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Pakistan- Intellectual Property

Contributor



United Trademark &
Patent Services



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& Patent Services**

Established 1949

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Pakistan- Intellectual Property

1. What is the current legal landscape for your practice area in your jurisdiction?

The current landscape for our practice area in our jurisdiction is wide. We provide full scale intellectual property services to both domestic and international clients, which includes advice on adoption of trademarks, statutory and common law clearance searches and providing opinions on the availability and use of trademarks, filings, oppositions, enforcement, revocations, licensing, franchising, and distributor agreements, as well as competition law aspects of intellectual property rights and border enforcement in all areas of intellectual property.

The firm has a leading and thriving practice, particularly relating to trademark, copyright, and patent rights' enforcement through courts, and represent major international companies for the protection of their intellectual property rights in Pakistan.

2. What three essential pieces of advice would you give to clients involved in your practice area matters?

The three essential pieces of advice that we would give to clients involved in our practice area is to act early, protect their intellectual property rights essentially and to initiate enforcement actions early.

These three pieces of advice are interrelated but are essential, because, in our experience, we have seen several international companies losing their intellectual property rights, often in famous and well-known brands, due to lack of timely filings, registration and enforcement.

If intellectual property rights are registered, it becomes much more straightforward and less expensive to enforce these rights through the courts and the chances of success are also greatly increased for the IP rights holder.

3. What are the greatest threats and opportunities in your practice area law in the next 12 months?

The greatest threats in our practice area of law over the next months is the emergence of large number of firms offering unrealistically low costs to the clients, which some of the companies find attractive but then ultimately their work may not be performed up to the expectation of IP rights holders.

This, in itself also presents an opportunity for professional firms like us because then the clients realize that service providers selected on the basis of low costs, do not necessarily provide high quality and effective services and that at times because of a lack of proper expert advice, the companies may lose their intellectual property rights.

4. How do you ensure high client satisfaction levels are maintained by your practice?

We endeavor to ensure that high client satisfaction levels are maintained by providing prompt, effective

and thorough advices to our clients in all areas of intellectual property right along with proper follow up and regular interactions, supported by partners and lawyers of the firm attending international conferences where they meet the clients and become familiar and acquainted with the expectations of the client, which then in turn helps us to improve our workflows and adapt them to client's suggested ways in order to meet client's expectations.

5. What technological advancements are reshaping your practice area law and how can clients benefit from them?

The technological advancement reshaping our practice area, like any other area, is the adoption of AI and other tools, by which we can provide effective and prompt services by reducing the response timeframes particularly reducing the time taken in preparing summaries of the pleadings, collection of the evidence etc. which significantly controls the cost for our clients particularly in litigation matters.

6. Can you describe a particularly interesting or complex matter you have advised on recently, and explain the challenges involved, your approach, and the outcome achieved for the client?

A particularly interesting and complex matter that we have recently handled, for which an Appeal is pending in the High Court, is related to patents, where an injunction was sought against generic manufacturers along with an injunction against the Health Authorities restraining them from issuing the marketing authorization for a generic version of a patented product. The restraining order against the authority was sought on an interpretation of the provision of Pakistani Patent Law which, in our opinion and interpretation, empowers the court to issue a restraining order against *"who performs acts which make it likely that infringement will occur"* We interpreted these provision to include the Health Authorities as well, because the grant of marketing authorization for a generic product is an act of Health Authorities which makes it likely that infringement of patent will occur. The generic companies challenged this interpretation and after full hearing, the IP tribunal rejected the objection and held that under the Patent Law provisions, a restraining orders against Health Authorities can be issued as they are a proper and necessary party to a patent infringement suit and the relevant provision of the patent law makes it possible for the court to pass an order to prevent patent infringement taking place. The generic companies and the Health Authorities have challenged this order in the High Court, where full arguments have taken place and the Judgment has been reserved by a learned single judge of the High Court.

There were a lot of challenges involved in this approach because several generic companies were defending the patent infringement suits along with the Health Authorities and they were resisting the grant of the orders both before the IP Tribunal and also before the High Court.

The result of the approach was that, because of the restraining orders, the launch of a number of generic products was prevented, which was a very successful outcome for our client.

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