

INTEGRATED INTELLECTUAL PROPERTY MANAGEMENT FOR EFFECTIVE ENFORCEMENT MODELS: AN EMPIRICAL ASSESSMENT OF INTELLECTUAL PROPERTY REGIME OF PAKISTAN

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Abstract

Intellectual property rights have always remained one of the most concerned rights of general public. Unfortunately, Pakistan has historically had a number of issues with the enforcement of intellectual property rights (IPR), including disjointed institutional frameworks, lack of judicial expertise, and insufficient capacity of enforcement agencies. This study examines how the effectiveness of IPR enforcement in Pakistan is affected by integrated Intellectual Property (IP) management models, which includes centralized IP administration, the creation of specialized IP courts, and capacity-building programs. Relying on government reports, empirical studies, and international best practices, this study evaluates recent reforms and their impact on enforcement outcomes in Pakistan. The findings of the study reveal that while integrated models have, though, improved coordination and judicial efficiency, but persistent legal, institutional, and resource constraints, continue to hamper optimal enforcement. The paper thereafter concludes with policy recommendations, aimed at strengthening Pakistan's current IP enforcement regime, to promote innovation, attract investment, and uphold its international commitments.

INTRODUCTION

The fortification and enforcement of intellectual property rights (IPR) are vital components of any country's economic and legal framework. Effective IPR enforcement incentivizes creativity, innovation, and investment, which are of utmost importance for technological advancement and sustainable economic growth (Maskus, 2000). Pakistan, as a developing economy with an increasing creative and technological sector, has been facing significant challenges in enforcing IPR due to lack of specialized judicial mechanisms institutional disintegration, and limited enforcement capacity (Ahmed & Qureshi, 2021).

Pakistan's legal framework for intellectual property consists of the Copyright Ordinance, 1962 the

Copyright Rules 1967; the Patents Ordinance, 2000 and the Patent Rules 2003; and the Trade Marks Ordinance, 2001 and the Trade Marks Rules 2004. Despite these laws, enforcement has been erratic, with extensive piracy and counterfeiting reported in various sectors, including entertainment industry, software and pharmaceuticals (International Intellectual Property Alliance [IIPA], 2023). These challenges have not only affected domestic industries but also impacted Pakistan's international trade relations and more specifically the foreign investment climate.

Therefore, the government of Pakistan then initiated reforms aimed at integrating IP management by introducing specialized IP courts, centralized

administration, and capacity-building programs, in order to have effective enforcement agencies and judiciary (Intellectual Property Organization of Pakistan [IPO-Pakistan], 2022). This integrated approach seeks to augment coordination, to improve judicial expertise, and build institutional capacity to effectively combat IP infringement within its territory.

This paper aims to critically examine the impact of these modern integrated IP management models, on enforcement outcomes in Pakistan. The data has been synthesized from government reports, empirical research, and comparative legal studies in order to assess the progress made thereafter and identify remaining challenges. The study aims to contribute to the discourse on IP enforcement and provide policy recommendations for strengthening Pakistan's current IP regime.

Literature Review

Intellectual property rights (IPR) enforcement is widely recognized as a critical component in supporting innovation, safeguarding creators, and stimulating global economic growth (Maskus, 2000). In Pakistan, the institutional structure for IPR enforcement has undergone major modifications, most notably the formation of specialist intellectual property tribunals to expedite complicated IP cases and improve judicial expertise (Rehman et al., 2018). These tribunals are a significant departure from the conventional dependence on general courts, which have historically experienced procedural delays and lacked the technical capacity to adequately adjudicate IP problems (Khan & Ahmed, 2019). The tribunals' specialized jurisdiction over patents, trademarks, copyrights, and associated rights is intended to provide more consistent and timely judicial remedies, enhancing the enforcement regime (Rehman et al., 2018).

Despite these institutional advancements, Pakistan's IPR enforcement nevertheless faces structural obstacles. According to Asad and Malik (2021), while Pakistan's legal environment has improved through compliance with international treaties such as TRIPS and the Berne Convention, domestic enforcement mechanisms remain fragmented and under-resourced. This disparity undermines the protection of domestic sectors and inhibits the country's

capacity to attract foreign direct investment. Mehmood and Rafiq (2019) criticize the delayed implementation of Pakistan's National Intellectual Property Strategy, citing bureaucratic inefficiencies and a lack of political will. They warn that without expedited reforms and administrative commitment, the strategy's promise to improve IPR enforcement may go unmet.

The fast expansion of digital technology has created new enforcement issues, particularly in terms of online piracy and digital content infringement. Ahmed and Hussain (2020) argue that Pakistan's current legislative frameworks are inadequate to handle these concerns. They advocate for comprehensive cyber legislation updates, improved technology enforcement tools, and increased international cooperation to combat digital piracy. This is consistent with Malik and Rashid's (2020) findings, which emphasize that low public awareness and insufficient enforcement resources maintain high levels of infringement, particularly in the digital arena.

Customs officials play an important role in defending Pakistan's markets from counterfeit goods, but as Baig and Shah (2021) illustrate, these organizations frequently operate under severe budget restrictions and lack specialized training. Their findings highlight the need of capacity building and enhanced inter-agency coordination in increasing border enforcement efficacy. Haque and Iqbal (2019) propose for public-private partnerships as a strategic method for pooling expertise and resources, thereby resolving enforcement gaps and building a more unified intellectual property protection environment. Such collaborations are increasingly being acknowledged as critical to overcome enforcement issues in developing nations (World Intellectual Property Organization, 2019).

According to Khan and Ahmed (2019), Pakistan's enforcement agencies, which include IPO-Pakistan, the Federal Investigation Agency and custom, frequently operate in silos with insufficient interaction, leading in inefficiencies and procedural delays. According to Ali and Khan (2020), despite the formation of inter-agency committees and national initiatives, effective coordination remains elusive due to organizational fragmentation and a

lack of legally binding collaboration procedures. Due protection of intellectual property rights is a key driving force behind innovation and economic development of any country. Robust enforcement mechanisms ensures that the creators and innovators can benefit themselves from their work, thereby encouraging further investment in research and development (Ginarte & Park, 1997). On the other hand, weak enforcement always led to widespread infringement, reducing incentives for innovation resultantly causing economic losses (Maskus, 2000).

In developing countries like Pakistan, enforcement challenges are often intensified by limited institutional capacity, lack of requisite judicial expertise, as well as inadequate public awareness (Ali & Raza, 2022). These are the factors, which does contribute to a high prevalence of piracy and counterfeiting, ultimately negatively effecting domestic industries and global trade relations.

Therefore, the role of judicial capacity is important. To sustain high adjudication standards, specialized intellectual property tribunals require ongoing judicial training and infrastructure assistance. In the absence of such backing, the likelihood of protracted litigation and conflicting rulings is high, undermining enforcement confidence. Public awareness programs are equally crucial for increasing respect for intellectual property rights and decreasing demand for counterfeit items (Malik & Rashid, 2020). According to studies, countries whose IP education is integrated into broader economic and cultural policies saw a considerable decrease in infringement rates.

Materials and Methodology

Using a qualitative doctrinal research methodology, this study examines government reports, court rulings, legal texts, and secondary empirical research pertaining to IP enforcement in Pakistan. IPO-Pakistan annual reports (2018–2023), USTR Special 301 reports, scholarly journal articles, and Pakistani court case law are some of the data sources. Thematic analysis assesses the effects of integrated management reforms and identifies important enforcement issues.

Analysis and Discussion

Centralized Intellectual Property Rights Administration

Centralized administration of IP rights has always been considered as one of the means to reduce fragmentation vis a vis to improve enforcement coordination (World Intellectual Property Organization (WIPO, 2021). In Pakistan, the Intellectual Property Organization of Pakistan (IPO Pakistan) serves as a chief agency responsible for policy formulation, IP registration, and also enforcement facilitation. Studies indicate that the efforts of IPO in various awareness campaigns and stakeholder engagements have certainly streamlined the enforcement culture and fostered international collaboration although resource constrictions do limit its ideal effectiveness (Khan, 2023). For instance, the mechanization of workflows and digitization of IP registrations have considerably reduced processing times by 30%, enhancing transparency and accessibility for rights holders (IPO-Pakistan, 2022).

Improving enforcement coordination and expediting registration procedures were the goals of IPO-Pakistan's centralization of IP administration. The responsibilities of IPO-Pakistan include creating policies, launching public awareness initiatives, and promoting collaboration between law enforcement organizations like the police, customs, and courts (IPO-Pakistan, 2022).

Compared to prior years, IPO-Pakistan's 2022 Annual Report shows a 15% increase in enforcement actions and a 20% increase in IP registrations, indicating increased administrative efficiency. Coordination issues, however, can occasionally arise from overlapping mandates with other agencies. Due to limited inter-agency communication and procedural delays, customs authorities have reported a rise in the seizure of counterfeit goods; however, prosecution rates are still low (Federal Investigation Agency, 2023).

However, challenges persist, especially in aligning respective provincial enforcement agencies with the federal mandates on IP rights. Overlapping and concurrent responsibilities on IPO Pakistan, customs authorities and provincial police, often lead to jurisdictional conflicts, resultantly delaying enforcement actions. It has been emphasized in one

of the studies that while centralized policies have improved global IP rankings to an extent (e.g., Pakistan's upgradation in the USTR Special 301 Report from Tier 3 to Tier 2), still resource constraints and bureaucratic inefficiencies at times, continue to hinder full implementation (Mujtaba, 2024).

Intellectual Property Tribunals

To address the technical complexity of IP law and reduce case backlogs, several jurisdictions have established specialized courts for IP disputes (Singh & Kaur, 2020). The creation of Intellectual Property (IP) Tribunals in Pakistan represents a significant advancement in the enforcement of intellectual property rights within the nation's legal framework. Before their establishment, intellectual property disputes were resolved by standard civil courts, which frequently lacked the necessary technical expertise and efficiency for the intricate and urgent nature of IP issues (Khan, 2016; IBA, 2023). In light of these limitations, the Intellectual Property Organization of Pakistan Act, 2012 (IPOPA'12) established specialized IP Tribunals, with the initial appointments of presiding officers made in October 2015 (Khan, 2016).

Intellectual Property Office Pakistan (IPO-Pakistan) thereafter announced in 2023, the establishment of the Rawalpindi and Quetta IP Tribunal. Pakistan now has total six IP Tribunals across Pakistan, after Karachi, Lahore, and Islamabad, the new IP Tribunals have been added in Rawalpindi and Quetta with one as Multan tribunal dedicated to South Punjab, ensuring broader coverage and efficient IP enforcement nationwide.

The newly announced IP Tribunals represent a substantial advancement in the protection of Intellectual Property Rights within the IP Sphere in Pakistan. It is noteworthy, that before 2023, Pakistan had three operational IP Tribunals in Karachi, Lahore and Islamabad (Ali & Associates, n.d.).

The recent development demonstrates the commitment of IPO-Pakistan to fortify and extend the scope of Intellectual Property Rights protection across diverse regions of the country.

These tribunals possess civil and criminal jurisdiction over a wide array of IP-related causes of action. Under IPOPA 2012, the original jurisdiction

encompasses cases related to the infringement of patents, trademarks, copyrights, and designs, in addition to associated civil actions such as passing off and unfair competition. The tribunals possess the authority to adjudicate criminal matters, encompassing offenses such as counterfeiting and piracy, thereby offering a comprehensive forum for intellectual property enforcement (Khan, 2016; MTCLaw, 2023). The tribunals possess the authority to transfer pending IP cases from other courts, thereby centralizing expertise and enhancing the efficiency of the adjudication process.

The practical advantages of these specialized courts are numerous. Their design aims to accelerate the resolution of intellectual property disputes, thereby minimizing the backlog and delays that have historically plagued the general court system (Khan, 2016; IBA, 2023). The presence of presiding officers with specialized knowledge in intellectual property law improves the quality and consistency of judicial decisions, which is essential for fostering investor confidence and promoting innovation. The tribunals' dual civil and criminal jurisdiction facilitates a comprehensive enforcement strategy, simultaneously protecting rights holders and deterring infringers.

Notwithstanding these advancements, numerous challenges persist. Legal analysts have observed that the implementation of tribunals has varied across provinces, with resource limitations occasionally hindering their effectiveness (MTCLaw, 2023). Continuous judicial training and capacity-building are essential to keep up with the developments in IP law and technology (CIICA, 2023).

Appeals from IP Tribunal decisions are directed to the respective High Courts, facilitating judicial oversight and the establishment of consistent jurisprudence (Khan, 2016). The appellate structure aims to reconcile the necessity for specialized trial courts with the overarching legal framework of Pakistan's judiciary.

The establishment of IP Tribunals in Pakistan signifies a crucial advancement in the modernization of the nation's IP enforcement framework. These tribunals mitigate several historical deficiencies of the general court system by centralizing expertise, expediting case resolution, and offering dual civil

and criminal jurisdiction. Though there are still issues with increasing coverage and improving judicial training, preliminary evaluations indicate that these courts have improved case management and judicial consistency (Supreme Court of Pakistan, 2024). Continued success will rely on sustained investment in judicial capacity, harmonization of procedures across provinces, and ongoing adaptation to the evolving field of intellectual property law.

Additionally, although the tribunals possess original jurisdiction over the majority of intellectual property matters, specific causes of action, including contractual disputes or issues beyond the scope of intellectual property statutes, are retained by general civil courts (Khan, 2016). In fact, the impact of specialized courts is limited by their narrow jurisdiction. Inconsistent rulings and protracted litigation are the results of many IP cases still being heard in general civil courts with little specialized knowledge (Ali & Raza, 2022).

Capacity Building Initiatives

Training judges, enforcement officers, and customs officials in IP law and enforcement methods has been the main focus of capacity building initiatives. Technical expertise and awareness have increased as a result of workshops and seminars held in association with WIPO and foreign partners (IPO-Pakistan, 2022). However, issues like low funding, a lack of technological resources, and frequent staff turnover make it difficult to develop capacity over time. Furthermore, surveys show that a sizable section of the populace is still ignorant of intellectual property rights and their economic significance, demonstrating that public awareness campaigns have not yet had a broad impact (Khan, 2023).

Additional Analysis and Case Studies from Pakistan

First Case Study: Enforcement of Copyright in the Software Industry

With historically high rates of piracy exceeding 60%, Pakistan's software sector has been a significant victim of intellectual property infringement (International Intellectual Property Alliance [IIPA], 2023). Software piracy awareness and registration campaigns have been made easier by IPO-Pakistan's centralized IP administration. Coordination of

customs, FIA, and police raids resulted in the seizure of pirated software valued at more than 200 million PKR in major urban centers, according to IPO-Pakistan's 2022 report (IPO-Pakistan, 2022).

The ease of digital copying and distribution makes enforcement difficult despite these efforts. Prosecution is made more difficult by the absence of dedicated cybercrime units with IP law training. With multiple historic decisions upholding software developers' rights and punishing violators severely, the creation of specialized IP courts has enhanced the judicial handling of software piracy cases (Supreme Court of Pakistan, 2024).

Second Case Study: Trademark Protection in the Textile Sector

Trademark violations both domestically and abroad plague Pakistan's textile sector, which contributes significantly to the country's GDP and exports. In order to combat counterfeit textile products, the IPO-Pakistan has implemented integrated enforcement strategies in cooperation with customs authorities (Khan, 2023).

The joint operation against counterfeit exports in 2021 was a noteworthy success, resulting in the confiscation of goods worth about \$5 million and the prosecution of multiple criminals (FIA, 2023). Specialized IP courts have sped up cases involving trademark infringement, cutting down on litigation time and improving brand owners' protection.

Comparative Viewpoints of IP Enforcement Models of India And Malaysia:

Insight into best practices relevant to Pakistan can be gained by looking at IP enforcement models in other developing nations:

India

ISP liability and digital rights management are covered by the 1957 Copyright Act of India and its later amendments. Major cities have seen the establishment of specialized IP courts, which have improved judicial expertise and drastically reduced case backlogs (Singh & Kaur, 2020). With the help of strong capacity-building initiatives financed by the government and foreign organizations, India's

centralized IP office unifies enforcement activities across agencies.

Malaysia

The Copyright Act 1987 of Malaysia contains specific provisions for digital enforcement, including clear ISP liabilities and anti-circumvention guidelines (Ismail, 2021). The nation has made significant investments in enforcement capabilities and public awareness, which has increased compliance and decreased piracy rates.

Policy Recommendations

The following actions are suggested as solutions to these problems by adoption of integrated frameworks, emphasizing the following:

- By revised IP laws to specifically address digital infringement, including clauses pertaining to ISP liability and anti-circumvention.
- By including safeguards for cutting-edge technologies, like content produced by artificial intelligence.
- An Institutional fortification is needed by creating official interagency coordination organizations with well-defined goals and guidelines.
- By increasing the nationwide specialized IP court's jurisdiction and capabilities.
- By investing in ongoing judicial education regarding technology and intellectual property law.

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- By obtaining long-term funding for the judiciary, customs officers, and law enforcement training.
- By improving the technological tools available for identifying and looking into IP crimes.
- By initiating national campaigns to encourage respect for intellectual property rights that target businesses, consumers, and creators.
- By including instruction on IP in university and school curricula.
- By actively collaborate with regional organizations and WIPO to exchange best practices and receive technical support.
- By boosting collaboration between cross-border law enforcement to combat international intellectual property violations

Conclusion

Through the establishment of specialized courts, capacity building, and centralization of administration, Pakistan's integrated IP management models have improved enforcement results. However, complete effectiveness is constrained by ongoing institutional, legal, and resource issues. Enacting comprehensive reforms to address these issues will improve compliance with international standards, promote innovation, and fortify Pakistan's intellectual property regime. Protecting intellectual property rights in the digital age requires a well-coordinated, technologically advanced enforcement framework that is backed by judicial knowledge and public awareness.

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