



THE REGISTERED DESIGNS ORDINANCE, 2000



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THE REGISTERED DESIGNS ORDINANCE, 2000

ORDINANCE, No. XLV OF 2000

[7th September, 2000]

An Ordinance to repeal and to re-enact the law relating to industrial designs

WHEREAS it is expedient to repeal and re-enact the law relating to the protection of industrial designs, and for matters ancillary thereto or connected therewith;

AND WHEREAS, the National Assembly and the Senate stand suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS, the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and Provisional Constitution Order No. 1 of 1999, as well as Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance.

CHAPTER I.— PRELIMINARY

1. Short title, extent and commencement.—(1) This Ordinance may be called the Registered Designs Ordinance, 2000.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions. In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) "article" means any article of manufacture and includes any part of an article if made and sold separately;
- (b) "assignee" includes the legal representative of a deceased assignee, and any references to the assignee of any person include references to the assignee of the legal representative or assignee of that person;
- (c) "Convention country" means, a country declared as such under section 11;
- (d) "registration of design" means the right to prevent third parties from applying a design to an article and from making, importing, selling, hiring or offering for sale or hire any article in respect of which a design is registered, being an article to which the registered design or a design not substantially different from the registered design has been applied, and from making anything enabling such article to be made as aforesaid, except with the license or written consent of the registered proprietor;

- (e) "design" means features of shape, configuration, pattern or ornament applied to an article by any industrial process or means, being features which in the finished article appeal to and are judged solely by the eye, but does not include a method or principle of construction or features of shape or configuration which are dictated solely by technical and functional considerations;
- (f) "Patent Office" means the Patent Office established, or deemed to have been established under section 4;
- (g) "prescribed" means prescribed by rules;
- (h) "proprietor" or creator of a design means,—

 - (i) where the author or creator of the design, for good consideration, executes the work for some other person, the person for whom the design is so executed;
 - (ii) where a design or the right to apply a design to an article becomes vested, whether by assignment, transmission or operation of law, in any person other than the original proprietor, either alone or jointly with the original proprietor, in respect and to the extent in and to which the design or right has been so vested, that other person or, as the case may be, the original proprietor and that other person;
 - (iii) if and to the extent to which two or more persons have created the same design independently of each other, the person whose application has the earliest filing date or, if priority is claimed, the earliest validity claimed priority date shall have the right to the registration of industrial design, as long as the said application is not withdrawn, abandoned or rejected; and
 - (iv) in any other case, the author or creator of the design as may be assigned or as may be transferred by succession;
- (i) "register" means the register of designs kept in pursuance of section 13;
- (j) "registered proprietor or agent", in respect of a design, means the person for the time being entered in the register of designs as proprietor of the design;
- (k) "registrar" means the Controller of Patents and Designs appointed under section 3 of the Patents Ordinance, 2000;
- (l) "rules" means rules made under this Ordinance; and
- (m) "set of articles" means a number of articles of the same general character ordinarily on sale or intended to be used together, to each of which the same design, or the same design with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof, is applied; and

- (i) any reference in this Ordinance to an article in respect of which a design is registered shall, in the case of a design registered in respect of a set of articles, be construed as a reference to any article of that set; and
- (ii) any question arising under this Ordinance whether a number of articles constitute a set of articles shall be determined by the Registrar; and, notwithstanding anything contained in this Ordinance, any determination of the Registrar under this subsection shall be final.

CHAPTER II.—REGISTERABLE DESIGNS AND PROCEEDINGS FOR REGISTRATION

3. Registerable designs.—(1) A design may, upon application made by the person claiming to be the proprietor, be registered under this Ordinance in respect of any article or the set of articles specified in the application.

(2) Subject to the provisions of this Ordinance, a design shall not be registered unless it is new or original and, in particular, shall not be so registered in respect of any article if it is the same as a design which before the date of the application for registration has been registered in Pakistan, or published anywhere in the world in respect of the same or any other article or differs from such a design only in immaterial details or in feature which are variants commonly used in the trade.

Explanation.—Designs are not new or original if they do not significantly differ from known designs or combination of design features.

(3) For the purposes of novelty, any disclosure to the public of the industrial design shall not be taken into consideration if it occurred within twelve months preceding the filing date or, where applicable, the priority date, of the application and if it was by reason or in consequence of acts committed by the applicant or his predecessor in title or of an abuse committed by a third party with regard to the applicant or his predecessor in title.

(4) The Federal Government may make rules to provide for excluding from registration under this Ordinance designs that are contrary to public order or morality.

4. Establishment of Patent Office. There shall be established an office to be called the Patent Office and, until a Patent Office is established under this section, the Patent Office functioning under the Patents and Designs Act, 1911 ([II of 1911](#)) shall continue to function and shall be deemed to have been established under this Ordinance.