Pakistan) was established in 2005 under the administrative control of the Cabinet Division. Three registries, the Trade Marks Registry, Copyright Office and Patent Office were integrated and became part of the new Organization under a unified and integrated management.

2. One of the registries, the Patent Office, Karachi is empowered by virtue of law to grant patent rights to inventors on sharing technical disclosure with the patent office, in the form of patent application. Once patent application has been received, the patent Office generally takes a series of steps prior to granting the patent. There are three main activities, namely,-

- a formality examination,
- a substantive examination and the
- grant and publication of patent.

3. Regarding publication of the patent, in pre internet era, countries all over the world used to publish patent applications in hard form, now a days these are available on the official websites of IP offices and after certain period of time (usually after 18 months of patent filing) general public can access the complete filed patent application. In Pakistan, patent office notifies/publishes patent applications on weekly basis in Official Gazette Part-V to make it available to the public in hard form. This process delays access to patent information to the public. Once it is published in electronic form it will improve accessibility and circulation of patent information at appropriate time.

4. Therefore, IPO Pakistan has proposed amendments in Patent Ordinance, 2000 to publish patents from hard form to electronic form. Proposed amendment related to electronic publication of Patent journal moved through Cabinet after seeking consent of relevant stakeholders. The Federal Cabinet is pleased to approve the proposed amendments in the Patent Ordinance 2000 regarding electronic publication of patent journal.

The proposed amendment seeks to achieve the following objectives,-

- To bring our system at par with other IP offices of the world;
- To create awareness;
- To make the publication of patent applications easily accessible by the public;
- To increase the circulation of patent information at mass level.

Sheikh Aftab Ahmed
Minister of State for Parliamentary Affairs
Member-in-charge