

**The proposed amendments  
the Patents Ordinance, 2000**  
(amended in 2002, 2010, 2016)

SN	Existing provisions / Sections	Proposed amendments and additions	Feedback
1	Not defined / New addition	<u>2(1a)</u> “Act” means the Intellectual Property Organization of Pakistan Act 2012(Act No.XXII of 2012);	
2	Not defined / New addition	“Board” means the Board of Appeal for Patents constituted by the organization under Section 46(a) of this ordinance, by notification in the official gazette.	
3	Not defined / New addition	<u>2(1b)</u> “Confidential information” means any information related to a patent application which is not accessible to public and marked as Confidential under this ordinance;	
4	Not defined / New addition	<u>2(1i)</u> “international application” means an application for the grant of a patent made in accordance with the Patent Cooperation Treaty designating Pakistan;	
5	<u>2(i)</u> “invention” means any new and useful product or process, in any field of technology and includes any new and useful improvement of either of them;	<u>2(i)</u> “invention” means any new and <b>useful</b> product or process, in any field of technology and includes any new and useful improvement of either of them;	
6	<u>2(j)</u> “inventor” means the actual devisor of an invention, and joint inventor shall be construed accordingly;	<u>2(j)</u> “inventor” means <u>a natural person</u> who is the actual devisor of an invention, and joint inventor shall be construed accordingly;	
7	Not defined / New addition	<u>2(ja)</u> “IP Tribunal” means the Tribunal established under Section 17 of the Act;	
8	Not defined / New addition	<u>2(kb)</u> “Organization” means the Intellectual Property Organization of Pakistan established under Section 3 of the Act;	
9	Not defined / New addition	<u>2(oo)</u> “Patent Cooperation Treaty” means the Patent Cooperation Treaty done at Washington on the 19 <sup>th</sup> day of June, 1970 as amended and modified from time to time;	

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10	<b>2(p)</b> “person” means any natural or judicial person and includes any association or body of individuals, whether incorporated or not;	<b>2(p)</b> “person” means any natural or <b>judicial legal</b> person and includes an association, or <b>the state or government</b> or body of individuals, whether incorporated or not;	
11	<b>2(t)</b> “product” means any substance, article, apparatus, or machine;	<b>2(t)</b> “product” means any substance, article, apparatus, <b>device, system</b> or machine;	
12	<b>2(u)</b> “published” means made available to the public whether in Pakistan or elsewhere and a document shall be taken to be published under any provision of this Ordinance, if it can be inspected as of right at any place in Pakistan by members of public, whether on payment or free of cost.	<b>2(u)</b> “published” published” means made available to the public whether in Pakistan or elsewhere and a document shall be taken to be published under any provision of this Ordinance, if it can be inspected as of right at any place <b>in Pakistan</b> by members of public, whether on payment or free of cost.	
13	<b>Section 3. Appointment of Controller and other officers.</b> - (1) For the purposes of this Ordinance, the Federal Government shall, by notification in the official Gazette, appoint an officer who shall be called the Controller of Patents. (2) The Federal Government shall appoint such other officers with such designations as it deems fit.	<b>3. Appointment of Controller and other officers.</b> - (1) For the purposes of this Ordinance, the <b>Federal Government Organization</b> shall, by notification in the official Gazette, appoint an officer who shall be called the Controller of Patents. (2) The <b>Federal Government Organization</b> shall appoint such other officers with such designations as it deems fit.	
14	<b>Section 4. Patent Office.</b> - (1) For the purposes of this Ordinance, there shall be established a Patent Office: Provided that until such time the Patent Office is established, the Patent Office established under the Patents and Designs Act, 1911 (II of 1911), shall be the Patent office for the purposes of this Ordinance.	<b>4. Patent Office and branch offices.</b> - (1) For the purposes of this Ordinance, the <b>Patent Office established under the Patents and Designs Act, 1911 (II of 1911)</b> , shall be considered as the Patent Office established under this Ordinance. (1a) The Patent office and its branch office shall be established, by notification in the Official Gazette, by the Organization, at such designated place or places as it deems fit.	

	<p>(2) The Patent Office shall be under the immediate control of the Controller who shall act under the superintendence and direction of the Federal Government.</p>	<p>(2) The Patent Office shall be under the immediate control of the Controller, who shall act under the superintendence and direction of the <del>Federal Government</del> <b>Organization</b>.</p>	
15	<p><b><u>Section 6. Officers and employees not to divulge certain information or advise in certain matters.-</u></b>  An officer or a person employed in the Patent Office shall not, except when required or authorized by this Ordinance or under a direction in writing of the Controller or by order of the Court-</p> <p>(a) divulge any information available to him by virtue of his office in respect of any application for a patent or a patent granted in Pakistan; or</p> <p>(b) advise in a matter which is under consideration or is likely to come under consideration of the Patent Office in pursuance of this Ordinance.</p>	<p><b><u>6. Officers and employees not to divulge certain information or advise in certain matters.-</u></b>  An officer or a person employed in the Patent Office shall not, except when required or authorized by this Ordinance or under a direction in writing of the Controller or by order of the Court <b><u>or IP Tribunal</u></b> <del>(a)</del>, divulge any information available to him by virtue of his office in respect of any application for a patent or a patent granted in Pakistan.<del>or</del></p> <p><del>(b) advise in a matter which is under consideration or is likely to come under consideration of the Patent Office in pursuance of this Ordinance.</del></p>	

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16	<p><b>Section.7 Patentable inventions.-</b> (1) Any invention is patentable, if it is new, involves an inventive step and is capable of industrial application.</p> <p>(2) Subject to sub-section (3), the following shall not be regarded as invention within the meaning of sub-section (1), namely:-</p> <p>(a) a discovery, scientific theory or mathematical method</p>	<p><b>7. Patentable inventions.-</b> (1) Any invention is patentable, if it is new, involves an inventive step and is capable of industrial application.</p> <p>(2) Subject to sub-section (3), the following shall not be regarded as invention within the meaning of sub-section (1), namely:-</p> <p>a discovery, scientific theory or mathematical method or a <u>computer programme per se or algorithms.</u></p>	
17	<p><b>7(4)c</b> for diagnostic, therapeutic and surgical methods for the treatment of humans or animals;</p>	<p><b>7(4)c</b> for <u>medicinal, curative, prophylactic</u> diagnostic, therapeutic and surgical methods for the treatment of humans or animals;</p>	
18	<p><b>7 (4) (f)</b> for a mere change in physical appearance of a chemical product where the chemical formula or process of manufacture remains the same provided that this clause shall not apply to an invention fulfilling the criteria of patentability.</p>	<p><b>“7(4)(f)</b> in the case of drugs and medicines, the mere discovery of a new form or new property of a known substance which does not result in the enhancement of the known efficacy of that substance, or the mere discovery of any new property.</p> <p><b><u>Explanation</u></b> For the purpose of this clause, salts, esters, ethers, polymorphs, metabolites, pure form, particle size, isomers, mixtures of isomers, complexes, combinations, solvates, pro-drugs, hydrates, N-oxides, analogs and other derivatives of a known substance shall be considered to be the same substance, unless they differ significantly in properties with regard to efficacy.</p>	

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19	<p><b>Section 8. Novelty.</b>- (1) An invention shall be considered to be new if it does not form part of the state of the art.</p> <p>(2) The state of the art shall comprise-</p> <p>(a) everything disclosed to the public anywhere in the world, by publication in tangible form or by oral disclosure, by use or in any other way, prior to the filing or, where appropriate, the priority date, of the application claiming the invention; or</p> <p>(b) contents of the complete specification and priority documents published under section 21 of an application filed in Pakistan;</p> <p>(c) traditionally developed or existing knowledge available or in possession of a local or indigenous community.</p> <p>(3) Notwithstanding the provisions of sub-section (2), disclosure of a patentable invention in respect of goods shall not constitute 'state of the art' if an article is exhibited at an official or officially recognized international exhibition within twelve months preceding the date of filing of an application for grant of patent. If later on, the right of priority is invoked, then the period shall start from the date of introduction of the article into the exhibition. The Controller may require proof, with such documentary evidence as considered necessary, of the identity of the article exhibited and the date of its introduction into the exhibition.</p> <p>(4) In this section references to the inventor include references to any proprietor of the invention for the time being.</p>	<p><b>8. Novelty.</b>- (1) An invention shall be considered to be new if it does not form part of the <b>state-of-the prior</b> art.</p> <p>(2) The <b>state-of-the prior</b> art shall comprise-</p> <p>(a) everything disclosed to the public anywhere in the world, by publication in <b>tangible any</b> form or by oral disclosure, by use or in any other way, prior to the filing or, where appropriate, the priority date, of the application claiming the invention; or</p> <p>(b) contents of the complete specification and priority documents <b>published under section 21</b> of an application filed in Pakistan;</p> <p>(c) traditionally developed or existing knowledge available or in possession of a local or indigenous community.</p> <p>(3) Notwithstanding the provisions of sub-section(2), disclosure of a patentable invention in <b>respect of goods invention shall</b> not constitute '<b>state-of-the prior art</b>' if <b>an article invention is self</b> exhibited at an official or officially recognized international exhibition within twelve months preceding the date of filing of an application for grant of patent. If later on, the right of priority is invoked, then the period shall start from the date of introduction of the article into the exhibition. The Controller may require proof, with such documentary evidence as considered necessary, of the identity of the article exhibited and the date of its introduction into the exhibition.</p>	

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20	<p><b>Section 13. Application for patent.-</b> (1) Every application for the patent shall be made in the prescribed form and shall be filed at the Patent Office in the prescribed manner and shall contain a declaration to the effect that the application is in possession of an invention of which he, or in the case of the joint application, at least one of the applicants, claims to be the true and the first inventor of or the legal representative or assignee of such inventor or, as the case may be, inventors, provided that where the inventor is not the applicant, he shall be entitled to be mentioned as such in the application and if he is not so mentioned the Controller may, upon an application made in the prescribed manner and after hearing any interested person, insert the name of such person as an inventor or co-inventor, as the case may be, if he is satisfied that he be named as an inventor of the invention for which the applicant desires to obtain a patent.</p> <p>(2) Where applications for protection have been made in one or more Convention countries in respect of two or more inventions which are cognate or of which one is modification of another, a single Convention application may, subject to the provisions of section 15, be made in respect of those inventions at any time within twelve months from the date of earliest of the said applications for protection.</p> <p>(3) Each application shall relate to one invention only.</p> <p>(4) The applicant may, before the acceptance of the application, divide it into two or more applications, hereinafter referred to as divisional applications, provided that each divisional application shall not go beyond the disclosure in the first application.</p>	<p><b>13. Application for patent.-</b> (1) Every application for the patent shall be made in the prescribed form and shall be filed at the Patent Office <b>or at an office under the organization</b>, in the prescribed manner and shall contain a declaration to the effect that the <del>application applicant</del> <b>applicant</b> is in possession of an invention of which <del>he</del> <b>the applicant</b>, or in the case of the joint application, at least one of the applicants, claims to be the true and the first inventor of or the legal representative or assignee of such inventor or, as the case may be, inventors, provided that where the inventor is not the applicant, <del>he</del><b>she</b> shall be entitled to be mentioned as such in the application and if <del>he</del><b>she</b> is not so mentioned the Controller may, upon an application made in the prescribed manner and after hearing any interested person, insert the name of such person as an inventor or co-inventor, as the case may be, if he is satisfied that <del>he</del><b>she</b> be named as an inventor of the invention for which the applicant desires to obtain a patent.</p> <p>(2) Where applications for protection have been made in one or more Convention countries in respect of two or more inventions which are cognate or of which one is modification of another, a single Convention application may, subject to the provisions of section 15, be made in respect of those inventions at any time within twelve months from the date of earliest of the said applications for protection.</p> <p>(3) Each application shall relate to one invention only.</p> <p>(4) The applicant may, before <del>the acceptance</del> <b>grant of patent for the filed</b> application, divide it into two or more applications, hereinafter referred to as divisional applications, provided that each divisional application shall not go beyond the disclosure in the first application.</p>	

	<p>(7) The applicant may at anytime withdraw the application by making a request to the Controller: Provided that where the application has been withdrawn before the advertisement of its acceptance in the official Gazette or publication in the patent journal, the application and the specification, claims and drawings, if any, shall not be open to public inspection.</p>	<p>(7) The applicant may at anytime withdraw the application by making a request to the Controller: Provided that where the application has been withdrawn before <b>60 days prior to publication</b> of the complete specification <del>the advertisement of its acceptance</del> in the official Gazette or publication in the patent journal, the application and the specification, claims and drawings, if any, shall not be open to public inspection.</p>	
21	<p><b>Section 13(9).</b> An application for availing exclusive marketing rights for a patentable invention relating to pharmaceutical or agricultural chemical product shall be filed in the mailbox provided for this purpose by the Controller who may require the form and manner for submitting such application as may be prescribed.</p>	<p>May be omitted</p>	



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22	<p><b><u>Section 14. Complete and provisional application.-</u></b></p> <p>(1) Every application for a patent, other than a Convention application, shall be accompanied by either a complete specification or a provisional specification, and every Convention application shall be accompanied by a complete specification.</p> <p>(2) Where an application for a patent is accompanied by a provisional specification, a complete specification shall be filed within twelve months from the date of filing of the application, and if the complete specification is not so filed the application shall be deemed to be abandoned.</p> <p>(3) Where two or more applications in the name of the same applicant are accompanied by provisional specification in respect of invention which are cognate or of which one is a modification of another, and the Controller is of the opinion that the whole of such inventions or such as to constitute a single invention and properly be included in one patent, he may allow one complete specification to be filed in respect of all such provisional specification.</p> <p>(4) Where an application for a patent, not being a Convention application is accompanied by specification purporting to be a complete specification, the Controller may, if the applicant so requests at any time before the acceptance of the specification, direct that it shall be treated for the purposes of this Ordinance as a provisional specification, and proceed with the application accordingly.</p>	<p><b>14. Complete and provisional application.-</b></p> <p>(1) Every application for a patent, other than a Convention application, shall be accompanied by either a complete specification or a provisional specification, and every Convention application shall be accompanied by a complete specification.</p> <p>(2) Where an application for a patent is accompanied by a provisional specification, a complete specification shall be filed within twelve months from the date of filing of the application, and if the complete specification is not so filed the application shall be deemed to be abandoned.</p> <p>(3) Where two or more applications in the name of the same applicant are accompanied by provisional specification in respect of invention which are cognate or of which one is a modification of another, and the Controller is of the opinion that the whole of such inventions or such as to constitute a single invention and properly be included in one patent, he may allow one complete specification to be filed in respect of all such provisional specification.</p> <p>(4) Where an application for a patent, not being a Convention application, is accompanied by specification purporting to be a complete specification, the Controller may, if the applicant so requests at any time before <del>acceptance of the specification</del> <b>grant of patent</b>, direct that it shall be treated for the purposes of this Ordinance as a provisional specification, and proceed with the application accordingly.</p>	

	<p>(5) Where a complete specification has been filed in pursuance of an application for a patent accompanied by a provisional specification or by a specification treated by virtue of a direction under sub-section (4) as a provisional specification the Controller may, if the applicant so requests at any time before the acceptance of the complete specification, cancel the provisional specification and post-date the application to the date of filing the complete specification.</p>	<p><b>(5)</b> Where a complete specification has been filed in pursuance of an application for a patent accompanied by a provisional specification or by a specification treated by virtue of a direction under sub-section (4) as a provisional specification the Controller may, if the applicant so requests at any time before <del>acceptance of the complete specification</del> <b>grant of patent</b>, cancel the provisional specification and post-date the application to the date of filing the complete specification.</p>	
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23	<p><b>Section 16. Examination of application.-</b>  (1) The Controller shall refer to an examiner every application in respect of which a complete specification has been filed, for making a report to the Controller after detail scrutiny of the application, specification, claims and drawing, if any, to the effect whether the invention is new and involves an inventive step, and to also determine whether other requirements of this Ordinance and rules has e been complied with  (2) The examiner shall make the report to the Controller as soon as is reasonably possible.  (3) If the examiner reports that any of the requirements of this Ordinance and rules are not complied with, the Controller shall give the applicant an opportunity, or more than one opportunity, to comply with such requirements as may be mentioned in the said report and to amend the application, if necessary, within such time as may be prescribed, failing which the Controller may refuse to proceed with the application.  (4) If the Controller considers, at any time, before the acceptance of the application, that the invention claimed therein has been wholly or in part claimed in a specification published on or after the date which the patent applied for would bear, if granted appertaining to an application for grant of a patent which , if granted, will be prior date to the patent applied for, he may require that the applicant's specification be amended by</p>	<p><b>16. Examination of application.-</b>  (1) The Controller shall refer to an examiner every application in respect of which a complete specification has been filed, for making a report to the Controller after detail scrutiny of the application, specification, claims and drawing, if any, to the effect whether the invention is new and involves an inventive step, and to also determine whether other requirements of this Ordinance and rules has e been complied with.</p> <p><u>(1a)</u> The Controller may also consult to an agency or a firm notified by the Organization to process the patent application for one or more acts which include examination for patentability, novelty search, and or digitization of patent applications.</p> <p><u>(2)</u> If all the requirements of this Ordinance and rules are complied with, the examiner shall make the report to the Controller as soon as is reasonably possible.</p> <p><u>(2a)</u> If any of the requirements of this Ordinance and rules not are complied with, the examiner shall issue at least an examination report or more to the applicant within prescribed time limit.</p> <p>(3) If the examiner reports that any of the requirements of this Ordinance and rules are not complied <b>with in response to examination report</b> issued under sub-section 2a, the Controller shall give the applicant an opportunity BUT NOT MORE THAN THREE , <del>or more than one opportunity,</del> <b>as non-final refusal</b>, to comply with such requirements as may be mentioned in the said report and to amend the application, if necessary, within such time as may be prescribed <u>in the sub-section 6</u>, failing which the Controller may refuse to proceed with the application.</p>	

<p>the insertion of a reference to such other specification by way of notice to the public.</p> <p>(5) The investigation required under this section shall not be held in any way to guarantee the validity of any patent, and no liability shall be incurred by the Federal Government or any officer by reason of, or in connection with, any such investigation or any proceeding consequent thereon.</p> <p>(6) <del>already Omitted</del></p> <p>(7) Notwithstanding anything in the preceding sub-sections, all applications claiming protection for chemical products intended for use in medicine or agriculture filed after the first day of January, 1995, in accordance with Article 70(8) and 70(9) of the World Trade Organization Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs), shall be dealt with in accordance with sub-section (3) of section 1.</p>	<p>(4) If the Controller considers, at any time, before the <del>acceptance</del> <u>grant of patent for</u> the application, that the invention claimed therein has been wholly or in part claimed in a specification published on or after the date which the patent applied for would bear, if granted appertaining to an application for grant of a patent which, if granted, will be prior date to the patent applied for, he may require that the applicant's specification be amended by the insertion of a reference to such other specification by way of notice to the public.</p> <p>(5) The investigation required under this section shall not be held in any way to guarantee the validity of any patent, and no liability shall be incurred by the Federal Government or <u>organization</u> any officer by reason of, or in connection with, any such investigation or any proceeding consequent thereon.</p> <p>(6). (a) <u>The compliance report to the office actions shall be filed by the applicant or its authorized legal representative whichever case may be, within prescribed time as under:</u></p> <p>(1). <u>the compliance report to the examiner report shall be filed within four (04) months from the date of issue of the examiner report; and</u></p> <p>(2). <u>the compliance report to the controller direction for non-final refusal shall be filed within one month from the date of the non-final refusal report or hearing.</u></p> <p>(b). <u>the request for extension of time for submission of the compliance report may be filed as prescribed.</u></p> <p>(7) Notwithstanding anything in the preceding sub-sections, all applications claiming protection for chemical products intended for use in medicine or agriculture filed after the first day of January, 1995, in accordance with Article 70(8) and 70(9) of the World Trade Organization Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs), shall be dealt with in accordance with sub-section (3) of section 1.</p>	
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24	<b>Section 21. Acceptance of complete specification.-</b>	<p><b>Section 21. Publication.</b> – The controller shall publish the prescribed information of the filed patent applications in the official gazette part–V and patent journal on weekly basis, at the following stages, in the prescribed manner:</p> <p>Reception of all new application filed for grant of a patent. The published information at this stage shall include name of applicant, application title, application number, filing date and claimed priority(ies).</p> <p>Full text publication of every patent application, whether examined or unexamined, except nonpublication is permitted under this ordinance, shall be made at completion of eighteen months from the date of filing of application or earliest claimed priority date. Full text publication means publication of information of application form and complete specification which includes, title, abstract, detailed description, claims, drawings and any other related information as controller deems fit for publication;</p> <p>Registration of patent application. The published information at this stage shall include full text publication along with additional information of registration number, registration date, assigned IPC and accepted priority(ies);</p> <p>All the amendments or corrections made with reference to an earlier published patent or patent application shall be published;</p> <p>All the assignments made with reference to an earlier published patent or patent application shall be published;</p> <p>All the patent expired shall be published after the lapse of restoration period. The published information at this stage shall include name of applicant, application title, patent registration number and Expiry date;</p> <p>Restoration of lapsed patent shall be published;</p> <p>Registration and lapse of registration of Patent attorney shall be published.</p>	
25	<u>Section.22</u> Effect of acceptance of complete specification. -	<b>May be Omitted</b>	
26	<u>Section 23</u> Opposition to the grant of patent	<b>May be Omitted</b>	

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27	<p><b>Section.25 Information prejudicial to defence of Pakistan or safety of public.-</b></p> <p>(1) Where an application for a patent in respect of an invention is filed in the Patent Office and it appears to the Controller that the invention is one of the class notified to him by the Federal Government as being one the publication of which might be prejudicial to the defence of Pakistan, or if he himself thinks so, then he may give directions prohibiting or restricting the publication of the invention or its communication to any specified person or class of persons.</p> <p>(2) If it appears to the Controller that the specification of any application so filed contains information the publication of which might be prejudicial to the safety of the public, he may give directions prohibiting or restricting the publication of that information or its communication to any person until the end of a period not exceeding three months from the date of the acceptance.</p> <p>(3) While directions are in force under this section, the application may proceed to the stage where it is in order for acceptance, but specification shall not be published.</p> <p>(4) Where the Controller gives directions under this section with respect to any application, he shall give notice of the application and of the directions to the Federal Government and the following provisions shall then have effect, namely:</p>	<p><b>25. Information prejudicial to defence of Pakistan or safety of public.-</b></p> <p>(1) Where an application for a patent in respect of an invention is filed in the Patent Office and it appears to the Controller that the invention is one of the class notified to him by the Federal Government as being one the publication of which might be prejudicial to the defence of Pakistan, or if he himself thinks so, then he may give directions prohibiting or restricting the publication of the invention or its communication to any specified person or class of persons.</p> <p>(2) If it appears to the Controller that the specification of any application so filed contains information the publication of which might be prejudicial to the safety of the public, he may give directions prohibiting or restricting the publication of that information or its communication to any person <del>until the end of a period not exceeding three months from the date of the acceptance.</del></p> <p>(3) While directions are in force under this section, the application may proceed to the stage where it is in order for <del>acceptance</del>, <u>grant of a patent</u> but specification shall not be published.</p> <p>(4) Where the Controller gives directions under this section with respect to any application, he shall give notice of the application and of the directions to the Federal Government and the following provisions shall then have effect, namely:</p> <p>(a) the Federal Government shall, on receipt of the notice, consider whether the publication of the invention or the publication or communication of the information in question would be prejudicial to the defence of Pakistan or the safety of the public;</p> <p>(b) if the Federal Government determine under clause (a) that the publication of the specification or the publication or communication of that information would be prejudicial to the safety of the public, it shall given notice to the Controller</p>	

<p>(a) the Federal Government shall, on receipt of the notice, consider whether the publication of the invention or the publication or communication of the information in question would be prejudicial to the defence of Pakistan or the safety of the public;</p> <p>(b) if the Federal Government determine under clause (a) that the publication of the specification or the publication or communication of that information would be prejudicial to the safety of the public, it shall give notice to the Controller who shall continue his direction under sub-section (2) until they are revoked under clause (e);</p> <p>(c) if the Federal Government determine under clause (a) that the publication of the specification or the publication or communication of that information would be prejudicial to the defence of Pakistan or the safety of the public, it shall, unless a notice under clause (d) has previously been given to the Controller, reconsider that question during the period of nine months from the date of filing the application and at least once in every subsequent period of twelve months;</p> <p>(d) If on consideration of an application at any time it appears to the Federal Government that the publication of the specification or the publication or communication of the information contained in it would not, or would no longer, be prejudicial to the defence of Pakistan or the safety of the public, it shall give notice to the Controller to that effect; and</p> <p>(e) On receipt of a notice under clause (d), the Controller shall revoke the direction and may,</p>	<p>who shall continue his direction under sub-section (2) until they are revoked under clause (e);</p> <p>(c) if the Federal Government determine under clause (a) that the publication of the specification or the publication or communication of that information would be prejudicial to the defence of Pakistan or the safety of the public, it shall, unless a notice under clause (d) has previously been given to the Controller, reconsider that question during the period of nine months from the date of filing the application and at least once in every subsequent period of twelve months;</p> <p>(d) If on consideration of an application at any time it appears to the Federal Government that the publication of the specification or the publication or communication of the information contained in it would not, or would no longer, be prejudicial to the defence of Pakistan or the safety of the public, it shall give notice to the Controller to that effect; and</p> <p>(e) On receipt of a notice under clause (d), the Controller shall revoke the direction and may, subject to such conditions, if any, as he thinks fit, extend the time for doing any thing required or authorized to be done by or under this Ordinance in connection with the application, whether or not that time has previously expired.</p> <p>(5) Where a complete specification filed in pursuance of an application for a patent for an invention in respect of which directions have been given under this section is <b>accepted</b> <u>granted</u> before the directions are revoked, then-</p> <p>(a) if any use of the invention is made by or on behalf or to the order of the Federal Government, the provisions of section 58 shall apply in relation to that use as if the patent had been granted for the invention; and</p> <p>(b) if it appears to the Federal Government that the applicant for the patent has suffered hardship by reason of the continuance in force of the directions, the Federal Government may make such payment, if any, by way of</p>	
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<p>subject to such conditions, if any, as he thinks fit, extend the time for doing any thing required or authorized to be done by or under this Ordinance in connection with the application, whether or not that time has previously expired.</p> <p>(5) Where a complete specification filed in pursuance of an application for a patent for an invention in respect of which directions have been given under this section is accepted before the directions are revoked, then-</p> <p>(a) if any use of the invention is made by or on behalf or to the order of the Federal Government, the provisions of section 58 shall apply in relation to that use as if the patent had been granted for the invention; and</p> <p>(b) if it appears to the Federal Government that the applicant for the patent has suffered hardship by reason of the continuance in force of the directions, the Federal Government may make such payment, if any, by way of compensation to the applicant as appears to the Federal Government to be reasonable having regard to the inventive merit and utility of the invention, the purpose for which it is designed and any other relevant circumstances.</p> <p>(6) Where a patent is granted in pursuance of an application in respect of which directions have been given under this section, no renewal fees shall be payable in respect of any period during which those directions were in force.</p>	<p>compensation to the applicant as appears to the Federal Government to be reasonable having regard to the inventive merit and utility of the invention, the purpose for which it is designed and any other relevant circumstances.</p> <p>(6) Where a patent is granted in pursuance of an application in respect of which directions have been given under this section, no renewal fees shall be payable in respect of any period during which those directions were in force.</p>	
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SN	Existing provisions / Sections	Proposed amendments and additions	Feedback
28	<p><b>Section 27. Grant and sealing of patent.-</b>  (1) Subject to the provisions of this Ordinance with respect to opposition and to any power of the Controller to refuse the grant, a patent sealed with the seal of the Patent Office shall, if the request is made within the time allowed under this section, be granted to the applicant or applicants within that time or as soon as may be thereafter, and the date on which the patent is sealed shall be entered in the Register.  (2) Subject to the provisions of this Ordinance with respect to patents of addition, a request under this section for the sealing of a patent shall be made not later than the expiration of six months from the date of the publication of the complete specification:  (a) where at the expiration of the said six months any proceedings in relation to the application for the patent is pending in any court or before the Controller, the request may be made within three months after the final determination of that proceeding; and  (b) where the applicant or one of the applicants has died before the expiration of the time within which under the provisions of this sub-section the request could otherwise be made, the said request may be made at any time within twelve months after the date of the death or at such later time as the Controller may allow.  <b>Explanation.-</b>Any proceedings shall be deemed to be pending so long as the time for</p>	<p><b>Grant and sealing of patent.-</b>  (1a) if an application filed with complete specification is reported as compliant to all requirements of this ordinance by the examiner, the Controller shall give notice of allowance thereof to the applicant and the fact that specification has been ready for allowance and thereupon the application and the specification, and the priority documents, if any, filed in pursuance thereof shall be open to public inspection.  (1) Subject to the provisions of this Ordinance with respect to any power of the Controller to refuse the grant, a patent sealed with the seal of the Patent Office shall, if the request is made <b>in prescribed manner</b> within <b>three months of notice of allowance</b> or the time allowed under this section, be granted to the applicant or applicants within that time or as soon as may be thereafter, and the date on which the patent is sealed shall be entered in the Register <b>and shall be published as prescribed under Section 21. A letter of patent shall also be issued to the patentee(s).</b>  (2) Subject to the provisions of this Ordinance with respect to patents of addition, a request under this section for the sealing of a patent shall be made not later than the expiration of six months from the date of <b>notice of allowance</b>:  Provided that-  (a) where at the expiration of the said six months any proceedings in relation to the application for the patent is pending in any court or <b>board of appeal for patent</b> or before the Controller, the request may be made within three months after the final determination of that proceeding; and  (b) where the applicant or one of the applicants has died before the expiration of the time within which under the provisions of this sub-section the request could otherwise be made, the said request may be made at any time within twelve months after the date of the death or at such later time as the</p>	

	<p>any appeal therein has not expired, and any proceedings shall be deemed to be finally determined when the time for any appeal therein has expired without the appeal being brought.</p> <p>(3) The period for making the request under sub-section (2) for the sealing of a patent may be extended by the Controller by six months if the application is made and the prescribed fee paid within the extended period.</p>	<p>Controller may allow.</p> <p><b>Explanation.-</b> Any proceedings shall be deemed to be pending so long as the time for any appeal therein has not expired, and any proceedings shall be deemed to be finally determined when the time for any appeal therein has expired without the appeal being brought.</p> <p>(3) The period for making the request under sub-section (2) for the sealing of a patent may be extended by the Controller by six months if the application is made and the prescribed fee paid within the extended period.</p>	
29	<p><b>31. Term of patent.-</b>The term of a patent under this Ordinance shall be twenty years from the filing date.</p>	<p><b>31. Term of patent.-</b>The term of a patent under this Ordinance shall be twenty years from the filing date, <a href="#">subject to payments of all the maintenance fee within prescribed time.</a></p>	
30	<p><b>42. Amendment of specification with leave of Controller.-</b></p> <p>(3) Every application for leave to amend an application for a patent or a specification under this section made after the acceptance of the complete specification and the nature of the proposed amendment shall be advertised in the prescribed manner.</p>	<p><b>42. Amendment of specification with leave of Controller.-</b></p> <p>(3) Every application for leave to amend an application for a patent or a specification under this section made after the <del>acceptance</del> <a href="#">publication under section 21(2)</a> of the complete specification and the nature of the proposed amendment shall be advertised in the prescribed manner.</p>	

SN	Existing provisions / Sections	Proposed amendments and additions	Feedback
31	New addition	<p><b>46A. Board of Appeal for Patent:-</b> The organization, by notification in the official gazette, shall constitute a board to be called as Board of Appeal for Patents, consisting of the following members:-</p> <p>Chairman of the Board, shall be an officer of the organization, appointed by the organization;</p> <p>A Member legal, shall be an officer of the organization, having a law degree, appointed by the organization and shall also act as the secretary of Board;</p> <p>A Member technical shall be appointed by the organization with at least ten years of experience of patent examination.</p>	
32	New addition	<p><b>46B. The powers and procedures of the Board:-</b></p> <p>(1) The Board shall subject to any rules that may be made under this Ordinance, have power to regulate its own procedure including the fixing of places and times of its sittings.</p> <p>(2) The Board shall has full powers to hear, confirm or set aside the decisions of the Controller, made under the authority vested by this ordinance, including rejection or grant of a patent and imposition of penalty in respect of a patent application.</p> <p>(2) If there is a difference of opinion among the members of the Board in respect of any matter coming before it for decision under this Ordinance, the opinion of the majority shall prevail.</p> <p>(3) The Board may authorize any of its members to exercise any of its powers and any order made or act done in exercise of any such power by the member so authorized shall be deemed to be the order or act, as the case may be, of the Board.</p> <p>(4) No act done or proceeding taken by the Board under this Ordinance shall by questioned on the ground merely of the</p>	

		<p>existence of any vacancy in, or defect in the constitution of the Board.</p> <p>(5) The Board shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898, and all proceedings before the Board shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of Pakistan Penal Code (Act XLV of 1860).</p> <p>(6) No member of the Board shall take part in any proceedings before the Board in respect of any matter in which he has a personal interest.</p>	
33	<p><b>47. Revocation of patent by Controller.-</b>  <b>(1)</b> At any time within twelve months after the sealing of a patent, any person interested who did not oppose the grant of the patent may apply to the Controller for an order revoking the patent on any one or more of the grounds upon which the grant of the patent could have been opposed:  Provided that when an action for infringement, or proceedings for the revocation, of a patent are pending in any court, an application to the Controller under this section shall not be made except with the leave of the court.  <b>(2)</b> Where an application is made under this section, the Controller shall give notice to the patentee and shall give to the applicant and the patentee an opportunity of being heard before deciding the case.  <b>(3)</b> If, on an application under this section, the Controller is satisfied that any of the grounds specified in sub-section (1) are established, he may by order direct that the patent shall be revoked either</p>	<p><b>47. Revocation of patent by <del>the controller</del> Board of Appeal for Patent.-</b>  <b>(1)</b> At any time within twelve months after the sealing of a patent, any person interested to oppose the grant of a patent may apply <del>to the Controller</del> <b>in prescribed manner to the Board of Appeal for Patent</b> for an order revoking the patent on any one or more of the grounds  <del>upon which the grant of the patent could have been opposed</del> of opposition to the grant of patent on any of the following grounds, namely:-</p> <p>that the patentee obtained the invention or any part thereof from him or from the person of whom the opponent is the legal representative, assignee, agent or attorney;</p> <p>that the patented invention is not a patentable invention within the meaning of this Ordinance;</p> <p>that the specification of the patent does not disclose the invention in a manner clear and complete enough for it to be carried out by a person skilled in the art;</p> <p>that the claims are not clear or extend beyond the scope of</p>	

<p>unconditionally or unless within such time as may be specified in the order the complete specification is amended to his satisfaction: Provided that the Controller shall not make an order for the unconditional revocation of a patent under this section unless the circumstances are such as would have justified him in refusing to grant the patent.</p>	<p>the disclosures in the complete specification of patent as it was originally filed; and</p> <p>that the complete specification of patent describes or claims an invention other than that described in the provisional specification or the specification of accepted priority application and that such other invention either forms the subject of an application made by the opponent for a patent which if granted would bear a date in the interval between the date of the application and the leaving of the complete specification, or has been made available to the public by publication in any document in that interval.</p> <p>Provided that when an action for infringement, or proceedings for the revocation, of a patent are pending in any court, an application to the <del>Controller</del> Board under this section shall not be made except with the leave of the court.</p> <p>(2) Where an application is made under this section, the <del>Controller</del> Board shall give notice to the patentee and shall give to the applicant and the patentee an opportunity of being heard before deciding the case.</p> <p>(3) If, on an application under this section, the <del>Controller</del> Board is satisfied that any of the grounds specified in sub-section (1) are established, he may by order direct that the patent shall be revoked either unconditionally or unless within such time as may be specified in the order the complete specification is amended to his satisfaction:</p> <p>Provided that the <del>Controller</del> Board shall not make an order for the unconditional revocation of a patent under this section unless the circumstances are such as would have justified him in refusing to grant the patent.</p>	
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SN	Existing provisions / Sections	Proposed amendments and additions	Feedback
34	<p><b>45. Restoration of lapsed patents –</b></p> <p>(1) Where a patent has ceased to have effect by reason of a failure to pay any renewal fee within the prescribed period, an application for the restoration of the patent may be made in the prescribed manner to the Controller under this section within eighteen months from the date on which the patent ceased to have effect.</p> <p>(2) An application under this section may be made by the person who was the proprietor of the patent or by any other person who would have been entitled to the patent if it had not ceased to have effect, and where the patent was held by two or more persons jointly, the application may, with the leave of the Controller, be made by one or more of them without joining the others.</p> <p>(3) If the Controller is satisfied that-</p> <p>(a) the proprietor of the patent took reasonable care to see that any renewal fee was paid within the prescribed period or that the fee and any prescribed additional fee were paid within six months immediately following the end of that period; and</p> <p>(b) those fees were not so paid because of circumstances beyond his control, the Controller shall by order restore the patent on payment of any unpaid renewal fee and any prescribed additional fee.</p> <p>(4) An order under this section may be made subject to such conditions as the Controller thinks fit and if the proprietor of the patent does not comply with any condition of such an order, the Controller may revoke the order and give such directions consequential on the revocation as he thinks fit.</p> <p>(5) Where an order is made under this section and, between the end of the period of six months</p>	<p><b>45. Restoration of lapsed patents –</b></p> <p>(1) Where a patent has ceased to have effect by reason of a failure to pay any renewal fee <u>or sealing fee</u> within the prescribed period, an application for the restoration of the patent may be made in the prescribed manner to the Controller under this section within <del>eighteen</del> <u>six (06)</u> months from the date on which the patent ceased to have effect.</p> <p>(2) An application under this section may be made by the person who was the proprietor of the patent or by any other person who would have been entitled to the patent if it had not ceased to have effect, and where the patent was held by two or more persons jointly, the application may, with the leave of the Controller, be made by one or more of them without joining the others.</p> <p>(3) If the Controller is satisfied that-</p> <p>(a) the proprietor of the patent took reasonable care to see that any renewal fee <u>or sealing fee</u> was paid within the prescribed period or that the fee and any prescribed additional fee were paid within six months immediately following the end of that period; and</p> <p>(b) those fees were not so paid because of circumstances beyond his control, the Controller shall by order restore the patent on payment of any unpaid renewal fee and any prescribed additional fee.</p> <p>(4) An order under this section may be made subject to such conditions as the Controller thinks fit and if the proprietor of the patent does not comply with any condition of such an order, the Controller may revoke the order and give such directions consequential on the revocation as he thinks fit.</p> <p>(5) Where an order is made under this section and, between the end of the period of six months beginning with the date when the patent concerned ceased to have effect and the date of the application under this section, any person has begun in</p>	

	<p>beginning with the date when the patent concerned ceased to have effect and the date of the application under this section, any person has begun in good faith to use the patented invention or has made effective and serious preparations to make use of the invention, he shall, after the order comes into force, have the right to make use of the invention and the said use shall not amount to an infringement of the patent concerned.</p> <p>(6) Where a patented product is disposed of by any person to another in exercise of a right conferred by sub-section (5), that other and any other person claiming through him shall be entitled to deal with the product in the same way as if it had been disposed of by a sole registered proprietor.</p>	<p>good faith to use the patented invention or has made effective and serious preparations to make use of the invention, he shall, after the order comes into force, have the right to make use of the invention and the said use shall not amount to an infringement of the patent concerned.</p> <p>(6) Where a patented product is disposed of by any person to another in exercise of a right conferred by sub-section (5), that other and any other person claiming through him shall be entitled to deal with the product in the same way as if it had been disposed of by a sole registered proprietor.</p>	
35	<b>New addition</b>	<p><b>53B. Power delegation by the Controller:</b></p> <p>(1) The Controller may further delegate, by order in writing, any or all of his powers vested by this Ordinances and rules made thereunder, to an officer of the patent office not below the rank of Assistant Controller of Patents and Designs to perform the functions under this ordinance.</p> <p>(2) The Controller may withdraw anytime the power assigned or delegated to an officer under sub section-1, by order in writing.</p>	Decentralization
36	<b>Section 58 (8)</b> Where the exploitation of the invention by the Government agency or third person designated by the Federal Government is authorized under clause (i) of sub-section (1), it shall be predominantly for the supply of the market in Pakistan.	May be omitted	

SN	Existing provisions	Proposed amendment / Addition	Remarks
37	<p><b>Section 69. Appeals.-</b> (1) No appeal shall lie from any decision, order or direction made or issued under this Ordinance by the Federal Government, or from any act or order of the Controller for the purpose of giving effect to any such decision, order or direction,</p> <p>(2) The public authorities and officials shall be exempted from liability to appropriate remedial measures where actions are taken or intended in good faith in course of administration of this Ordinance.</p> <p>(3) Subject to sub-section (1), an appeal shall lie to the High Court from any decision, order or direction of the Controller or, as the case may be, the Federal Government under any other provisions of this Ordinance.</p> <p>(4) Every appeal under this section shall be in writing and shall be made within three months from the date of decision, order or direction of the Controller, as the case may be, of the Federal Government, or within such further time as the High Court may allow.</p>	<p><b>Section 69. Appeals.-</b> (1) No appeal shall lie from any decision, order or direction made or issued under this Ordinance by the Federal Government, or from any act or order of the Controller <b>or the Board</b> for the purpose of giving effect to any such decision, order or direction,</p> <p>(2) The public authorities and officials shall be exempted from liability to appropriate remedial measures where actions are taken or intended in good faith in course of administration of this Ordinance.</p> <p>Subject to sub-section (1), an appeal shall lie to the High Court from any decision, order or direction of the Controller or <b>the Board</b>, as the case may be, the Federal Government under any other provisions of this Ordinance.</p> <p>(4) Every appeal under this section shall be in writing and shall be made within three months from the date of decision, order or direction of the Controller, as the case may be, of the Federal Government, or within such further time as the High Court may allow.</p>	
38	<p><b>Section 86. Power of the Federal Government to declare a country as Convention country.-</b>(1) With a view to the fulfillment of a treaty, convention or arrangement between Pakistan and any other country, the Federal Government may, by notification in the official Gazette, declare such country to be the Convention country for the purposes of this Ordinance, in addition to the members of the World Trade Organization.</p>	<p><b>86. Power of the Federal Government to declare a country as Convention country.-</b>(1) With a view to the fulfillment of a treaty, convention or arrangement between Pakistan and any other country, the Federal Government may, by notification in the official Gazette, declare such country or an <b>organization or body</b> to be the Convention country for the purposes of this Ordinance, in addition to the members of the World Trade Organization.</p> <p><i>(1a) A patent application shall be received as “international application” in case where Pakistan is selected as receiving</i></p>	



		<p><i>office; and a patent application at national phase entry shall be received where Pakistan is selected as designated state, at the Patent office or any designated office of the organization and shall be processed under Patent Cooperation Treaty (PCT) system and procedures, as and when Pakistan accede to PCT.</i></p> <p><i>[Explanation: This will enable reception of PCT application but shall be enforced when Pakistan's becomes a signatory or member of PCT ]</i></p>	
39	<p><b>90. Restrictions upon publication of specifications, etc.-</b> Subject to the provisions of Chapter VII, an application for a patent, and any specification filed in pursuance thereof, shall not, except with the consent of the applicant, be published by the Controller or be open to public inspection at any time before the date of advertisement of acceptance of the application in the official Gazette.</p>	<p><b>90. Restrictions upon publication of specifications, etc.-</b> Subject to the provisions of Chapter VII, an application for a patent, and any specification filed in pursuance thereof, shall not, except with the consent of the applicant, be published by the Controller or be open to public inspection at any time before the date of advertisement of <del>acceptance</del> of the application <b>under section 21(2)</b> in the official Gazette.</p>	
40	<p><b>Section 91. Reports of examiners to be confidential:-</b>The reports of examiners to the Controller under this Ordinance shall not be open to public inspection or be published by the Controller, and such reports shall not be liable to production or inspection in any legal proceedings unless the Court certifies that the production or inspection is desirable in the interests of justice, and ought to be allowed.</p>	<p><b>Reports of examiners to be confidential:- (1)</b>The reports of examiners to the Controller under this Ordinance shall not be open to public inspection or be published by the Controller <b>before the publication of the application under section 21(2)</b> and such reports shall not be liable to production or inspection in any legal proceedings unless the Court certifies that the production or inspection is desirable in the interests of justice, and ought to be allowed.</p> <p><b>(2). The organization is fully authorized to share the contents of the filed patent application, the examination reports, the search results and other relevant information to other counterpart international organizations provided that such shared information shall not be open to public before publication under section 21(2) in Pakistan.</b></p>	

SN	Existing provisions	Proposed amendment / Addition	Remarks
41	New addition	<p><b>Section 94a: Validity of Electronic Documents</b>  The submission and issuance of electronic forms of the following communications for official purpose shall be accepted and shall be considered as valid for legal references:</p> <ol style="list-style-type: none"> <li>1) Electronic submission of all the prescribed application forms and other related documents defined by the rules notified under this ordinance, by the applicant but excluding power of attorney;</li> <li>2) The Patent Register maintained under section 54;</li> <li>3) The Examination Reports including Search Reports, issued by the office;</li> <li>4) All the Electronic notices including notice of allowance, notices of refusal, notice of opposition, notice for fee payment and hearing notices;</li> <li>5) All the electronic publications by the office including patent journals;</li> <li>6) All the Electronic certificates and licenses issued by the office including letter of patents, renewal certificate, compulsory license and assignments;</li> <li>7) Miscellaneous official documents, orders, circulars, filing receipts and user registration requests for e-services offered by the organization.</li> <li>8) Sharing of Patent journal with scheduled Universities or institutes.</li> </ol>	
42	<p><b>Term Federal Government</b>  Section 3(1), 3(2), 4(2), 13(8), 15(2)b, 16(5), 54(4), 58, 68, 83, 92 and 99.</p>	Term <i>Federal Government</i> shall be replaced with <i>Organization</i>	
43	<p>Term of “High Court”  Section 40 and Section 68</p>	<p>Section 40 “Court” may be replaced as “<b>High Court or the Board</b>”.  Section 68 “<b>High Court or IP tribunal</b>” may also be added with “Court”.</p>	
44	<p>Term “the Court”,  in Section 18(3)c, 42(1), 68, 91, and 94.</p>	<p>The Term “<b>or IP Tribunal</b>” may be added after “<b>Court</b>”.  in Section 18(3)c, 42(1), 68, 91, and 94</p>	
45	<p>Section 36, 60, 61, 62, 63, 64, 65, 67, 98(2).</p>	<p>The Term “<b>Court</b>” may be replaced by “<b>IP Tribunal</b>” in Section 36, 60, 61, 62, 63, 64, 65, 67, 98(2).</p>	
46	<p>Section 60 “District court”</p>	<p>Section 60 “District court” shall be replaced by “IP Tribunal.</p>	